

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Office of Zoning

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8 FOUR POINTS, LLC AND CURTIS PROPERTIES, INC.

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2nd Stage PUD and PUD Modification @

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2255 Martin Luther King, Jr. Avenue, S.E.

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6:36 p.m. to 10:02 p.m.

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Thursday, December 18, 2014

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441 4th Street, N.W.

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Jerrily R. Kress Memorial Hearing Room

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Second Floor Hearing Room, Suite 220 South

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Washington, D.C. 20001

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2 ANTHONY HOOD, Chairperson

3 PETER MAY, Commissioner

4 ROBERT MILLER, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 SHARON SCHELLIN, Secretary

7

8 Office of Planning:

9 JOEL LAWSON, OP

10 MAXINE BROWN-ROBERTS, OP

11

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

2 CHAIRPERSON HOOD: This meeting will
3 please come to order. Good evening, ladies and
4 gentleman. This is the public hearing of the
5 Zoning Commission for the District of Columbia.

6 My name is Anthony Hood, joining me are
7 Commissioners Miller, Commissioner May, and
8 Commissioner Turnbull. We are also joined by the
9 Office of Zoning Staff, Ms. Sharon Schellin, the
10 Office of Planning Staff, Ms. Brown-Roberts; the
11 District Department of Transportation Ms.
12 Chamberlin. And the new DDOT person is Mr. Ryan
13 Westrom. We want to welcome you. Don't get used
14 to the first night. The first night is easy. The
15 second night is when you have the problem. So we
16 want to welcome you to the Zoning Commission.

17 Copies of -- you know what, I am reading
18 the wrong statement.

19 This proceeding is being recorded by a
20 court reporter and it's also webcast live.
21 Accordingly, we must ask you to refrain from any
22 disruptive noise or actions in the hearing room,
23 including the display of any signs or objects.

24 Notice of today's hearing was published
25 in the D.C. Register and copies of that

1 announcement are available to my left on the wall
2 near the door.

3 The hearing will be conducted in
4 accordance with provisions of 11 DCMR 3022 as
5 follows:

6 Preliminary matters, the applicant's
7 case, report of the Office of Planning, Report of
8 other Government Agencies, Report of the ANC,
9 organizations and persons in support,
10 organizations and persons in opposition, rebuttal
11 and closing by the applicant.

12 The applicant, I see, is saying they're
13 going to do a presentation for 20 minutes. The
14 organizations are five minutes, individuals are
15 three minutes.

16 All persons appearing before the
17 Commission are to fill out two witness cards.
18 These cards are located to my left on the table
19 near the door.

20 Upon coming forward to speak to the
21 Commission, please give both cards to the reporter
22 sitting to my right before taking a seat at the
23 table.

24 When presenting information to the
25 Commission, please turn on and speak into the

1 microphone, first stating your name and home
2 address. When you are finished speaking, please
3 turn your microphone off so that your microphone
4 is no longer picking up sound or background noise.

5 The decision of the Commission in this
6 case must be based exclusively on the public
7 record. To avoid any appearance to the contrary,
8 the Commission requests that persons present not
9 engage the members of the Commission in
10 conversation during any recess or at any time.

11 In addition, there shall be no direct
12 contact, whatsoever, with the Commissioner
13 concerning this matter whether it be to the merits
14 of the case, or procedural, or be it written,
15 electronic, or by telephone. All materials
16 received directly by a Commissioner will be
17 discarded without being read and all calls will be
18 directed to the Office of Zoning.

19 The staff will be available throughout
20 the hearing to discuss procedural questions.

21 Please turn off all beepers and cell
22 phones at this time so as not to disrupt these
23 proceedings.

24 Would all individuals wishing to testify
25 please rise to take the oath.

1 Ms. Schellin, would you please administer
2 the oath?

3 SECRETARY SCHELLIN: Yes, please raise
4 your right hand?
5 Whereupon,

6 Participants en masse
7 were called for examination, and having been first
8 duly sworn, were examined and testified as
9 follows:

10 SECRETARY SCHELLIN: Thank you.

11 CHAIRPERSON HOOD: Also let the record
12 reflect we've been joined by Mr. Lawson from the
13 Office of Planning.

14 At this time the Commission will consider
15 any preliminary matters. Does the staff have any
16 preliminary matters?

17 SECRETARY SCHELLIN: Yes, sir. We have
18 one party status request and that is in opposition
19 filed by the concerned citizens of Anacostia. And
20 the applicant has proffered some expert witnesses.
21 All three of them have previously been accepted.
22 Actually, I don't see Mr. Sure here tonight.

23 MR. FREEMAN: We just have two tonight.

24 SECRETARY SCHELLIN: So two tonight and
25 we have received the affidavit of maintenance in

1 this case, so it's in order.

2 So those are the only preliminary matters
3 that staff has.

4 CHAIRPERSON HOOD: Okay. Let's deal with
5 the expert witnesses. We have two and we have
6 previously accepted them. Any objections?

7 (No response.)

8 CHAIRPERSON HOOD: Okay. Not seeing any
9 -- I don't think we usually do that. We usually
10 just continue what we've done in the past. We
11 don't contradict ourselves.

12 Okay. Let's go to the party status
13 application.

14 Party in Opposition. Is the party in
15 opposition present?

16 Okay. I will open it up for any comments
17 about the request while I find it.

18 Which exhibit is it?

19 (Pause.)

20 CHAIRPERSON HOOD: Okay. There it is.
21 Okay. Commissioners, I'll open it up, but when I
22 read this the other night, when I see members of
23 the concerned citizens of Anacostia, and it talks
24 about we request all compromised and neighborhood
25 homeowners and stakeholders all of whom are

1 specially affected by the diminution of views and
2 sunlight and loitering and traffic, I've always
3 had -- I mean, I could go either way on this, but
4 I will be frankly honest, I've always had an issue
5 with "uniquely affected".

6 The way I look at it, someone has to be
7 uniquely affected, and I don't always see -- when
8 we say "we" then that means all of us are evenly
9 affected. But, you know, that's been something
10 that's been -- as you all already know, that's
11 been something that's been an issue with me in
12 other neighborhoods and how it's presented to us
13 in the submission. But let me open it up and hear
14 any comments.

15 Commissioner Miller?

16 COMMISSIONER MILLER: Thank you, Mr.
17 Chairman. I would share your concern about that.
18 But I also have a concern -- have more of a
19 concern that the -- and maybe this can be -- this
20 concern can be alleviated by the party requesting
21 -- by the Concerned Citizens of Anacostia
22 Organization. They represent -- they have a
23 statement that they're representing -- in this
24 matter they're hearing on behalf of the Historic
25 Anacostia Preservation Society, the Chicago

1 Shannon Civic Association, and Advisory
2 Neighborhood Commission 8A, that's in there.

3 Answer to one of the standard questions,
4 and their party status request. I don't see any
5 documentation of such representation, but maybe
6 I've missed it.

7 COMMISSIONER TURNBULL: I didn't see any
8 either. I don't think there's any in the
9 documents that came up --

10 (Simultaneous conversation.)

11 COMMISSIONER MILLER: Well, unless they
12 have it here this evening, that concerns me that
13 there's just a statement that they represent, but
14 there's nothing from any of the organizations
15 saying that CCA, Concerned Citizens of Anacostia
16 represents them in this matter. So that's just my
17 concern.

18 CHAIRPERSON HOOD: Okay. I would agree
19 with that statement. I'm not sure if I've ever
20 seen another group come down and represent the ANC
21 unless it was through legal counsel. And we
22 always would have -- and I think our regulations
23 require for you to have a statement, somebody
24 giving an authorization letter as stated by
25 Commissioner Miller. So, anyway, that's another

1 concern on top of this request.

2 Anyone else?

3 COMMISSIONER TURNBULL: My other concern,
4 Mr. Chair, is that there is really no listing of
5 members. It's just the one gentleman or two that
6 are supposedly representing them, but there's
7 really no list of members with addresses or
8 anything else here. So that -- we would need to be
9 provided with a list of who they represented. I
10 would think.

11 CHAIRPERSON HOOD: Okay. All right.

12 I --

13 COMMISSIONER MAY: Mr. Chairman.

14 CHAIRPERSON HOOD: Oh, Commissioner May.

15 COMMISSIONER MAY: Yeah. So I agree with
16 my fellow Commissioners in terms of the unusual
17 aspects of this application and the fact that it's
18 not in many ways responsive to what usually are
19 looking for.

20 I will say that in the -- in years of
21 seeing these party status applications, they're
22 often not written so as to directly address the
23 points of concerns of the Commission. I mean, we
24 try to have questions that ask it directly, but
25 the answers aren't always direct and clear. It

1 appears to me that this is a -- I don't know, an
2 umbrella group or an ad hoc group representing a
3 number of citizens, some of whom are very closely
4 affected. They're very close to this project and
5 have, I think, potentially unique concerns about
6 it. And I'm inclined to give the benefit of the
7 doubt in circumstances like that where we have a
8 group representing a number of citizens, some of
9 whom are -- you know, are very close to the
10 project and uniquely affected.

11 And I would like to actually hear from
12 the party status applicant so maybe they can try
13 to answer some of these questions to better
14 satisfy our typical concerns.

15 CHAIRPERSON HOOD: Okay. Any other
16 comments up here?

17 (No response.)

18 CHAIRPERSON HOOD: And I will say that we
19 do have a letter, I think, that was submitted
20 today, am I right, Ms. Schellin, from the
21 applicant in reference to this?

22 SECRETARY SCHELLIN: In opposition, yes,
23 we do.

24 CHAIRPERSON HOOD: Okay.

25 SECRETARY SCHELLIN: That's --

1 CHAIRPERSON HOOD: I've got to start
2 writing down what these exhibits are. You open
3 and close them, then you can't remember where they
4 are.

5 SECRETARY SCHELLIN: Exhibit 73 and 72 --

6 CHAIRPERSON HOOD: Okay. I see it. 73,
7 yeah. Okay.

8 SECRETARY SCHELLIN: 72 is the letter in
9 opposition and 73 responds to some questions that
10 were raised.

11 CHAIRPERSON HOOD: Okay. All right. So
12 we will ask the Concerned Citizens of Anacostia if
13 you can come forward. A representative, I
14 believe, is Mr. -- wait for my file to open up
15 here.

16 SECRETARY SCHELLIN: Camille.

17 CHAIRPERSON HOOD: Mr. Camille, if you
18 can come forward? Camille Bourguigon.

19 What about -- is David White here?

20 MR. WHITE: Right here.

21 CHAIRPERSON HOOD: Okay. Are you part of
22 the case or are you representing also the
23 Concerned Citizens of Anacostia? Are you part of
24 the --

25 MR. WHITE: (Off microphone.)

1 CHAIRPERSON HOOD: Okay. Have a seat.
2 Have a seat. You can ask me when you have a seat.
3 Okay. Who is taking the lead? Turn your
4 microphone on and introduce yourself. Turn your
5 mike on.

6 MR. BOURGUIGON: Okay. My name is
7 Camille Bourguigon. I am a resident of historic
8 Anacostia. So I live about 350 feet from the
9 project probably. I don't know if you -- you
10 probably don't care too much about my personal
11 life, but the group we're talking about, Concerned
12 Citizens of Anacostia, was created together when
13 we as a community decided to try to form an
14 opinion on the BK proposal. So we needed to
15 present -- try to present a consistent vision of,
16 you know, what we wanted. So it's a reason for
17 the residents of the area to come together.

18 Here we have, for instance, Sherman
19 Houston (phonetic) who is from the Historic
20 Preservation Society. So we do -- we are an
21 umbrella of associations of citizens. So I'm just
22 trying to express in a constructive way what we
23 think is good for our whole neighborhood, and we
24 are affected by the project. So considering it
25 was a very limited participation in the hearings

1 from the community during the first stage, I think
2 it will be fair to at least hear what we have to
3 say.

4 CHAIRPERSON HOOD: Okay. Were you part
5 of the first stage PUD?

6 MR. BOURGUIGON: No, I wasn't.

7 CHAIRPERSON HOOD: Why was that? I'm
8 just curious.

9 MR. BOURGUIGON: Yeah, I --

10 CHAIRPERSON HOOD: Because we heard a lot
11 -- we heard information from the community.

12 MR. BOURGUIGON: Uh-huh.

13 CHAIRPERSON HOOD: Why were you not part?

14 MR. BOURGUIGON: Because I'm moving there
15 when it was being discussed.

16 CHAIRPERSON HOOD: Okay.

17 MR. BOURGUIGON: And it was -- basically
18 all the hearings had been closed by that time. So
19 I have no venue to proximate.

20 CHAIRPERSON HOOD: Okay. And I'll tell
21 you one of the issues that Commission Miller and I
22 too share, and I think my other colleagues --
23 well, at least one of my other colleagues here.
24 You also stated you're representing the ANC?

25 MR. BOURGUIGON: Well, we are not very

1 familiar with -- you know, so I don't know what
2 is, but -- we've been working very closely with --

3 CHAIRPERSON HOOD: But in your statement
4 -- I'm saying, you said you're representing the
5 ANC.

6 MR. BOURGUIGON: Well, yeah, we said this
7 is what we put when we presented old cases for the
8 BK, and we never -- we didn't have any concern
9 with that. So when we went in front of the
10 Mayor's agent and we had basically this -- we
11 presented stuff like that, it wasn't raised as
12 being an issue. So logically when we presented
13 our case here, we didn't expect that you would
14 raise it as a concern.

15 CHAIRPERSON HOOD: Okay.

16 MR. BOURGUIGON: So if the issue is the
17 statement that we represent ANC, I would say, we
18 should just try this out and we don't represent
19 the ANC, if you have an issue with that. But
20 still, I think, you know --

21 CHAIRPERSON HOOD: No, this -- I don't
22 have -- I'm operating on what you submitted to
23 this Commission so we could make an informed
24 decision. You named a couple of groups. I just
25 mentioned ANC, because I have never seen that

1 before. The ANC usually is very capable in this
2 city of representing themselves, but you represent
3 them, so I didn't know what the connection was.
4 And that's all. I'm going by your submission. I
5 don't have any prior history or anything. I don't
6 even know what's going on. That's what I'm trying
7 to go on what we read.

8 Hold on a second.

9 Any other questions of this gentleman?

10 Commissioner Miller?

11 COMMISSIONER MILLER: Mr. Bourguigon, do
12 you have with you any document that shows that the
13 Historic Association of -- or the Anacostia Block
14 Association and the Shannon -- Chicago Shannon
15 Civic Association and the ANC8A each of which your
16 statement says you're appearing on behalf of in
17 this matter, do you have any written documentation
18 that you could just provide us here tonight?

19 MR. BOURGUIGON: What we have, we don't
20 have the permission from all the parties, but we
21 do have ANC Commissioner here. We've got the
22 residents and we've got -- so we've got three of
23 the parties we claim we're representing who are
24 present here and can hopefully say whether they
25 think we can talk on their behalf.

1 COMMISSIONER MILLER: Well, you may have
2 three -- you may have people there from
3 organizations, but in order for us to say you
4 represent them, we need a letter of authorization
5 from the organization stating that you represent
6 them. Otherwise, you're only representing CCA or
7 whatever your group is.

8 MR. BOURGUIGON: So in fairness I would
9 say that I just simply followed what was specified
10 when I submitted the application. So I do not
11 recall seeing this requirement in the list of the
12 things I had to present. And I would certainly
13 have prepared that because I spent a lot of time
14 and we spent a lot of time preparing that. I will
15 try to be very succinct in my statements. But I
16 think it would be fair to let us express
17 ourselves.

18 CHAIRPERSON HOOD: Okay.

19 COMMISSIONER MILLER: But only for CCA.

20 MR. BOURGUIGON: This is fine. If you do
21 -- if you want, I think it's important to be said
22 in the record if you think it's just CCA, if you
23 want, we do not represent -- if you want to hear
24 from the persons who are here, but, yeah, I'm fine
25 if you want, I'm talking just for CCA.

1 COMMISSIONER MILLER: Then I think we
2 would like for the record a list of the numbers so
3 that we have a feeling of who they are and where
4 they live.

5 MR. BOURGUIGON: So I can provide you
6 that afterwards. But, I -- you know, because I
7 need to ask them to just put their name and, you
8 know --

9 CHAIRPERSON HOOD: Here's what I would
10 suggest, Commissioners: if we move forward and
11 grant this, that if we grant the Concerned
12 Citizens of Anacostia favorable party status, I
13 would suggest that the record be amended, his
14 statement be amended. That's all he's
15 representing unless I hear something otherwise. I
16 think one of the Commissioners came in -- maybe
17 Commissioner Fuller. Okay. I'm going to call her
18 up shortly.

19 But before we do this, I do want to hear
20 from the ANC. And she does have -- as stated in
21 the record here, permission to represent the ANC.

22 So any other questions of this panel?

23 (No response.)

24 CHAIRPERSON HOOD: Okay. All right.
25 Thank you.

1 MR. WHITE: I'm not here from the CCA.

2 CHAIRPERSON HOOD: Who --

3 MR. WHITE: My name is David White. I'm
4 president of Chicago Shannon Civic Association.

5 CHAIRPERSON HOOD: Okay. The reason I
6 called you, because when I looked at it, your name
7 was on the request for party status, if I'm not
8 mistaken. Let me go back to it.

9 Yeah, it had you and Mr. -- together.

10 MR. WHITE: Uh-huh.

11 CHAIRPERSON HOOD: Yeah, it had you all
12 together. That's why I called you all. I thought
13 you all were working together. Are you part of
14 the Concerned Citizens of Anacostia?

15 MR. WHITE: To a degree. Basically --

16 CHAIRPERSON HOOD: Well, let me ask this,
17 I'm curious. This is getting me confused. How
18 did your name end up on the document?

19 MR. WHITE: How did I end up on the
20 document? Because, number one, I'm one of the
21 principal residents of the area that's going to be
22 impacted.

23 CHAIRPERSON HOOD: Right. I understand
24 that. But I just asked, were you a part -- maybe
25 I'm just not understanding. You were a part of

1 the party in opposition?

2 MR. WHITE: Yes, in the collaboration of
3 -- in a collaborative sense.

4 CHAIRPERSON HOOD: So you are a part of
5 the party in opposition with the Concerned
6 Citizens of Anacostia?

7 MR. WHITE: To a degree. Again, I would
8 like to speak on behalf of the residents of
9 Chicago Shannon.

10 CHAIRPERSON HOOD: Let me just say this:
11 whether you're a party or not, you will be able to
12 speak, and we will get your point across. What
13 I'm trying to figure out, you got the ANC.

14 MR. WHITE: Right.

15 CHAIRPERSON HOOD: You got this gentleman
16 here, everybody -- I mean, his name is actually on
17 the document.

18 MR. BOURGUIGON: I would suggest I
19 represent only CCA. Even if we had some
20 interaction, I think it's important, you know, I
21 don't want to mix -- and, you know, putting my
22 words on other people or on the CCA and other
23 people. So if you prefer and it makes you feel
24 more comfortable, I think -- I understand that
25 just as a party, we just get a bit more -- better

1 situation to expose our concerns.

2 So if you tell me as a -- I don't know
3 what it is about your testimony, I think there are
4 actual time limitations. Is it three minutes?
5 What can we say in three minutes? So --

6 CHAIRPERSON HOOD: You know, one thing --
7 and I've been chairing this a long time. And I
8 look in the room and see the empty seats -- well,
9 except for a few folks. I usually am very
10 considerate. This Commission is very considerate.
11 We are not going to give you three hours, but we
12 are very considerate and we understand that
13 community folks put a lot of time into what they
14 do. And we want to make sure we get everything
15 out of -- sometimes it's better for us to ask you
16 the questions and then also -- you know, as you go
17 along in your presentation. So either way, you
18 will be able to present. Whether we grant you
19 party status or not, we will be able to hear what
20 your views are and your points are and we can
21 express them to the applicant.

22 But let me -- because I'm going to tell
23 you, to be honest, to be frankly honest, I'm very
24 confused about this whole situation because your
25 submission is what we look at. And when I see

1 that, that's what we look at. And, you know, and
2 maybe you just didn't understand. I think it's key
3 when you say you represent the ANC, you represent
4 the other organization.

5 (Simultaneous conversation.)

6 CHAIRPERSON HOOD: And his name is even
7 on the document. So that's really confused me.

8 Is anybody else -- maybe you-all
9 understand it better than I do.

10 COMMISSIONER MAY: I mean, I feel like
11 I've gotten some clarity on it. I mean, you know,
12 again, our party status request document is not
13 always crystal clear to people who are doing this
14 for the very first time, so they're trying to
15 cover as many bases as possible.

16 I mean, it seems to me that what we have
17 here is a party status request on the part of
18 Concerned Citizens of Anacostia and then the
19 Chicago Shannon Civic Association would probably
20 testify as a -- you know, Mr. White would testify
21 and get his five minutes representing his
22 organization, but would not necessarily be part of
23 the presentation and cross-examination that might
24 be done by the CCA, right?

25 So, I mean, it seems to me it's just the

1 CCA and only that group that's applying for party
2 status.

3 I think if we had clarity on exactly what
4 -- where the persons that you represent actually
5 live. I mean, do you have people within your
6 group who live within 200 feet of the property?

7 MR. BOURGUIGON: I would say, since we
8 just represent ourself, no other person now would
9 be Sharima. And, again, she will talk for
10 herself, but she feels that I'm representing her.

11 But she lives at 250 feet from --

12 COMMISSIONER MAY: 250 feet. Okay. So
13 nobody actually within 200 feet? I mean, this
14 goes to the uniquely affected and some of that has
15 to do with geography, how close you are. But some
16 of it also has to do with the --

17 MR. BOURGUIGON: I would say --

18 COMMISSIONER MAY: Hmm? Yeah, I
19 understand and -- but you didn't -- you've said
20 that you're sort of separate from the party status
21 application that we're considering.

22 MR. WHITE: But I'm also within 200 feet
23 of the project.

24 COMMISSIONER MAY: I understand that.

25 CHAIRPERSON HOOD: Let me say this, from

1 a legal standpoint his name is on this document.

2 COMMISSIONER MAY: Right.

3 CHAIRPERSON HOOD: So, you know --

4 (Simultaneous conversation.)

5 COMMISSIONER MAY: You're right.

6 CHAIRPERSON HOOD: -- some muddy waters,
7 so that's why I wanted to clarify all this.

8 COMMISSIONER MAY: I know. I thought I
9 was -- I was trying to.

10 (Simultaneous conversation.)

11 COMMISSIONER MAY: I wasn't getting very
12 far.

13 CHAIRPERSON HOOD: I wanted to clarify.
14 I understand that. I think, unless my colleagues
15 disagree, here's how we would move. And I'm going
16 to bring the suggestion. I can go either way on
17 this one.

18 I think that the Concerned Citizens of
19 Anacostia needs to -- if we grant them party
20 status, which I can go either way right now and I
21 want to hear from my colleagues. If we grant them
22 party status, then this needs to be amended. This
23 submission needs to be amended and Mr. White -- I
24 don't know, can he verbally request party status?

25 COMMISSIONER MAY: No.

1 CHAIRPERSON HOOD: No, you can't. Okay.

2 PARTICIPANT: (Off microphone.)

3 CHAIRPERSON HOOD: But he's not with
4 Concerned Citizens --

5 PARTICIPANT: (Off microphone.)

6 CHAIRPERSON HOOD: I would be willing to
7 -- I would be willing to deny party status and
8 this -- these organizations, Mr. Bourguignon, and
9 Mr. White, and Ms. Fuller, and everybody else, we
10 will hear you. Okay.

11 MR. WHITE: Fair enough.

12 CHAIRPERSON HOOD: We will hear you.
13 Because I can tell you, this is very confusing.

14 MR. BOURGUIGNON: May I ask further --

15 CHAIRPERSON HOOD: Let me hear from my
16 colleagues first. Is that a way we can go? Or
17 somebody just -- you know --

18 COMMISSIONER MILLER: I think that's a
19 way to go, and I think we can be their
20 organization so they'll get more than the three
21 minutes. And we've very -- since we don't have a
22 huge audience here tonight, we can be flexible if
23 they need to make certain points.

24 CHAIRPERSON HOOD: Okay. Any other
25 comments up here?

1 COMMISSIONER MAY: No, I think we're
2 talking about the difference between five minutes
3 and 20 minutes because we're going to get a 20-
4 minute presentation from the applicant and the
5 parties in opposition get the same amount of time,
6 right?

7 CHAIRPERSON HOOD: Well, I think -- I
8 think, as you all know, we've done this in the
9 past -- I think there's a way to work through
10 this. We can find some kind of time to be able to
11 hear without giving them party status.

12 COMMISSIONER MAY: Right. And then we
13 can hear the case fully, we just wouldn't have
14 their cross-examination.

15 CHAIRPERSON HOOD: That's it.

16 COMMISSIONER MAY: Right.

17 CHAIRPERSON HOOD: And when they present
18 it to us in rebuttal and when they come back to
19 us, we can ask some of those questions.

20 COMMISSIONER MAY: Right.

21 CHAIRPERSON HOOD: So I think there's a
22 way to get this vetted.

23 COMMISSIONER MAY: Right.

24 CHAIRPERSON HOOD: And I would encourage
25 you, Mr. Bourguignon -- hopefully I'm not messing

1 your name up -- to contact the office in advance.
2 The gentleman behind you is laughing, so I must be
3 messing your name up. I would encourage you to
4 contact the Office of Zoning. And I know you
5 don't do this all the time, so I would encourage
6 you to call the Office of Zoning and find out
7 exactly how we do party status and, you know, go
8 from there.

9 You may have already done that.

10 MR. BOURGUIGON: I did.

11 CHAIRPERSON HOOD: You did.

12 MR. BOURGUIGON: I did that. Just was
13 redirected to the website, and I just filled what
14 I was asked to fill.

15 So I really -- you know, I just -- the
16 only thing -- I mean, honestly, I don't really
17 care of being a party status, so just the
18 testimony if you give the same weight to what I'm
19 saying.

20 CHAIRPERSON HOOD: Yeah.

21 MR. BOURGUIGON: The only difference is
22 just we're going to save time by voting that I ask
23 question to the applicants, that's fine by me, if
24 you think, you know, you don't want to hear that.

25 CHAIRPERSON HOOD: Well, some of your

1 questions, because the way I see the merits of
2 what you submitted. Let me -- I'm kind of walking
3 through this -- and Mr. Freeman, be patient with
4 us. Some of your questions you can ask us and we
5 will definitely ask them.

6 MR. BOURGUIGON: Okay.

7 CHAIRPERSON HOOD: Okay.

8 MR. BOURGUIGON: So we are fine, I think.
9 I can testify just as to -- you will allow me a
10 bit more time than what is normally required and I
11 will --

12 CHAIRPERSON HOOD: Okay. We'll see how
13 it goes.

14 MR. BOURGUIGON: Thank you.

15 CHAIRPERSON HOOD: Your testimony needs
16 to be helpful to us. But before we vote,
17 colleagues, let's hear from Commission Fuller.
18 You can come forward.

19 Can somebody make a space for her?

20 I think we're good with you two.

21 MR. BOURGUIGON: Okay.

22 MS. FULLER: Good evening.

23 CHAIRPERSON HOOD: Good evening.

24 Commissioner Fuller, you've -- good evening,
25 you've heard -- is your microphone on?

1 MS. FULLER: Yes, it is.

2 CHAIRPERSON HOOD: You've heard the
3 discussion, and I just want to find out from you,
4 is the Concerned Citizens of Anacostia
5 representing the ANC?

6 MS. FULLER: No, they are not. But we
7 are -- let me try to explain.

8 The Concerned Citizens of Anacostia is a
9 collaborate of groups: Historic Anacostia Block
10 Associations, Chicago Shannon Civic Association,
11 the ANC, Fair Lot, any other names that were
12 mentioned on that document. The reason why we put
13 it in as the CCA is because when we went in front
14 of the VACA and the Mayor's Agent, instead of us
15 coming in as one group, even though we all got to
16 speak, we put ourselves under one umbrella and
17 then there were different people from each
18 organization that spoke. And that's how the --
19 what the Concerned Citizens of Anacostia is
20 actually composed of. It's composed of many
21 different groups even though each individual group
22 has its own representative that is going to speak
23 for that group.

24 CHAIRPERSON HOOD: We're aware that the
25 ANC is automatically a party in our proceeding --

1 MS. FULLER: I am very aware of that.

2 CHAIRPERSON HOOD: -- in our proceeding.
3 So if you were to lump yourself in with Concerned
4 -- you can, but if you lump yourself in with them,
5 then you will be cutting back your time.

6 MS. FULLER: Of course. I wasn't aware
7 of -- you know, I know that the ANC in this
8 proceeding has its own time and can, you know, do
9 what it needs to do. So I would take myself out
10 of that. But I think you guys have made a
11 decision to let the other organizations --

12 CHAIRPERSON HOOD: We haven't made it
13 yet. We wanted to hear from you.

14 MS. FULLER: Okay.

15 CHAIRPERSON HOOD: We wanted to hear from
16 you. The ANCs have great weight before we make a
17 decision. That's why I wanted to hear from you.

18 Any questions of Commissioner Fuller?

19 COMMISSIONER MILLER: I do.

20 CHAIRPERSON HOOD: Commissioner Miller.

21 COMMISSIONER MILLER: So is it your
22 intent to speak on behalf of your single member
23 district or on behalf of the ANC or just as a
24 member of CCA?

25 MS. FULLER: Both ANC and ANC8A06. I

1 believe that you guys received a letter stating
2 that I would speak on behalf of ANC8A.

3 COMMISSIONER MILLER: Do we have that?

4 COMMISSIONER TURNBULL: I don't think we
5 have it in our records.

6 CHAIRPERSON HOOD: Oh, yes, we do. I saw
7 it.

8 SECRETARY SCHELLIN: Yes.

9 CHAIRPERSON HOOD: I saw it somewhere.

10 MS. FULLER: I --

11 CHAIRPERSON HOOD: I don't know what
12 exhibit it was, but we do have it somewhere.

13 MS. FULLER: We took our vote --

14 MR. WHITE: You just briefly mentioned it
15 earlier.

16 MS. FULLER: We took a vote during our
17 ANC monthly community meeting.

18 CHAIRPERSON HOOD: It's -- I just saw it.

19 MS. FULLER: If you would allow me to
20 speak.

21 CHAIRPERSON HOOD: Hold on a second.
22 It's in here. We do have it. We're in modern
23 technology, and it's taking us a little while.
24 It's in here because I remember reading it
25 somewhere around here.

1 SECRETARY SCHELLIN: I think that
2 Exhibit 33 -- when they asked for the postponement
3 that if there are any further questions, to
4 contact the representative, Commissioner Greta
5 Fuller. I think that's probably the letter.

6 Is that the letter, Ms. Fuller, you're
7 referring to?

8 MS. FULLER: Yes, that's the letter, but
9 we also --

10 CHAIRPERSON HOOD: There's another letter
11 in here.

12 SECRETARY SCHELLIN: Is there another
13 one?

14 MS. FULLER: -- at the meeting, we
15 actually took a vote that I would represent --

16 SECRETARY SCHELLIN: Did you see that?

17 MS. FULLER: -- the ANC. And I thought
18 we sent it. I did not bring it with me tonight.

19 CHAIRPERSON HOOD: I thought I read that
20 somewhere. Because your chairperson mentioned --

21 MS. FULLER: Barbara Clark.

22 CHAIRPERSON HOOD: Yeah. Yeah. Okay.

23 SECRETARY SCHELLIN: I think that might
24 have been an attachment to somebody else's
25 submission. That's what it was.

1 MR. FREEMAN: I have not seen the ANC
2 letter for this case tonight.

3 CHAIRPERSON HOOD: Okay.

4 SECRETARY SCHELLIN: Yeah, I think --

5 MR. FREEMAN: That is attached. It was a
6 letter to DHCD in support of our DHCD finance and
7 application which we submitted.

8 SECRETARY SCHELLIN: Right. That might
9 be what I'm think of because I haven't seen it.

10 COMMISSIONER TURNBULL: That's what I saw
11 is the letter.

12 SECRETARY SCHELLIN: But I haven't seen
13 anything from ANC.

14 CHAIRPERSON HOOD: Maybe that's it. I
15 read something, I don't know. Okay.

16 Let's do this: the ANC is not going to be
17 an issue because I think the request speaks for
18 itself. Plus we know how we deal with the ANCs by
19 law.

20 The other issue, let's go back to the --
21 any other questions first of Ms. Fuller?

22 (No response.)

23 CHAIRPERSON HOOD: Let's go back to the
24 first, the Concerned Citizens of Anacostia. And
25 let's try to move this along because we're going

1 to spend more time on this than on the case.

2 Let's see if we can come to some -- I'll
3 accept a motion either way.

4 The chair can put it either way. You
5 know, I'll accept a motion.

6 (No response.)

7 CHAIRPERSON HOOD: Okay. I will move
8 that we deny party status for the Concerned
9 Citizens of Anacostia for the merits of the case,
10 but we will allow them the opportunity, as well as
11 anyone else, to be able to testify. And I ask for
12 a second.

13 COMMISSIONER MILLER: Second.

14 CHAIRPERSON HOOD: It's been moved and
15 properly seconded. Any further discussion?

16 (No response.)

17 CHAIRPERSON HOOD: All those in favor,
18 aye?

19 (Chorus of aye.)

20 CHAIRPERSON HOOD: Any opposition?

21 (No response.)

22 CHAIRPERSON HOOD: Ms. Schellin, would
23 you read the -- record the vote?

24 SECRETARY SCHELLIN: Yes, staff records
25 the vote four to zero to one to deny party status

1 to the Concerned Citizens of Anacostia, but
2 allowing them enough time to present their case
3 this evening.

4 Commissioner Hood moving, Commissioner
5 Miller seconding, Commissioners May and Turnbull
6 in support of denial. Commissioner Cohen not
7 present and not voting.

8 CHAIRPERSON HOOD: Okay. And it's not
9 just them. We're going to allow everyone. We
10 don't have a crowd, and we're going to be fair.
11 That's just how we operate; right, Mr. Freeman?

12 MR. FREEMAN: Yes, Mr. Chairman.

13 CHAIRPERSON HOOD: Right, Mr. Williams,
14 isn't that how we operate? Did I say -- I'm
15 sorry, what's your last name?

16 MR. VOUDRIE: No, I got you. No, I'm
17 Stan. In fact, we do -- Stan Voudrie. We do --

18 (Simultaneous conversation.)

19 MR. VOUDRIE: -- we totally support that
20 and have no problem.

21 CHAIRPERSON HOOD: Why did I call you
22 Williams? I must be thinking about Mayor
23 Williams.

24 Okay. You may begin.

25 MR. VOUDRIE: I'm often confused with

1 him, yes.

2 CHAIRPERSON HOOD: Yeah. They used to
3 confuse me and Carroll Minton all the time.

4 (Laughter.)

5 CHAIRPERSON HOOD: Okay. Mr. Freeman,
6 are we ready?

7 MR. FREEMAN: Yes, sir. Good evening,
8 Mr. Chairman and members of the Commission. For
9 the record, my name is Kyrus Freeman. I'm a
10 partner with the law firm Holland and Knight here
11 on behalf of the applicant. I'm joined by a
12 number of people, but given the time, I will skip
13 the list. But we have a number of people here to
14 present and answer questions.

15 As you are aware, we're here for second-
16 stage approval and modifications for a PUD which
17 you guys just recently approved, October of 2013.
18 The project includes 71 affordable -- 71 units, 80
19 percent of which are affordable to households
20 earning up to 60 percent of AMI. So what does
21 that mean? That means given our current AMI of
22 about \$107,000 these will be affordable to
23 families earning approximately \$64,000, and that's
24 teachers, firefighters, police officers, artists,
25 et cetera.

1 The project is 2.8 FAR 65 feet, both of
2 which are within the matter of rights standards
3 for the C2A zone. I should note, when we went
4 through the PUD process the first time, we
5 included this site just in order to kind of have a
6 fees development that covered everything. But
7 this site did not require a rezoning. It was
8 already zoned C2A. So, I wanted to make sure I
9 noted that.

10 We've worked hard with the Office of
11 Planning and DDOT. So we are happy to note their
12 support as Exhibits 13 and 24 on the OP reports
13 and as always, they're very detailed and go
14 through and indicate how we meet the standards as
15 well as the DDOT report included as Exhibit 25.

16 We've also worked hard to try to get
17 community support for the project. We do have
18 some opposition, as you will hear tonight. But
19 the record does reflect that we have extensive
20 support. We have 33 support letters from various
21 individuals including a resident of Chicago
22 Street. And we have ten letters in support from
23 other community organizations and stakeholders.
24 So we've actually worked hard to present this
25 project to a number of people and to gain their

1 support.

2 So that concludes my intro. I will now
3 turn it over to Stan Voudrie with Four Points to
4 do a quick intro.

5 MR. VOUDRIE: Again, my name is Stan
6 Voudrie. It's V-o-u-d-r-i-e. I'm a resident of
7 1133 14th Street, Northwest, which is not in
8 Ward 8, but I have -- my company is Four Points,
9 LLC. We develop in Washington, D.C., and
10 developed in all parts of the city, but have a
11 particular interest in historic Anacostia, having
12 formed a joint venture with the Curtis family a
13 number of years ago. And the PUD, the stage one
14 PUD was -- was a master plan for the holdings that
15 we co-own with Curtis. And as those of you that
16 have been around the city for a long time know
17 that the Curtis furniture store was in that
18 location since 1926 and has a long history of --
19 well, since 1926 of being part of that
20 neighborhood.

21 We have been working there since about
22 2006 when we joined forces with them. We've, in
23 the last couple of years, last three years, we
24 have renovated a number of buildings in the
25 historic district, 2021 Martin Luther King, 2122

1 Martin Luther King, 2200 Martin Luther King, 2204
2 and 2216 Martin Luther King Avenue as well as --
3 as well as just completing last week the adaptive
4 reuse of the former metro police evidence facility
5 on Shannon Place, 2235 Shannon Place, which is now
6 an 87,000 square-foot class A office building
7 which is occupied by District agencies.

8 So we are committed to this neighborhood.
9 We have some pictures of other projects we've done
10 around the city. You know, progression place
11 which is a project between S and T Street on 7th
12 Northwest, the headquarters for the UNCF, National
13 Urban League and Teach for America as well as for
14 sale housing in Ward 4, projects in Ward 1 and 2.
15 So, we have experience from around the city. We
16 draw upon that and try to bring that aesthetic and
17 that focus to Ward 8 and specifically to the
18 Anacostia neighborhood.

19 After the establishment of the Stage 1
20 PUD, as part of that, we agreed that we would form
21 a business improvement district. We have since
22 established the Anacostia business improvement
23 district. It is now in its second year of
24 operation. I'm the president and founder of that
25 organization. We have a wide-ranging board that

1 represents all the business owners and property
2 owners in the bid and, as I said, being able to
3 just enter our second year of operations.

4 And then we worked with our nonprofits,
5 Anacostia Economic Development Corporation and
6 ARCH Development both are 501(c)(3) community
7 development organizations that I am very involved
8 with and work closely with as a board member to
9 renovate the former Woolworth's on Good Hope Road
10 into the Anacostia Art Center. We established the
11 Hive which is a small business shared workspace
12 that Four Points was the landlord and ARCH was the
13 manager of that outgrew its space and has now
14 grown into a new larger hive, 2.0, to support
15 local Ward A businesses.

16 So this is a long-term commitment. We're
17 not going anywhere. We're very excited about this
18 project and bringing the 71 units of a mixed
19 income -- true mixed income housing along with
20 artists' live/work spaces, and an artist
21 workspace. We've got a great partnership that we
22 formed with the Urban Teachers Center and Teach
23 for American, those letters of support and
24 cooperation are included in the presentation -- or
25 in the submission. Those groups are going to work

1 with us. We've had a number of focus groups with
2 their teachers as well as working with them on
3 what types of amenities their teachers would
4 require, surveying teachers that teach currently
5 in Ward 8 schools, D.C. public and charter
6 schools, to find out what they need and what they
7 would like in order to be able to live in this
8 neighborhood and be able to be -- not just provide
9 their services to the school, but also to be able
10 to be an active member of the community.

11 So with that, we'll give it to Fernando
12 to walk through the specific architecture.

13 MR. BONILLA: Thank you. Thank you,
14 Stan. Could we adjust the lights?

15 Good evening. My name is Fernando
16 Bonilla. I'm a principal at Grimm and Parker
17 Architects. I like to say that Grimm and Parker
18 is a firm that prides themselves in really getting
19 input from the community and all of our designs.
20 We also pride ourselves in creating meaningful
21 architecture in communities in the neighborhoods
22 that we work on. These are some of the examples
23 of projects that we've done recently.

24 As Stan just mentioned, this is the PUD
25 phase one that was approved last year. And this

1 is a residential building that we're proposing.

2 We are located -- our site is located in
3 Ward 8, the Anacostia neighborhood, outside of the
4 Anacostia historic district.

5 Our property right now is a parking lot.
6 We are at the intersections, north corner of
7 Martin Luther King and Chicago Street across the
8 street from the Whitman Walker Clinic as well as
9 the Salvation Army Building.

10 The access to the site, there are several
11 public transportation ways. The Anacostia Metro
12 Station is located just a quarter of a mile south
13 of the site. We have several bus lines, including
14 a bus stop right in front of our building. And we
15 have the bike-share program station across the
16 street as well.

17 We are providing an underground parking
18 garage for residents and visitors. And they will
19 access the site or the parking through an alley
20 off Shannon Place in the back of the building.
21 The loading areas are located as far away as
22 possible from the residential uses, and that's why
23 we've located that towards the north of the site
24 all of the trash and loading -- I'm sorry, the
25 trash and recycling would be handled indoors.

1 There are trash chutes inside and what we are
2 doing is everything will be compacted, sealed and
3 the trash bins will come out at the end of or just
4 during for pickup day.

5 We have located the entrance to our
6 building at the south corner of the site at the
7 intersection of Martin Luther King and Chicago
8 Street, because, as we were mentioning, we're a
9 quarter of a mile from the Metro station. We want
10 -- we know that residents and visitors are going
11 to be walking from and to the Metro station. We
12 also want this as their first building. As part
13 of this beauty, we want this to be an inviting
14 element at that corner. And we believe that
15 having this circulation at that corner for the
16 residents is also going to reduce some of the
17 concern that there is for loitering at that
18 corner.

19 This is our ground floor plan. This is
20 the entrance to the building. We have -- we are
21 providing six live/work units on the ground floor.
22 These are units that, as mentioned before, these
23 are reserved for artist, community artists. They
24 will have pedestrian access directly from the
25 sidewalk. We believe that this is going to

1 energize that street in a manner that is similar
2 to what you will see in a retail space.

3 We also have several amenities on the
4 ground floor like a cyber café, lounges, and
5 there's a flex space also over here. On the north
6 side of the site, we're providing a great buffer
7 between our building and the commercial building
8 that is going to be built in the future.

9 These are the rest of our typical floor
10 plans. We have two stairs, two elevators, and, as
11 I mentioned before, we have a service core for the
12 trash inside the building. And this is our top
13 floor.

14 What we did here is we carved two units
15 out of the building in order to create a step-down
16 on the building height. This allowed us to create
17 a roof terrace on the south side of the building.
18 And also to create a party room on the top floor
19 where community members can exit and enjoy the
20 views and everything from the roof terrace.

21 This is a roof plan. And we are -- this
22 is going to house our condenser farm. We have
23 high C rating energy, start mechanical units and
24 all of the -- nothing is going to be above four
25 feet of height from the roof level.

1 We are also incorporating several designs
2 -- sustainable design strategies. The building is
3 going to be certified under green communities,
4 which includes Energy Star certification. Some of
5 those criteria or elements that we're including is
6 Energy Star lights and -- I'm sorry, Energy Star
7 light and appliances, water conserving plumbing
8 fixtures. We have an Energy Star cooled roof
9 among other things.

10 On the design of the site, I'd like to
11 mention also that I was -- I participated in the
12 design of this project from the get-go. We
13 visited the site. And something that we're really
14 doing in our office is we do an extensive analysis
15 of the context as it exists, and we tried to draw
16 elements from the immediate context as well as
17 what is around us. And as I mentioned before,
18 this is our site, and right now it's a parking lot
19 and we have some of the buildings that are
20 immediately adjacent to the building.

21 As you walk from the Metro station to the
22 site, you can see some of these elements like the
23 brick, the metal/glass store fronts along MLK.
24 You see the sidewalks with brick pavers. You see
25 the metal canopies and several metal openings with

1 windows that are metal as well and in a proportion
2 that mentions a traditional design.

3 The entrances are also landscaped in
4 several areas. And we have other buildings as
5 well, that are of more contemporary character that
6 have also a lot of glass and metal -- metal panels
7 down the metal canopies.

8 We also went a little bit further on the
9 site, and you can see some of the buildings' scale
10 and -- this is probably a little further away than
11 the site, but it has -- it shows the scale and the
12 same use of materials -- similar use of materials
13 with the brick and metal windows, store front,
14 metal canopies.

15 So this is the design that we provided.
16 We strive in providing a quality design in our
17 project that we're incorporating materials that
18 are going to be compatible with what you find in
19 the site. The red brick, for example, is one that
20 we're incorporating. And this design is different
21 from what we submitted on the initial package, and
22 there is a reason for that. We'll talk about that
23 a little bit. We're very happy with this design
24 as it stands right now. We have incorporated the
25 use of a brick -- a red brick with some

1 traditional tones.

2 MR. FREEMAN: If I could interrupt for
3 just one second, members of the Commission.

4 There's a materials board behind you, I'm not sure
5 if you've seen it. But that has sample materials.

6 MR. BONILLA: Thank you, Kyrus.

7 CHAIRPERSON HOOD: I believe we saw it.
8 That was the first thing we looked at.

9 MR. BONILLA: So our design, as you can
10 see, this is the main entrance to the building.
11 Look at it right at the corner. This has the
12 spaces that we will have on the ground floor, the
13 live/work units. We are incorporating the special
14 pavers on the -- at the entrance of the building.
15 And you can see some of those samples of those
16 materials on the materials board.

17 We have aluminum windows. We have some
18 fiber cement panels, we have -- we are using some
19 wood, metal storefront with some metal canopies.
20 We have some metal balconies with railings and
21 wood cap that brings more of that residential feel
22 to the project.

23 This is how we incorporated some of those
24 storefront uses. We were inspired by what is
25 closer to Anacostia Metro Station, but we also did

1 our own interpretation of it.

2 And this is the area that we think is
3 going to be really attractive energized right
4 there on that sidewalk.

5 This is our top floor with a community
6 terrace. And we're showing just a couple of views
7 of the project.

8 We were also -- we also knew that there
9 were members of the community that were concerned
10 about the project. We invited them to meet with
11 us and also to give us their -- provide input. We
12 heard from them on that meeting that they wanted
13 to see additional brick on the building. As you
14 can see, this is what you probably saw a few
15 months ago where the concerned neighbors indicated
16 that they didn't like the white panels that we had
17 here, the frame that was created, the use of fiber
18 cement panels on the -- especially red fiber
19 cement panel along MLK. So they gave us several
20 ideas and we also -- and they were kind enough in
21 sending us some photos of projects in the
22 District, in other areas of the District, in
23 Georgetown and Noma, several Wards that they
24 thought that they were more in line with what they
25 would like to see.

1 So we were able to get some cues from
2 those designs. We -- for example, number one, we
3 -- we increased drastically the amount of brick
4 that we have along MLK.

5 Number two, we revised the design of our
6 entrance. We used to have just these limited
7 windows on the corner. We went for larger
8 windows, and this also included revising the
9 material from vinyl windows to aluminum windows.
10 And we think that this is also going to add to the
11 durability of the project.

12 Number three, we added some metal
13 components to the windows, to the window frames,
14 and this is similar to what you saw in some of
15 those photos, and we saw on buildings not too far
16 away from ours. We also revised the entrance. In
17 the past, we had the white metal panels coming all
18 the way to the ground. Neighbors were concerned
19 with that -- with that feel. So what we did is we
20 incorporated brick. We think that this is going
21 to be a more durable material there by the
22 entrance.

23 We also reduced the overhang that we used
24 to have on the roof. We think that this minimizes
25 the scale of the building.

1 Number six, we -- yeah, we added lighting
2 to the canopy. We redesigned the canopy. We
3 understand that it wasn't very attractive
4 originally. We've added additional lighting and
5 we brought some wood components to it. I think
6 that -- we think that this is really making it an
7 attractive entrance. And we also added the pavers
8 at the entrance.

9 We added brick to the corner so the brick
10 will wrap around the first floor or the ground
11 floor of the building, something we didn't have
12 before.

13 We -- as I mentioned before, we deleted
14 the aluminum frame that we had before. So now you
15 can really see the brick going all the way to the
16 top floor. Some of the images that we saw that
17 the neighbors shared with us included these
18 vertical bays with some dark panels and large
19 windows. So we thought that we were able to meet
20 their -- to follow their input and suggestions by
21 deleting the horizontality that the building had
22 and just using this -- this vertical base.

23 And I think that's all I have. And so
24 I'll pass it on to Kyrus.

25 MR. FREEMAN: So that concludes our

1 direct presentation. We'll be happy to answer any
2 questions. Thank you.

3 CHAIRPERSON HOOD: Thank you.

4 Commissioners, any questions?

5 Commissioner Miller? You are the only
6 one up here, you and I.

7 COMMISSIONER MILLER: All right. Well,
8 I'll start off then. Thank you, Mr. Chairman.

9 The -- I'm sure my architectural
10 colleagues will comment on this, so I won't spent
11 too much time on it, but just from my layman's I
12 don't see too much differentiation between the
13 fiber cement panels and the metal panels.

14 Is it -- is there a distinction between
15 or are you trying to get just a complementary --
16 almost similar -- I thought -- in some of the
17 renderings I thought I saw some articulation in
18 the fiber cement, but I don't think I see it here
19 on the materials board?

20 MR. BONILLA: Are you asking between what
21 we had in the past and what we have now?

22 COMMISSIONER MILLER: What you have now.
23 I'm just talking about what you have now.

24 MR. BONILLA: I believe we have fiber
25 cement panels in this area. The fiber cement --

1 the aluminum panels that you're talking about are
2 the aluminum components that we have around the
3 aluminum windows at that corner of the building,
4 the entrance.

5 COMMISSIONER MILLER: Well, I would just
6 express -- I would be more comfortable if there
7 was more of a -- if there was more of a
8 differentiation between the fiber cement panel
9 color or texture and the metal panels and the
10 aluminum windows. It all looks pretty similar,
11 but maybe it doesn't appear that way when you see
12 it in real life.

13 MR. BONILLA: And we were trying to make
14 it look more -- you know, as if it is the same
15 material, the sort of smooth fiber cement panels
16 that I'm sure you're familiar with.

17 COMMISSIONER MILLER: Right. And I
18 appreciate that.

19 MR. BONILLA: But we can look at the
20 comments.

21 COMMISSIONER MILLER: And I appreciate
22 that you have added brick in response to some
23 community concerns. Is there a reason why you
24 didn't extend the brick to the -- to the other
25 façade? Is that to the side façade? I mean, you

1 have it at the bottom, but is there a reason why
2 not to take it up like you do on the front?

3 MR. BONILLA: So the reason is because
4 there are overhangs. What we're doing, if you
5 look at the floor plan, and I'll go back there,
6 you can see how the building overhangs. And what
7 we will have to do with a wood building, it would
8 be a little complicated to put a brick ledge
9 there. So that's why we have the break, wherever
10 the building is touching the grade. Correct,
11 that's that plane.

12 Do you follow what I'm saying?

13 COMMISSIONER MILLER: No. Say that
14 again, please?

15 MR. BONILLA: So, for example, this
16 overhang in the front of the building is hanging
17 from the structure of the building, from the wood
18 frame building. So by the Brick Institute of
19 America doesn't -- you know, we will have to
20 engineer these in a different way if we wanted to
21 do something like that so that the brick is
22 supported by other elements.

23 COMMISSIONER MILLER: What about to the
24 left of that overhang?

25 MR. BONILLA: These over here?

1 COMMISSIONER MILLER: Yeah, you could go
2 up that way, but you're choosing not to.

3 MR. BONILLA: Those are areas that we can
4 look at --

5 COMMISSIONER MILLER: Okay. I'll defer
6 to my colleagues on that. But to the left there
7 -- to the left of that entrance, to the left of
8 the 2255 canopy, on some renderings I'm seeing
9 just one set of windows. On this rendering I'm
10 seeing two sets of windows going up. I like the
11 fact that there are two sets of windows. But is
12 it one set or two sets?

13 MR. BONILLA: We're talking about these
14 windows?

15 COMMISSIONER MILLER: Yeah, down to the
16 left of that.

17 MR. BONILLA: These?

18 COMMISSIONER MILLER: That and the other.
19 You seem to have two sets on that façade there.

20 MR. BONILLA: There should be two sets of
21 windows.

22 COMMISSIONER MILLER: Okay. Because on
23 some -- on some renderings in the submission, I
24 only saw one, and I was concerned that there
25 wasn't enough windows on that façade. And there

1 are the two sets --

2 MR. BONILLA: So there is this one window
3 and the other window is to the left of it. And it
4 may be that the perspective I'm looking for what
5 you were thinking of. So you can see there is one
6 window in that bay, you have the additional
7 glazing and balcony, and then you have another
8 window right here.

9 COMMISSIONER MILLER: Okay. And the last
10 thing on the brick and on the materials, I think
11 it might be better if you extend the brick
12 sidewalk in front of the -- on that side. It
13 looks to me a little bit awkward just to stop it
14 at the corner and then have the concrete. But
15 that's just my own -- I think it would be more
16 attractive if it extended around the entirety of
17 the building. Obviously, that would be more
18 expensive, I guess.

19 MR. VOUDRIE: On Chicago Place, is that
20 what you're talking about now?

21 COMMISSIONER MILLER: Yeah.

22 MR. VOUDRIE: Okay.

23 COMMISSIONER MILLER: But was there a
24 reason or was it just a design preference that you
25 had there? I personally think it would look

1 better if it extended on Chicago, the brick
2 sidewalk. But I'll, again, leave it to -- see if
3 anybody else agrees with me on that.

4 On the affordable housing, it seems that
5 we're caught in a nomenclature thing here, with
6 some of the community being opposed to too much
7 concentration of affordable housing and the level
8 of affordable housing that's in this project. I
9 mean, your submission says that -- or one of your
10 submissions says that there will be -- that the
11 proposed income mix would be -- well, all of your
12 submissions say there will be 57 units of
13 affordable housing and 14 market-rate housing.
14 And in your August submission, it breaks out that
15 there would be eight units at 30 percent of AMI,
16 or below, 26 units at 50 percent of AMI or below,
17 and 23 units at 60 percent of AMI or below. And
18 that the remainder 14, which I think is 20
19 percent, would be market-rate.

20 But, of course, market-rate in this
21 neighborhood is almost 50 -- I think somewhere
22 else in your statement, and I think you said the
23 median income of this greater neighborhood, far
24 east, far southeast, is half of the area median
25 income. Because the area median income, as we all

1 know, includes the entire District of Columbia and
2 our surrounding wealthy jurisdictions, like
3 Fairfax and Montgomery.

4 So, I mean, wouldn't you consider that
5 the 23 units at 60 percent AMI and maybe even the
6 26 units at 50 percent AMI are in this
7 neighborhood almost the market rate?

8 MR. VOUDRIE: Yes, sir. So the goal here
9 -- and I spent a good deal of time working with
10 the DHCD Director Kelly on trying to craft an
11 effort to achieve sort of a diverse economic mix
12 in this neighborhood. So right now, we have a
13 number of market-rate unrestricted units that we
14 manage in the neighborhood and those do rent at
15 approximately the 50 percent AMI level. So the
16 market is there. And the average income in this
17 is actually lower than that.

18 But the goal here is to provide for
19 growth over time so that we can have -- so that
20 the affordable units are permanently set at those
21 thresholds. So as the incomes in the
22 neighborhoods rise, the units that are at zero to
23 30 percent, or 30 to 50 percent, stay at that
24 level and prevent gentrification over time.

25 What happens with the market-rate units

1 -- and this is why I think we have consensus with
2 the ANC -- we were supported on the ANC on this
3 notion if not on some of the design notions was to
4 create market rate units so that there wasn't an
5 income restriction because one thing we struggle
6 with in this neighborhood is that all of the new
7 product that's come online is affordable and
8 therefore comes with an income restriction. So
9 the notion that someone that makes just outside of
10 that wants to live in the neighborhood in a brand-
11 new unit, that opportunity was not available to
12 them.

13 So we worked with DHCD. And this, I
14 believe, is the first project of its kind that
15 DHCD has done where there is actually a mostly
16 affordable building with a set-aside that actually
17 allows it to grow over time and have no income
18 restrictions.

19 So it's a little bit unique from what we
20 normally would see. But in a neighborhood like
21 Anacostia, I think it's perfectly appropriate for
22 what -- for a neighborhood that is in rapid
23 transition and that is -- and that is at risk of
24 losing some of its now affordable units over time.

25 COMMISSIONER MILLER: Well, I think

1 that's a very important point, and I agree that
2 that's -- I agree that -- personally agree that
3 that's one of the important benefits of this
4 project is the mixed income nature over time.

5 So speaking of over time, the Office of
6 Planning has recommended that those income
7 restrictions be more than 30 years. I would tend
8 to agree.

9 What would you -- what is your response
10 to the Office of Planning?

11 MR. VOUDRIE: We're comfortable
12 committing to a longer-term agreement. And
13 permanent for the life of the building is
14 something, and we're comfortable with that.

15 COMMISSIONER MILLER: Okay. Well, I
16 think that's important as well. And I think
17 that's to be commended.

18 Can you address your submission -- your
19 written submission addresses it, but can you just
20 briefly address -- and maybe you did it in the --
21 you touched on it in your verbal presentation.
22 But, the concern of some of the community,
23 Concerned Citizens of Anacostia, their status
24 request submission references the dead space on
25 the ground floor. And I know you tried to do the

1 work artists' unit down there as a way to try to
2 activate.

3 Can you speak to that briefly?

4 MR. VOUDRIE: Yeah, so we have sort of
5 dueling desires from our neighbors and from the
6 surrounding community at this location. You've
7 got Mr. White and the other residents that live
8 down Shannon -- or down Chicago and Shannon which
9 is, you know, a single-family residential street
10 that once you cross the alley on Chicago we're
11 into single-family residential. And then as we go
12 into the rest of our site, it gets more dense with
13 ground-floor commercial use. We're working with
14 the Office of Planning and the Vibrant Streets
15 Plan to try to create a retail node at W and
16 Martin Luther King. So we needed a transition,
17 and so we -- that's why we proposed the artist
18 live/work units. We have an artist residency
19 program with Arch Development that we're currently
20 operating that is oversubscribed. There are more
21 artists than there are spaces for them. And so
22 this -- you know, the notion, and I think that the
23 ANC will speak to it. We are collectively trying
24 to support an arts district and an artist -- and
25 an art supporting neighborhood. And so one of the

1 things that we thought would be a mix, where it's
2 not -- it's not really a true, high-intensity
3 retail, but it is enlivened. It's space that does
4 have people coming and going, and it has a more
5 retail type of feel without being an intense use
6 that's going to have loading and unloading and the
7 trash impact that maybe a CVS or a more intense
8 type of retail would have right next to the
9 residential. So we tried to have a mix of both.

10 COMMISSIONER MILLER: Right. And of
11 course --

12 MR. VOUDRIE: And then the rest of the
13 buildings as we work our way down Martin Luther
14 King, as I said, towards that retail node at
15 W Street and V Street will have ground-floor
16 retail. So this is a transition building as
17 Fernando indicated. It's a transition from sort
18 of trying to introduce the project without
19 introducing the intensity of retail at this stage.

20 COMMISSIONER MILLER: The height -- the
21 60 -- you went from 60 to 65 feet in height. What
22 drove that? And I realize that it's a matter of
23 right under the existing zoning, before this
24 application even.

25 MR. VOUDRIE: It's partly because of the

1 art issue. But I'll let Fernando speak to sort of
2 -- as we were going through that design.

3 COMMISSIONER MILLER: If that's the
4 answer, then that's sufficient, if that's the
5 answer. I mean, you wanted to have a --

6 MR. VOUDRIE: Yeah, to give --

7 COMMISSIONER MILLER: -- and you had
8 ground for retail, you would have had higher place
9 there as well.

10 MR. VOUDRIE: Exactly.

11 COMMISSIONER MILLER: Does the 65 -- does
12 that sixth floor set back from the building --
13 from the rest of the building line -- from the
14 rest of the building façade? And how far does it
15 set back? Particularly where it's across the
16 street from the two-story --

17 MR. BONILLA: Talking about this portion
18 of the building?

19 COMMISSIONER MILLER: Yes.

20 MR. BONILLA: Okay. So it does. And our
21 property line is closer to this area. So that top
22 floor is probably six feet away from -- or four
23 feet from that initial phase of the base. So it
24 is set back.

25 MR. FREEMAN: And what's the set back

1 from Chicago?

2 COMMISSIONER MILLER: Right. That was
3 going to be my next question.

4 MR. BONILLA: I don't know that off the
5 top of my head.

6 COMMISSIONER MILLER: It's further that
7 way, it looks like.

8 MR. BONILLA: Yeah. Yeah, so at the
9 corner we are at 15 feet from the sidewalk. And
10 closer to where we want the entrance to be, it's
11 at 6.7 feet of this area that would be landscaped.

12 MR. FREEMAN: What's the setback on the
13 top floor?

14 MR. BONILLA: In this particular case,
15 the top floor, the setback will be all this
16 distance. So that's -- my guess is that that's a
17 30-foot setback from the face of the building.

18 COMMISSIONER MILLER: There was reference
19 in the CC -- in the Concerned Citizens of
20 Anacostia submission of a -- well, it was
21 referenced somewhere, I forget where it was, of a
22 possible memorandum of agreement being negotiated
23 with the ANC. Is there any such memorandum of
24 agreement with benefits or community benefits
25 being processed?

1 MR. FREEMAN: So we've outlined in our
2 submission as what we think are the benefits and
3 amenities. We did forward an MOU that would allow
4 for members of the community to utilize the
5 community room, the roof terrace, and kind of
6 rules and conditions for that. So I think we're
7 in general agreement on that.

8 We did receive, at about four o'clock,
9 another MOU that had some provisions, some of
10 which we could work with, others of which we could
11 not work with. But we're happy to continue those
12 conversations.

13 COMMISSIONER MILLER: And who did that
14 come from?

15 MR. FREEMAN: It came from the ANC.

16 COMMISSIONER MILLER: Okay. Finally, the
17 -- Mr. Voudrie, your company is a CBE?

18 MR. VOUDRIE: Yes, sir, we are.

19 COMMISSIONER MILLER: And you're in
20 partner on this project with another CBE?

21 MR. VOUDRIE: My company is a CBE. We
22 have a number of CBE partners in the development.
23 Some of them are represented here tonight,
24 property managers, the CBE, as well as many of our
25 development partners, yeah.

1 COMMISSIONER MILLER: And why is this --
2 is the application -- why does the application not
3 include a willingness or a proffer to be -- to
4 enter into a CBE agreement though?

5 MR. VOUDRIE: We have made that proffer.

6 COMMISSIONER MILLER: Oh, you have made
7 that proffer.

8 MR. VOUDRIE: To do --

9 (Simultaneous conversation.)

10 MR. VOUDRIE: -- first source and CBE.

11 COMMISSIONER MILLER: I saw the first
12 source. For some reason, I thought I saw
13 somewhere a reference that there wasn't a CBE
14 agreement, which I didn't understand because
15 you're a CBE.

16 MR. VOUDRIE: That was an oversight.
17 Yeah, that was an oversight, if it did. We
18 intended to proffer a CBE.

19 COMMISSIONER MILLER: It may not have
20 been in your -- it may in OP's --

21 MR. VOUDRIE: In our --

22 (Simultaneous conversation.)

23 COMMISSIONER MILLER: Was it in OP's
24 reference?

25 MS. BROWN-ROBERTS: Yeah. I'm sorry.

1 Mr. Chair, I'm sorry. The submission said that
2 they were not going to have a CBE, and we asked
3 them to do that.

4 COMMISSIONER MILLER: And now they're
5 doing it?

6 MS. BROWN-ROBERTS: And now they're doing
7 it.

8 COMMISSIONER MILLER: Thank you for that
9 dialogue.

10 And, again, I thank you for the response
11 on this to some of the community concerns on the
12 design and on the Office of Planning's condition
13 which I share that you now are agreeing to have
14 the affordable units -- affordable units be the
15 life of the project? For the life of the project,
16 not just 30 years. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you,
18 Commissioner Miller.

19 Let's see if we have any other questions?
20 Commissioner May?

21 COMMISSIONER MAY: Thank you. First of
22 all, I think that the design has improved
23 significantly from what we saw. Sat down and I'm
24 glad the neighbors steered you in the direction
25 that they did. I think it looks a lot better. I

1 do still think there are some unresolved issues in
2 the design. I mentioned, it set down the elevator
3 overrun, and it's very hard to understand what's
4 going on there because it's shown in some views
5 and not shown in other drawings.

6 So, for example, it's not shown in the
7 straight-on elevations. And if it's three-feet
8 tall, it should be visible unless the parapet is
9 actually three-feet tall. So what is it; what's
10 going on?

11 MR. BONILLA: So keeping in mind that
12 this is a wood-frame building --

13 COMMISSIONER MAY: Right.

14 MR. BONILLA: So we have a wood roof
15 truss that's probably going to be 36 to 40 inches
16 tall. So that is already taking care of some of
17 the overrun.

18 COMMISSIONER MAY: So, I mean, the top of
19 the overrun is how far above the façade?

20 MR. FREEMAN: Can you pull up the PDF --

21 MR. BONILLA: Correct.

22 MR. FREEMAN: -- of the plans? Now,
23 let's go to the section sheet 29. I think that
24 might be the best -- 28, that might be the best
25 way to walk through it.

1 COMMISSIONER MAY: Okay.

2 MR. BONILLA: So and the elevator will
3 run -- it's usually 13 feet from the last land --
4 from the highest landing, in this case the sixth
5 floor. And that's what we're showing here.
6 Because of the height of our wood roof truss, at
7 that point we have 11'8" to the top of --

8 COMMISSIONER MAY: You know, all the
9 measurements, I mean, I could understand that.
10 What I'm trying to understand is what it looks
11 like. And it's not showing in your elevations.
12 That's the biggest thing I'm struggling with.
13 It's not shown in elevations. It's not shown in
14 some of the perspective views.

15 MR. BONILLA: So in the perspective
16 views, it shouldn't be projecting in the way --
17 from the street, at least.

18 COMMISSIONER MAY: But isn't it flush
19 with the façade of the building?

20 MR. BONILLA: No.

21 COMMISSIONER MAY: According to sections
22 it is.

23 MR. BONILLA: Let me see.

24 COMMISSIONER MAY: I mean, just looking
25 at the section you were just showing, isn't that

1 flush with the front of the building?

2 MR. BONILLA: It's at that section; but
3 remember that there are these bays, also, that we
4 have that are projecting outside of that phase of
5 the building.

6 COMMISSIONER MAY: Okay. So how far is
7 it set back from the front -- from the façade of
8 the building where it's actually located?

9 MR. BONILLA: It should be three feet set
10 back.

11 COMMISSIONER MAY: It's going to be set
12 back one to one?

13 MR. BONILLA: That's right.

14 COMMISSIONER MAY: Okay. So you need to
15 give us some accurate drawings, because that is
16 really, really not clear from what we see here.

17 You also need to show it in the
18 elevations. What is it going to be clad with?

19 MR. BONILLA: It should be the same
20 material that we have at the roof which is the
21 fiber cement.

22 COMMISSIONER MAY: It will be fiber
23 cement? Okay.

24 Yeah, I mean, if you just give us some
25 better drawings, then that's fine. I mean, now I

1 have confidence that the view I see on page 24
2 might actually be correct. But the section seemed
3 to be implying that it was --

4 MR. BONILLA: You can see it -- I'm sorry
5 to interrupt you.

6 COMMISSIONER MAY: Yeah.

7 MR. BONILLA: You can see it at this
8 point. It's shown as white --

9 COMMISSIONER MAY: Yeah, I'm --

10 MR. BONILLA: -- middle cap on top of the
11 fiber cement walls.

12 COMMISSIONER MAY: Right. Because we're
13 at a far enough distance, and it's set back one to
14 one.

15 MR. BONILLA: Right.

16 COMMISSIONER MAY: Okay. Now, you just
17 told me that there are bays.

18 MR. BONILLA: These are the bays. These
19 are the vertical --

20 COMMISSIONER MAY: Right. Those are
21 bays, and because -- it's -- I thought you were
22 saying that it is set back from a bay front, but
23 it's not.

24 MR. BONILLA: Because the bay is three
25 feet -- I'm sorry, the bay is three feet in front

1 of the -- this wall, this --

2 COMMISSIONER MAY: Right.

3 MR. BONILLA: This is one plane. The
4 bays are three feet in front.

5 COMMISSIONER MAY: Okay. Hold on a
6 second.

7 (Pause.)

8 COMMISSIONER MAY: So this face here,
9 this is the face I care about. Is that set back
10 -- is the penthouse set back three feet from that
11 face?

12 MR. BONILLA: No.

13 COMMISSIONER MAY: Because it's not on
14 your drawings. It's not in your plan, and it's
15 not in your section.

16 MR. BONILLA: Correct. So that is not --
17 that is not.

18 COMMISSIONER MAY: Okay. So, it's flush?
19 Because I mean, this perspective view seems to
20 imply that it is set back.

21 MR. BONILLA: Yeah. That is correct.
22 Now, it's possible also that the cab that we
23 choose for this particular elevator, instead of
24 being a nine-foot cab -- or I'm sorry, a ten-foot
25 cab, it's an 8'0" cab. So at that point, the

1 height of that beam can be reduced by two feet.

2 COMMISSIONER MAY: Okay. So it needs to
3 be either set back one to one from that surface
4 there, or it needs to be drawn on the façade and
5 incorporated in a way that makes sense from a
6 design point of view because what I'm afraid of is
7 that you're going to wind up with this thing just
8 being built up. It's going to be three feet
9 taller, and all you're going to do is just sort of
10 slap more fiber cement siding on it and it isn't
11 going to make any difference with the rest of the
12 design. It's got to be thought out now.

13 MR. BONILLA: I understand your comment.

14 COMMISSIONER MAY: So some revised
15 drawing that express that before we approved would
16 be most helpful.

17 You know, all things considered, the fact
18 that it's only a three-foot -- three feet higher
19 than the rest of the roof, I mean, that's great.
20 So your task is relatively easy. You're not
21 making it any easier on yourself by laying out the
22 elevators where you do. It's a very unusual thing
23 for us to see elevators right up against the
24 façade of a building. That's a very unusual
25 circumstance.

1 While I'm in that neighborhood, the
2 stairs next to the elevator seem to line up with
3 that row of windows; right? And the windows are
4 at the same heights as the floor -- as the floor
5 next to it. So to me what that means is that
6 you're going to wind up with a landing in the
7 middle of the window.

8 Have you thought through that and what
9 that looks like? Because it often doesn't look
10 very good.

11 MR. BONILLA: We haven't done that in the
12 past. What we've usually done is we calculate the
13 number of risers in a way that the underside of
14 the landing is at the window head. So you have a
15 number of risers on treads on one side that is
16 unequal to the other.

17 COMMISSIONER MAY: Okay. And are you
18 able to do that here?

19 MR. BONILLA: Yeah, with two elevators we
20 are able to do that.

21 COMMISSIONER MAY: You have enough space
22 for the --

23 MR. BONILLA: That is correct. That is
24 correct.

25 COMMISSIONER MAY: That's fine, just so

1 long as it -- I mean, we didn't want to have it in
2 the middle of it. You don't want to have it so
3 that the landing is at the bottom end of the
4 window and then people are looking up. The wrong
5 spot.

6 Anyway, the side yard. I mean, it's very
7 interesting to have in an urban circumstance like
8 this a side yard like that. And I think it's a
9 real opportunity for you, and it's an opportunity
10 you don't seem to be taking advantage of. So, I
11 think that you probably want to -- I mean, I don't
12 know that you necessarily need to landscape it
13 that much differently, but it's an open question.
14 Is this something that's just going to be open to
15 the public and you'll have everybody, you know,
16 walking through it and walking to your loading
17 dock and all that sort of stuff? Are you going to
18 fence it off, or are you going to capture it for
19 use by the occupants of the building, which might
20 be a nice thing, in which case you want to have a
21 better route to get to it other than walking
22 through the trash room, right? Or walking outside
23 of the sidewalk.

24 So I would strongly encourage you to
25 figure out what you want to do with that and make

1 sure that your design realizes that objective.

2 Okay.

3 MR. FREEMAN: Yeah.

4 COMMISSIONER MAY: I mean, do you
5 actually have thoughts about how you're going to
6 use it?

7 MR. VOUDRIE: Yeah, it was intended to be
8 fenced so that it was not sort of a pass-through
9 from the sidewalk.

10 COMMISSIONER MAY: Right.

11 MR. VOUDRIE: But more -- but more as a
12 passive landscape buffer to protect the view for
13 the residents as well as to provide some green
14 space between the office building and the
15 residential building.

16 COMMISSIONER MAY: Right.

17 MR. VOUDRIE: So it was more intended to
18 be for passive use than to be active space for the
19 residents. But we can consider making it -- we
20 hadn't considered making it accessible directly to
21 the residents. It was more just intended to be
22 passive, viewed space. But we can study that.

23 COMMISSIONER MAY: You mean a green space
24 that people get to look at from the street and
25 from the apartments that are next to it is what it

1 was?

2 MR. VOUDRIE: Yeah.

3 COMMISSIONER MAY: I mean, I do think
4 it's an opportunity for you. At the very least,
5 you know, maybe toward the back end of it, and
6 maybe that's a space for a small playground or
7 something like that, if you're going to have small
8 children.

9 MR. VOUDRIE: We had some neighborhood
10 concern about loitering, and so we had agreed to
11 fence it to avoid that. But we can certainly
12 study a controlled -- a controlled play
13 environment or something that could be managed.

14 COMMISSIONER MAY: Yeah. I mean, I don't
15 know. It's not a really huge thing. I just think
16 it's an opportunity that you really want to take
17 advantage of.

18 For the live/work units, I'd appreciate
19 seeing more information about those. I do think
20 that you're missing an opportunity there to make
21 them a little bit more like storefronts. I mean,
22 there's a fair amount of glass to them, and they
23 do stand out. They're a little bit different, but
24 they still look highly residential, particularly
25 with the amount of landscaping and such

1 immediately adjacent to it.

2 They're also -- I think that the major
3 portion of glass is below a bay for each one of
4 them. And maybe they actually are bay-front kind
5 of storefront show window kind of things -- kinds
6 of things. So I think there's more that you can
7 do with that. And I think that making them a
8 little bit more -- kind of urban and commercial
9 looking, I think it is worth looking at.

10 Do you have more information on the solar
11 panels? Is that just a notion at this moment, or
12 is there a real plan for putting solar panels up
13 there?

14 MR. VOUDRIE: It's a notion we were
15 working with DCSCU and a local -- Washington D.C.
16 Solar, it's an Anacostia-based solar company. And
17 we've not been able to finalize that yet as their
18 funding cycle is awful.

19 COMMISSIONER MAY: Sure. I understand
20 that complication. I think the thing that I would
21 be concerned about how tall they're going to be
22 and how far they're going to be set back from the
23 edge of the roof. So if you could define some
24 limits on that, I think that would be helpful --
25 you know, at least five feet back and no more than

1 two feet tall, or, you know, something like that,
2 just so we know what's permissible. I don't
3 really want to see, you know, large reflectors.

4 MR. VOUDRIE: Certainly. Certainly.

5 COMMISSIONER MAY: And last question I
6 have was on the residential parking permits. The
7 way I read the description of the property, it's
8 not eligible for residential parking; is that
9 correct? Because I know the adjacent blocks are
10 RPP or some of them are.

11 MR. FREEMAN: Our traffic consultant can
12 confirm that.

13 COMMISSIONER MAY: Okay. It was probably
14 in the report somewhere, and I missed it.

15 MR. SCHIESEL: Robert Schiesel with
16 Grove/Slade Associates. The block on MLK where
17 the front door is, is unrestricted, not RPP.

18 COMMISSIONER MAY: Right.

19 MR. SCHIESEL: So if the address is MLK,
20 they will not be eligible for parking permits.

21 COMMISSIONER MAY: Not restricted or
22 commercial?

23 MR. SCHIESEL: The parking is just --
24 it's not -- the curbside management of the parking
25 is unrestricted.

1 COMMISSIONER MAY: It's just
2 unrestricted, so anybody can park there?

3 MR. SCHIESEL: Yes.

4 COMMISSIONER MAY: But that means that if
5 you petition to have RPP put there, it could
6 become RPP, in which case the residents of the
7 building could part anywhere in the neighborhood.

8 MR. SCHIESEL: Well, I'm not sure if this
9 is a street that's eligible to be converted
10 because it's --

11 COMMISSIONER MAY: Okay. Yeah, I
12 thought --

13 MR. SCHIESEL: -- classification, I don't
14 know the exact rules off the top of my head.

15 COMMISSIONER MAY: Okay. So we'll ask
16 DDOT when we get to them.

17 MR. SCHIESEL: Yeah.

18 COMMISSIONER MAY: So I agree with the
19 comments of Christian Miller with regard to the
20 color of the metal versus the color of the fiber
21 cement panels. It either needs to be a perfect
22 match so it looks like it's the same material or
23 it needs to be different so that it's understood
24 to be different. And, you know, I think his
25 instincts were correct on that.

1 And I do agree on the paving. You know,
2 that one section of bright white concrete paving,
3 even though the rest of the sidewalk, you know, on
4 the other side of the alley is probably concrete,
5 I think it is a little bit odd that it terminates
6 right there.

7 Okay. That's it for my comments.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 Commissioner Turnbull?

10 COMMISSIONER TURNBULL: Thank you, Mr.
11 Chair.

12 I want to thank you for your explanation
13 of the mixed income affordable housing. I think I
14 had questions on that also, but I think your
15 explanation makes sense. So, thank you for that.

16 I guess getting back to Commissioner
17 May's issue on the roof. I guess what was
18 confusing for me is on perspective sheet drawing
19 22 that was also -- that's the same kind of thing,
20 you look up at the roof and it looks like it's
21 totally empty, that there's nothing really.
22 There's no overhang. I mean, there's no cab going
23 up, there's no projection at all. So I think I
24 would like to see this more accurately shown as to
25 really what's going on in light of -- and if

1 you're going to reduce the cab, great, it will
2 show up on those.

3 It looks like you've got a big screen TV
4 up there.

5 MR. BONILLA: It's either that or a
6 fireplace.

7 COMMISSIONER TURNBULL: Okay. Let's just
8 make a note that the lighting should be all down
9 lighting. We don't want this glowing in the
10 neighborhood.

11 MR. BONILLA: Correct.

12 COMMISSIONER TURNBULL: And I would want
13 to make sure that the big screen TV did not become
14 a nuisance to the neighbors, that it can be -- I
15 mean, if you can show me by some perspectives that
16 nobody can see it, or if you've got to put wing
17 walls on the side, but I would like to make sure
18 it's not a nuisance for the neighbors and have
19 accidents with people driving down the street.

20 MR. BONILLA: Yeah, we can look at the
21 idea of maybe one of those fireplaces that are
22 more of a visual.

23 COMMISSIONER TURNBULL: Okay. Great.
24 Thank you.

25 The work units are kind of creative. I

1 saw the interior perspective with the sliding door
2 and that. And I'm not sure. Commissioner May
3 mentioned the streetscape views. I wouldn't want
4 them to be too commercial, but if they're going to
5 be -- if these are artists' units and people are
6 going to be coming in to buy, there's a dichotomy
7 there of trying to be residential and at the same
8 time commercial. So I don't know how much more
9 you can look at that, but I would go along with
10 maybe having -- taking another peak at that.

11 I would agree also that the design of the
12 building is significantly improved from what we
13 first saw at set down. I guess -- and I think the
14 brick is a great enhancement, and I'm not sure how
15 you add more brick or what you can do to it, but
16 I've always had this feeling that a look at a
17 building like this, which is -- it's different if
18 it's in the downtown where you've got your front
19 side, a street side, and then you've got an alley
20 side. And sometimes you can change materials, and
21 if you do it appropriately and accent it right, it
22 works okay.

23 On the back side of the building, on the
24 alley side, you've still got a lot of residences
25 back there. I guess I would love to see -- I

1 think because it's a neighborhood there should be
2 some more brick introduced somehow to either
3 relieve some of the black, the gray panels that
4 are up there. I think maybe it's a little bit
5 overpowering. I think you've got the one at the
6 end back by the metal louvered door there's one
7 vertical piece that goes up. I would love to see
8 some other brick or some other vertical elements
9 brought in to sort of relieve that big expanse for
10 at least those townhomes along that area.

11 And Commissioner May mentioned the
12 landscaping, and I think you're going to take
13 another look at that.

14 And other than that -- and, again, talk
15 about the -- and I'm not sure what you do with the
16 -- and maybe it's the whole thing of looking at
17 the brick and the metal panels and the other
18 panels, the gray, and trying to -- it's almost
19 like maybe the corner might need something to
20 accent it because it's a very prominent entrance.
21 And I would agree, don't change the color of the
22 paving as it goes into the building. You've got a
23 nice brick sidewalk, I think brick. Keep it the
24 same. I think it makes more sense.

25 But it's been a tremendous improvement

1 from what we saw at the set down. So I want to --
2 and I think, Mr. Chair, those are my comments.

3 CHAIRPERSON HOOD: Thank you.

4 Mr. Voudrie, in your submission dated
5 today, the affordable housing component, the way
6 it's worded, it says, "up to 60 percent." So how
7 low do we go? Are we getting the 30 percent? It
8 says, "up to 60 percent"; 60 percent or lower.

9 MR. FREEMAN: The actual breakdown --

10 CHAIRPERSON HOOD: Did I miss that?

11 MR. FREEMAN: -- is eight units at 30
12 percent of AMI. I'm looking at our --

13 CHAIRPERSON HOOD: Okay. That's what I
14 wanted to see. What is that in?

15 MR. FREEMAN: It's our August 13th --

16 CHAIRPERSON HOOD: Okay.

17 MR. FREEMAN: -- submission.

18 CHAIRPERSON HOOD: Again -- okay. Okay.

19 MR. VOUDRIE: Page 6 on the August 13th
20 submission. Yeah, we can read it.

21 CHAIRPERSON HOOD: What's the exhibit
22 number?

23 MR. FREEMAN: So we say up to --

24 CHAIRPERSON HOOD: What's -- do we know
25 what the exhibit number is?

1 MR. VOUDRIE: One second.

2 SECRETARY SCHELLIN: August 13?

3 MR. VOUDRIE: Yes.

4 SECRETARY SCHELLIN: Fourteen.

5 CHAIRPERSON HOOD: Exhibit 14?

6 MR. VOUDRIE: August 13.

7 SECRETARY SCHELLIN: The 13th.

8 CHAIRPERSON HOOD: Do you know what?

9 It's exhibit --

10 SECRETARY SCHELLIN: Try 16.

11 CHAIRPERSON HOOD: Sixteen. Okay. And
12 what page are we on?

13 MR. FREEMAN: Page 6.

14 CHAIRPERSON HOOD: Okay.

15 MR. VOUDRIE: Under "Introduction", third
16 paragraph down.

17 CHAIRPERSON HOOD: Okay. That's what I'm
18 looking for. Okay.

19 Okay. I just wanted to --

20 MR. VOUDRIE: It details -- it details --
21 (Simultaneous conversation.)

22 CHAIRPERSON HOOD: -- know how low; 30
23 percent. Okay. All right. Good.

24 All right. Let's talk about the CBE and
25 the first source. Commissioner Miller has already

1 -- we've already established that you're doing
2 CBES; right?

3 MR. VOUDRIE: Yes, sir.

4 CHAIRPERSON HOOD: Are we already working
5 with the community and the neighborhood as far as
6 making sure with DOES because in the past the pool
7 is not ready. They say we don't have people
8 qualified. Are we already working to make sure
9 that we have folks qualified?

10 MR. VOUDRIE: Yes, sir. So I think here
11 to testify this evening is Darren Davis, one of
12 the principals of Anacostia River Realty which is
13 a real estate office and property management firm
14 located in Ward 8 on Martin Luther King. We are
15 working with them on property management for other
16 units right now to make sure that their capacity
17 is sufficient to be able to handle this project;
18 have created a mentor/mentee relationship with
19 Winn Residential which is a large property
20 management company that will work directly with
21 Anacostia River Realty on another project so that
22 by the time this project is ready, ARR will be
23 propped up and prepared to be able to accomplish
24 this on their own.

25 As you know with finance -- when you do

1 the financing, the property management is very
2 important. And having a resume that's sufficient
3 with the track record is critical to be able to
4 make sure that the -- you know, the lender is
5 comfortable as well as the owners.

6 CHAIRPERSON HOOD: Okay.

7 MR. VOUDRIE: So we're working closing
8 with them now as well as we're working through
9 preconstruction with Bozzuto and a joint venture
10 that they have with Blue Skye. They've worked on
11 other projects and joint ventured together.
12 Scotty Irving, the principal at Blue Skye, is a
13 CBE, has a long history of hiring in east of the
14 river communities. So we're working closely with
15 them to make sure that they're ready.

16 CHAIRPERSON HOOD: And that also goes
17 with the first source. So that's the same --

18 MR. VOUDRIE: Yes, sir.

19 CHAIRPERSON HOOD: -- I can take the same
20 statement?

21 MR. VOUDRIE: Yes, sir.

22 CHAIRPERSON HOOD: Okay. Good.

23 MR. VOUDRIE: And Section 3 hiring as
24 well.

25 CHAIRPERSON HOOD: Okay. Good.

1 I do know your commitment to the -- last
2 night they called it -- they don't call it "east
3 of the river" anymore. The Mayor said it was east
4 end. So I do know your commitment out there.

5 Let's see, during the first stage -- and
6 actually, I'm glad that you-all came back because
7 when I looked at the building prior. So I'm glad
8 that the community got involved with that because
9 I can tell you this looks a lot better. It seems
10 like every time we approve something the first
11 time, it seems to come back looking better. So I
12 don't know if that's attributes of us or it takes
13 a little while for somebody to come back and make
14 it look better.

15 I can tell you, it looks a lot better.
16 And I was sitting here thinking -- I don't think I
17 was here that night, but I probably wasn't because
18 I haven't missed too many nights. So I'm not
19 going to put it on my colleagues, but thank you
20 for coming back with something that looks a lot
21 better.

22 But do we ever have anything where we can
23 see the views from the different neighborhoods,
24 like Chicago Street and -- do we have that in the
25 pre --

1 MR. FREEMAN: So during the first stage,
2 yes. And I can find the exact exhibit. We have
3 multiple views; but during that point, the larger
4 concern was some of the other buildings because
5 those buildings have heights very different than
6 this building.

7 CHAIRPERSON HOOD: Okay.

8 MR. VOUDRIE: So frankly, the height of
9 this building was --

10 CHAIRPERSON HOOD: Was not the issue.

11 (Simultaneous conversation.)

12 MR. VOUDRIE: -- at that point. So most
13 of the perspectives focused on views from the
14 other buildings.

15 CHAIRPERSON HOOD: Okay. Okay.

16 But if you can direct me to that, so we
17 usually go back to stuff in August and further
18 back to the first date, the PUD, what, 2012, was
19 it? When was it?

20 MR. VOUDRIE: It was originally submitted
21 in 2008, and then revised and approved in --

22 MR. FREEMAN: 2013.

23 CHAIRPERSON HOOD: Forgive me. We only
24 had a few cases since 2008, so ...

25 MR. VOUDRIE: One or two.

1 CHAIRPERSON HOOD: Yeah. Okay. Because
2 I'm just curious. I read in the letter, I think,
3 from the neighborhood -- I'm not sure exactly who,
4 that the applicant -- or they couldn't get back in
5 touch with you. How were those discussions? I'm
6 just curious.

7 How were your discussions with the
8 community? Not necessarily the ANC.

9 MR. VOUDRIE: So we've been going to ANC
10 meetings, obviously, since before 2008. But we
11 met with Historic Anacostia Preservation Society
12 this summer after the set down. And that's when
13 we presented the original design concept, got some
14 feedback from them that -- you know, and
15 suggestions. As Fernando mentioned in his
16 testimony, we, as the HAPS is not -- and I think
17 they would say, describe themselves not as design
18 professionals, but as concerned neighbors. And so
19 we, rather than being comfortable giving a
20 specific design guidance, what they thought would
21 be appropriate and what we agreed and asked them
22 to do was to take pictures of buildings that they
23 liked and to send us, you know, if you have a
24 picture of window that you like, or a brick
25 pattern that you like, whatever that might be. So

1 we asked for that.

2 Greta Fuller, Camille, Sherie, and I
3 think others were in that meeting. And then we
4 got feedback from them. We exchanged dialogue via
5 e-mail. We received some pictures. We sent back
6 some ideas and then that sort of collaboration
7 eventually led to the design that was submitted
8 tonight. So it was -- you know, there was one
9 meeting with that group and then a number of
10 emails and smaller meetings with individuals after
11 that. And then we presented the revised design at
12 the ANC a little over a month ago, I guess.

13 CHAIRPERSON HOOD: So for the most part,
14 you have sat down and spoken with members of the
15 Concerned Citizens of Anacostia?

16 MR. VOUDRIE: Not in the -- not in the --
17 sort of in the context as Concerned Citizens of
18 Anacostia, but as the various groups that are -- I
19 mean, Historic Anacostia Preservation Society and
20 ANC. And Camille, who is of the Concerned
21 Citizens of Anacostia, was present at that
22 meeting, right? Yes.

23 CHAIRPERSON HOOD: Okay. Okay.

24 MR. VOUDRIE: As was the ANC and HABA.
25 Yeah. Historic Anacostia Block Association.

1 CHAIRPERSON HOOD: So is it safe for me
2 to say this effort that we see here before us
3 tonight is a culmination of all the groups working
4 together, whether they agree or not, but all the
5 groups working together, and this is what you came
6 out with?

7 MR. VOUDRIE: I would represent it that
8 way, yes, sir.

9 CHAIRPERSON HOOD: Okay. Good.

10 Okay. Any other questions?

11 Commissioner Miller?

12 COMMISSIONER MILLER: Just as a follow-
13 up, I would concur with Commissioner Turnbull that
14 to the extent you're able to add brick -- more
15 brick above the ground level in that alley west
16 elevation, I think that would be an improvement as
17 well as to that extent you're able to do so, more
18 brick above the ground level on the north and
19 south elevations as well.

20 And then I just wanted to ask one
21 question, Mr. Chairman, if I can find it.

22 The Concerned Citizens Association -- the
23 Concerned Citizens of Anacostia submission
24 referenced a comment that the Chicago Shannon
25 Civic Association had requested that the entrance

1 be moved from that intersection of MLK and Chicago
2 because there's a bus stop there and they're
3 concerned about loitering. Can you just respond
4 or comment on that?

5 MR. BONILLA: Sure, let me bring us back
6 to the side plan.

7 So that bus stop is located not exactly
8 at the corner, but probably 25 to 30 feet from the
9 corner. So we think that any people standing or
10 cueing there, they're going to be located away
11 from the corner and we don't think that our
12 building is going to create -- because of the
13 circulation, residents and visitors coming in and
14 out of the building, are going -- they're not
15 going to be standing, loitering right there
16 outside of that entrance at the corner.

17 COMMISSIONER MILLER: Thank you. Thank
18 you, Mr. Chair.

19 CHAIRPERSON HOOD: Any other questions --

20 MR. VOUDRIE: And the building
21 management, of course, will work to mitigate that
22 as does the employees of the BID that monitor the
23 street.

24 CHAIRPERSON HOOD: Okay. Any other
25 questions up here?

1 (No response.)

2 CHAIRPERSON HOOD: Okay. Commissioner
3 Fuller, do you have any cross-examination?

4 MS. FULLER: Yes.

5 CHAIRPERSON HOOD: Do you want to turn
6 your mike on?

7 MS. FULLER: Yes, I do.

8 First of all, I want to thank Stan and
9 his team for presenting tonight. I'll jump right
10 in.

11 One of the first things one of the
12 Commissioners expressed, I think over and over, a
13 different look, more brick. That was one of our
14 questions. One of our major concerns as the ANC
15 and different community organizations was the look
16 of the building. And that's why you see that the
17 building has changed some from when it was first
18 presented. We, too, are interested that more
19 brick perhaps be added to the building, that the
20 windows --

21 CHAIRPERSON HOOD: Commissioner Fuller,
22 let me help you a little bit.

23 MS. FULLER: Okay.

24 CHAIRPERSON HOOD: Cross-examination --

25 MS. FULLER: Right. Ask questions.

1 CHAIRPERSON HOOD: -- is asking
2 questions. You can tell us that. Because I
3 wanted to say something to you before it comes in
4 my ear from somewhere.

5 MS. FULLER: I got you. Okay.

6 So, well, the thing is, will you commit
7 to adding more brick, redesigning or looking at
8 adding more character to the large windows in the
9 front where the artists will be housed?

10 MR. VOUDRIE: Yeah, we've agreed tonight
11 that we will -- we will attempt to add some more
12 brick. We have structural challenges that limit
13 how much brick can be added to the different
14 planes. But there's a couple of opportunities to
15 add some more brick which we can commit to. And
16 we are going to see if it's possible to have a
17 little bit larger store front openings in the
18 artist live/work units without making them
19 unlivable spaces where people feel like they're on
20 showcase all the time.

21 MS. FULLER: How many artist apartments
22 will there be, and will they be on the first
23 floor, or first and second floor?

24 MR. VOUDRIE: We have six artist
25 live/work residences. They're all located on the

1 ground floor to provide direct access to the
2 sidewalk.

3 MS. FULLER: How much -- how many square
4 feet are you using for those artists' residents?

5 MR. BONILLA: I think each unit is about
6 650 square feet. So these are one-bedroom units,
7 and in our package we included also the floor plan
8 layout.

9 MR. VOUDRIE: It's described in detail on
10 the page --

11 MR. BONILLA: 182.

12 MR. VOUDRIE: It's the unit type 1A2
13 which is 675 square feet.

14 MS. FULLER: Okay. All right. Can you
15 tell us more about the lighting and protection
16 along the alley and around the building between
17 your new building and the existing homes? What --
18 will you be providing a gate? I mean, will you --
19 yeah, a gate? Not a gate, but a fence. Will you
20 be providing a fence along that alley? Because
21 there are homes -- there is no alley now. But I
22 believe where you're going to provide parking,
23 you're going to create an alley?

24 MR. VOUDRIE: So the alley that runs
25 perpendicular from Chicago Place running into our

1 parking lot today, that alley exists. That is a
2 public alley -- if Fernando can point to it on the
3 plan there.

4 The alley -- that is what we're calling
5 an alley which is actually a private access to the
6 parking -- runs parallel to Chicago accessed off
7 of Shannon Place. That will be -- that allows for
8 the current dead-end alley to be able to extend
9 around behind the homes and goes out to Shannon
10 Place. So the lighting at the sidewalk level
11 would be predominantly from the live/work units
12 which will have porch -- you know, like sort of a
13 porch light, entrance light, as well as the
14 storefront glass that should provide ambient light
15 out. And then there is a street light in the
16 alley, and I don't know that it's called out on
17 that plan. But I think there's a street light in
18 the alley right as it turns to -- from the public
19 alley to our property.

20 MS. FULLER: The concern of the citizens
21 as Chicago Shannon is that now there will be more
22 traffic, cars going in the alley, than exists now.

23 And the one that you plan on bringing out
24 to Shannon, will you put a fence there? And if
25 so, how high? Because right now, they don't have

1 cars going back and forth. What they have right
2 now are trash trucks getting their trash.

3 MR. VOUDRIE: Right. So right now, yeah,
4 as I said, the alley dead ends. It comes off of
5 Chicago and dead ends, and the trash truck would
6 have to do a U -- you know, sort of turn around
7 there, or back in and then drive back out. So
8 they would be able to then drive all the way
9 through without having to back in or back out.

10 And today there is a fence where the
11 alley comes to our property line, a six-foot high
12 chain link fence. That fence has been replaced on
13 the other sides of the parking lot by a powder
14 coated black aluminum fence that sort of has the
15 look of wrought iron. We've already purchased the
16 fencing to run along the alley next to the parking
17 lot, but we're waiting until after construction to
18 install it.

19 So there is a fence that would run on the
20 parking lot side of the alley along the side of
21 the alley sort of to delineate the parking lot
22 from the alleyway so that cars that were coming in
23 and out of the public parking lot wouldn't access.
24 So the fence -- the fence is -- can we show the
25 overall -- the larger site plan? There.

1 So the fence runs that edge all the way
2 out to the corner. So it runs down and Fernando
3 is tracing that right now. So it comes up from
4 the -- up along and down the alley as you see
5 there. And that delineates what is now a parking
6 lot from this apartment building and from the
7 alleyway, and then will eventually be -- there
8 will eventually be a building there.

9 MS. FULLER: But it is consistent with
10 your existing fence; that's what you're saying?

11 MR. VOUDRIE: Yes, it's not the fence
12 that is in that spot today which is chain link,
13 but the aluminum -- the powder-coated black
14 aluminum fence that's on the other three sides.
15 We just were waiting until after construction to
16 install it because we didn't want it to get
17 damaged during construction.

18 MS. FULLER: Okay. That was my question.

19 And the next question is about -- oh, the
20 mixed income. Why was there no mixed use, like
21 retail or something other than housing at this
22 property?

23 MR. VOUDRIE: So that goes back to the
24 stage one PUD and then some further work that we
25 did with OPs Vibrant Streets Initiative and that

1 effort where this building was really looked at as
2 a transitional building with the more intense
3 ground-floor retail. Coming in the next building
4 immediately as we were sort of walking away from
5 the Metro to the next building going towards W
6 Street would have more intense ground floor
7 retail. And I mentioned it in the testimony. I
8 mean, the real goal was to provide sort of a
9 little bit softer edge for the residents on
10 Chicago and some of the, you know, lower intensity
11 uses that are next to us to be able to give them a
12 buffer with the live/work units rather than full-
13 scale retail that has the, you know, commercial
14 loading and trash and all of that.

15 MS. FULLER: In the first stage of the
16 PUD, it was stated that 8 percent of the housing
17 would be affordable housing. Now, this project
18 has 80 percent affordable housing and 6 percent --
19 I mean, 20 percent market rate. How much does
20 this affordable housing lend to the rest of the
21 housing that you're bringing when you continue
22 with this PUD?

23 MR. VOUDRIE: So we committed a minimum
24 of 8 percent affordable housing in the overall
25 project, and so this one is not seen as sort of a

1 placeholder for all 8 percent of the projects to
2 be in one building. This is -- the next building
3 that's residential will have at least 8 percent
4 affordable housing, and the one after that will
5 have at least 8 percent affordable housing. So
6 the goal -- the goal is to provide a diverse
7 economic base for the neighborhood rather than
8 concentrating affordable housing on just this
9 unit. This building has more than 8 percent, you
10 know, that we're happy with that. And we'll have
11 a minimum of 8 percent in the next one and the one
12 after that.

13 MS. FULLER: Thank you. Property
14 management. Can you clarify because I'm trying to
15 understand how Anacostia Realty is involved, and
16 are they a Ward 8-based company?

17 MR. VOUDRIE: I'll let them speak for
18 themselves. But, as to where they live -- but
19 they're located on Martin Luther King Avenue about
20 two blocks from the site. Today -- Anacostia
21 River Realty today is a real -- a full-services
22 real estate company. They provide brokerage
23 services, leasing services and property
24 management. And I work with them today as
25 property managers for other properties. And then

1 we are working -- continuing to work with them on
2 a project we're developing in Ward 7. And, as I
3 said, we can let them speak for where they live.

4 MS. FULLER: No, I was just asking if you
5 knew if they were a Ward 8-based business, not
6 where they live. But is their business based on
7 Ward 8, that's all.

8 MR. VOUDRIE: They're located there. I
9 don't know whether they registered in Maryland or
10 D.C. or -- I don't honestly know.

11 MS. FULLER: Okay. So they will be
12 managing the property along with -- I thought I
13 heard Bozzuto?

14 MR. VOUDRIE: So Bozzuto is right now
15 working on preconstruction with us as the GC,
16 general contractor.

17 MS. FULLER: Uh-huh.

18 MR. VOUDRIE: Not as the property
19 manager. The property manager is intended to be
20 -- ideally it will be Anacostia River Realty on
21 their own, but we have helped them create a
22 mentor/mentee relationship with a larger property
23 manager that has more experience managing multi-
24 family properties in case it's deemed by the
25 lender that Anacostia River Realty's resume is not

1 long enough. So they've established that
2 relationship.

3 MS. FULLER: Okay. Thank you.

4 Will the policy have a civic association?
5 And if so, are you willing to have at least one to
6 two members of that civic association, one being
7 maybe from the Chicago Shannon Civic Association
8 and one from the Elected ANC Commissioner for
9 8A06, or two members from Chicago Civic -- Chicago
10 Shannon Civic Association?

11 MR. VOUDRIE: As the MOU that we proposed
12 a month or so ago at the ANC meeting suggested, we
13 will encourage the tenants to form a tenant's
14 association. And our goal -- and what we'd prefer
15 -- is that a member of the ANC, ideally the single
16 member district representative, would participate
17 in those tenants association meetings. And we've
18 also extended the offer to Mr. White or whoever
19 may be representing the Chicago Shannon Civic
20 Association that they would participate as a way
21 to have direct communication between the neighbors
22 and our building to make sure that there is, you
23 know, immediate knowledge and understanding of
24 issues that relate to the building or to the
25 neighbors.

1 MS. FULLER: The bus stop that exists
2 right now, do you think your tenants -- well, I
3 know you can't speak for them -- but a bus stop in
4 front of a window, is it -- is it in front of one
5 of the artist's housing on the first floor?

6 MR. VOUDRIE: It is. Yes.

7 MS. FULLER: So the resident who lives in
8 that space may have people outside of their window
9 at any given moment --

10 MR. VOUDRIE: But it's not --

11 MS. FULLER: -- at night?

12 MR. VOUDRIE: -- it's not immediately in
13 front of it. The bus stops in front of -- but
14 it's not lined up. I mean, we can point to on the
15 screen, it lines up -- it lines up approximately
16 -- can you point to it there?

17 PARTICIPANT: Yeah, it's probably
18 somewhere in here.

19 MR. VOUDRIE: It lines up about -- sort
20 of between our entrance and the first artist
21 live/work unit is where the bus stop is. So the
22 bus would be in front of the door of that first
23 artist live/work unit when the bus was stopped at
24 the bus stop. But the bus stop is in that gap
25 between, if that makes sense.

1 MS. FULLER: Yes, that makes sense. But
2 it is just a concern, if I lived on that street
3 and in that --

4 MR. VOUDRIE: Fair enough.

5 MS. FULLER: Which also brings me back to
6 the fence and the side yard. It looks like
7 there's a rear yard that you proposed. And right
8 now, it would be next to the parking -- the
9 existing parking lot; is that correct? That rear
10 yard, is it next -- would it be next to an
11 existing parking lot that you own?

12 MR. VOUDRIE: So we have a planting strip
13 that buffers our building from the existing alley.
14 So we've set our building back from the alley that
15 Fernando is pointing to there. And then when you
16 go around to the side, we are between -- between
17 this building and the existing parking lot. Yes,
18 that would be planted with trees. And, as I
19 described, it would be intended to be of a short
20 fence from the sidewalk to that to keep people
21 from using it as a thoroughfare, but it's intended
22 to be landscaped as a buffer between the office --
23 the future office building and this existing
24 residential building.

25 MS. FULLER: Can I be clear of how many

1 feet that is from the building? Like, how wide is
2 it?

3 MR. BONILLA: That is 30 feet. This
4 dimension right here?

5 MS. FULLER: Yes.

6 MR. BONILLA: It's being covered by the
7 symbol there, but it's mentioned in the civil
8 drawing on the package as 30 feet.

9 MS. FULLER: Is it a possibility that the
10 residents can use that as a green space, or is it
11 going to be heavily -- heavy with foliage, that
12 trees, bushes, et cetera, that they can't possibly
13 sit out. Will there be any benches or anything of
14 that sort?

15 MR. VOUDRIE: It was intended to have a
16 significant amount of trees to try to maximize the
17 trees in the city, in that context. But we're
18 perfectly open to having space for benches, or,
19 you know, sort of a resident walkway that went
20 through that or access to it. But, as I said, the
21 goal was to have it be predominantly trees so that
22 it had sort of a very lush feel to it.

23 MS. FULLER: And that's perfectly fine.
24 We just wanted to be clear on what was going
25 there.

1 I think now, let's get to the side of the
2 building that goes along Martin Luther King Avenue
3 where the bus stop is from Chicago Street to the
4 end of the building. Looking at the side yard in
5 front of the artist work space, do you feel that
6 the residents will be secure with it being so
7 close to the curb? Would you consider putting up
8 -- not a high fence, but some sort of wrought iron
9 fence or something that could buffer the building
10 from the people on the sidewalks from even walking
11 up and looking in someone's window, et cetera?

12 MR. VOUDRIE: Yeah, we are comfortable
13 putting a low sort of pedestrian type of fencing
14 along that side so that something subject to --
15 subject to DDOT approval as it probably will
16 require that. But, yeah, we're prepared to have a
17 fence. I think it might actually be shown on --

18 CHAIRPERSON HOOD: Commissioner Fuller,
19 let me interrupt. Yeah, I was going to ask you
20 that too.

21 MS. FULLER: Just two more.

22 CHAIRPERSON HOOD: That was my second
23 question. But let me just ask you, were some of
24 these questions asked at the ANC meeting when they
25 did the presentation or that was never done?

1 MS. FULLER: No.

2 CHAIRPERSON HOOD: Okay.

3 MS. FULLER: No.

4 CHAIRPERSON HOOD: Did you-all do a
5 presentation?

6 MS. FULLER: Not with me.

7 CHAIRPERSON HOOD: But you-all did a
8 presentation at the ANC?

9 MS. FULLER: Some of the questions were
10 -- some things were asked, but some things weren't
11 totally understood.

12 CHAIRPERSON HOOD: Understood.

13 MS. FULLER: And that's why we're making
14 sure --

15 CHAIRPERSON HOOD: Yeah, that's fine.

16 MS. FULLER: -- and trying to get it on
17 the record.

18 CHAIRPERSON HOOD: Okay.

19 MS. FULLER: So now I can go back with a
20 document and say, here this is.

21 CHAIRPERSON HOOD: Okay. All right.

22 MS. FULLER: But I only have two more
23 questions.

24 CHAIRPERSON HOOD: That's fine. I was
25 just trying to figure out the type of presentation

1 that was given. Okay.

2 MS. FULLER: Yeah, and another thing that
3 happened is because of the redesign -- and they
4 did come back to the community with their project.
5 And some of these questions, you know, weren't
6 really thought out when they first presented.

7 CHAIRPERSON HOOD: Okay. All right.

8 MS. FULLER: Okay. Two more questions,
9 like I said.

10 One -- okay, one of them was the solar
11 panels. You probably mentioned it, but I can't
12 remember. But Anacostia is a very a hilly area,
13 and there are residents that are higher up and
14 they'll be looking down at this building and some
15 won't be able to look across anymore. But how
16 will these solar panels be positioned on top of
17 the building so that when you're looking down and
18 looking across the river? What are the residents
19 above going to see now?

20 MR. VOUDRIE: So what we had envisioned
21 was something very much like the solar panels that
22 are on the Children of Mine or Hanna Hawkins House
23 that has the solar panels on it. So it would be
24 -- they stand at a bit of an angle to the roof,
25 but they would be intended to be set back at a

1 one-to-one, ideally so that they weren't visible
2 from the sidewalk. But we can present that -- we
3 can present that to the ANC as we get the final
4 drawings.

5 MS. FULLER: Okay. Thank you. We
6 appreciate that.

7 And my last question is the parking. I
8 believe the gentleman mentioned it is true, there
9 is unrestricted parking. But if my memory served
10 me right, I do believe there is some restrictive
11 parking because of the Metro and the Metro is very
12 close to the site. Could you please explain
13 parking more to me? Will the residents be able to
14 park on the street? Will they have this permit,
15 or is it that you have parking for them? Explain
16 the parking.

17 MR. VOUDRIE: I will attempt to answer,
18 and if I am wrong DDOT or the traffic consultant
19 can correct me. But I believe that Martin Luther
20 King is not restricted. It's not a residential
21 parking street, and as the building will have a
22 Martin Luther King address, I don't believe that
23 they will be able to apply for residential parking
24 permits. It's my understanding of the way that
25 works, but I may be wrong.

1 The DDOT is nodding his head yes, so I
2 think that we're -- I think that I'm accurate when
3 I say that. So we have underground parking which
4 is intended to be the primary parking for the
5 residents. But obviously we can't tell people
6 that they can't park on the street, but they will
7 have to comply with residential parking zone
8 requirements and meters and all the rest of that.

9 MS. FULLER: In some parts of the city,
10 they worked out agreements where when they build a
11 new building like this because there is no parking
12 that you don't get a residential zoning sticker.

13 Is this something that you would
14 encourage or at least agree to here tonight?

15 MR. VOUDRIE: We'll agree to make it a
16 provision of our lease that says that we would ask
17 the residents not to park on the neighborhood
18 streets, but if they have a car to park in the
19 parking garage.

20 MS. FULLER: But that's not the same
21 thing, to ask them not to and to actually have an
22 agreement. I have seen agreements. They have
23 them, and I can bring one to you because they have
24 one over on U Street.

25 MR. FREEMAN: I know. You mean, will we

1 agree to withdraw our building from the RPP permit
2 program?

3 MS. FULLER: Uh-huh. Yes.

4 MR. FREEMAN: We haven't thought about
5 that since we are currently not permitted. We are
6 currently not in that program. But we'll think
7 about it and let you know.

8 CHAIRPERSON HOOD: I, too, would be
9 interested in that because, as you know, that's an
10 issue in front of this Commission. Because I
11 personally don't think it works, but I would be
12 interested in seeing that withdrawing DDOT, and
13 we've had this conversation because at some point
14 in time, maybe in 2018 when I leave the
15 Commission, I know whether this works or not
16 because we've had a lot of builds. And I'm not
17 picking on your build. I'm just saying in
18 general. Does it really work? That's one of the
19 things that this Commission has been grappling
20 with honestly. And I don't want to raise any
21 false expectations, but I know that DDOT has been
22 working on it. We've had training. And Ms.
23 Eyelet (phonetic), Ms. Chamberlin and Mr. Westrom
24 speak to that. Maybe I'll bring that up again
25 tonight. Does it really work?

1 So any other questions?

2 MS. FULLER: Okay. No, just about the
3 parking, just how many parking spaces are you
4 proposing? I just want to be clear.

5 MR. VOUDRIE: There are 26 parking spaces
6 in addition to bike parking and other.

7 MS. FULLER: That's it. Thank you for
8 your time.

9 CHAIRPERSON HOOD: Okay. Thank you.
10 Any other questions up here?

11 Commissioner Miller?

12 COMMISSIONER MILLER: Mr. Chairman, I
13 just want to correct the record. I don't think
14 you're leaving in 2018. As you quoted the Mayor
15 for Life and when he called the Chairman for Life,
16 I don't think you're going anywhere.

17 CHAIRPERSON HOOD: But let me ask --

18 MR. FREEMAN: At a retirement party about
19 three years ago, if I recall.

20 CHAIRPERSON HOOD: It's probably time for
21 another. I think it was longer than three years
22 ago. When was my retirement party? 2010. I
23 think it's time for another one. We had a good
24 time, didn't we?

25 PARTICIPANT: We also had a flag flown

1 from over the capital because he was retiring.

2 (Laughter.)

3 CHAIRPERSON HOOD: I appreciate all of --
4 I'm looking forward to the next one.

5 Let me ask this: the late Mayor for Life,
6 did he support this?

7 MR. FREEMAN: The last time we had a
8 letter and testimony in support from his office;
9 yes, sir.

10 CHAIRPERSON HOOD: Okay. Okay. I just
11 wanted to know. Okay. I'm sorry. Okay.

12 All right. Let's go to the Office of
13 Planning and DDOT. And DDOT, if you-all can talk
14 about the -- or help me refresh our memory on the
15 RPP. But when we get to you. We'll go to the
16 Office of Planning first.

17 Ms. Brown-Roberts?

18 MS. BROWN-ROBERTS: Thank you, Mr.
19 Chairman and members of the Commission. I'm
20 Maxine Brown-Roberts with the Office of Planning.
21 I think both the Commission and the applicant has
22 covered most of the information that we are going
23 to provide. And so we are going to stand on the
24 record, and we'll take any questions.
25 Thank you, Mr. Chairman.

1 CHAIRPERSON HOOD: Thank you very much.

2 Okay. Mr. Westrom?

3 MR. WESTROM: Thank you, good evening.

4 It's a pleasure to be here. And beyond our
5 report, I would just be content to stand on the
6 record as well, and would be happy to answer any
7 questions including about the RPP program which I
8 do believe was represented correctly so far
9 tonight.

10 CHAIRPERSON HOOD: Okay. That's my
11 answer. And really, do you really mean it's a
12 pleasure being here, or you're just saying it
13 because it's your first time? You'll tell us the
14 truth the second time, I'm sure.

15 MR. WESTROM: I think the answer is both.
16 Yes.

17 CHAIRPERSON HOOD: Good answer.

18 MS. CHAMBERLIN: Good evening. My name
19 is Anna Chamberlin, and I'm with DDOT. So in
20 response to a couple of the RPP questions that
21 have come up, MLK -- right now, the entire length
22 of MLK, only the 3600 block is RPP eligible. And
23 that's a block in Congress Heights that has
24 single-family homes. So right now in the system
25 that's the only block on MLK. So right now they

1 are not in the system. Once the building is built
2 and people go to register their vehicles in the
3 DMV, they will get the no RPP stickers.

4 As they had already mentioned, if their
5 building address was on Chicago Street, Chicago
6 Street right now is in the RPP system, so that
7 would be a different conversation. They would
8 automatically be in if it's by the hundred block,
9 the same hundred block as the other homes which I
10 assume it would be the address. So if the address
11 was on Chicago Street, those residents would be
12 receiving the RPP stickers. But as of right now,
13 on Martin Luther King they will not automatically
14 get the RPP.

15 It would be unlikely that they would be
16 able to petition given the classification of
17 Martin Luther King, the demographics going on, the
18 density, the commercial usage, et cetera, et
19 cetera. But as you've already mentioned, putting
20 the lease provision is one way, but do we know if
21 that is actually working yet? No, we don't
22 because we haven't been challenged.

23 So those lease provisions, as you guys
24 are very well aware, are fairly new. In the last
25 few years, we've been putting those in. So as of

1 right now, they haven't been challenged. So
2 they're not -- we don't know yet how legally
3 binding and enforcing they are.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 Let's see if there are any questions of
6 Office of Planning or DDOT.

7 (No response.)

8 CHAIRPERSON HOOD: Okay. Not seeing any,
9 thank you all.

10 Any cross? Any cross?

11 MR. FREEMAN: No cross.

12 CHAIRPERSON HOOD: Okay. Does the ANC
13 have any cross?

14 MS. FULLER: I only have one question to
15 DDOT, and that's about the bus stop. Is there any
16 consideration that the bus stop could be moved or
17 just evaluated to see that it maybe could be
18 positioned somewhere else if there is an apartment
19 directly in front?

20 MS. CHAMBERLIN: Just the condition that
21 it's in front of an apartment? I mean, we have
22 bus stops in front of single-family homes all over
23 the District, in front of other apartment
24 buildings as well. That wouldn't necessarily be a
25 trigger to eliminating or relocating, but we can

1 always, you know, work with WMATA to discuss and
2 find out is that the actual best location for a
3 bus stop. It could be -- we might be able to
4 consolidate it with another bus stop. I mean,
5 there's always the possibility that a bus stop can
6 shift. And if it's a request from this
7 development, you know, we can look into it.

8 MS. FULLER: I don't necessarily want it
9 really, like, relocated because you need that bus
10 stop because of where it is positioned. But I
11 mean, not further down, maybe in the same block,
12 but maybe on the other end of the apartment. I
13 know other buildings are coming, but maybe that's
14 something we have to look at down the road because
15 if this bus stop is there, but these apartments
16 are so close to the street, and they have such
17 large windows and doors, it's a little bit
18 different than your house. It's a little bit
19 further from the street than this building is.
20 That's my only concern. And we'll answer it.
21 We'll ask the question at another date.

22 CHAIRPERSON HOOD: Okay. Any other
23 questions?

24 (No response.)

25 CHAIRPERSON HOOD: Okay. We have a

1 number of letters in support. The Anacostia
2 Economic Development Corporation's support, that's
3 Stanley Jackson, president and CEO. We have a lot
4 of individual letters in support. And some of
5 them -- some of the letters that we have I think
6 are ineligible. I think we have about three
7 letters that are ineligible for -- to qualify for
8 our record, and I think some of it's due to not
9 being able to make out the signature and the
10 names.

11 Let me ask this: I can't remember. Did
12 we deal with the waiver of the fees? We dealt
13 with that at set down. Okay. I thought so. I
14 just wanted to make sure we didn't miss anything.
15 So I think the record is complete with letters of
16 support, and we do have a letter in opposition.
17 We'll hear from that group shortly.

18 Okay. How many people here are ready to
19 -- yes.

20 MR. FREEMAN: I didn't have any rebuttal.
21 I just did want to make one point just to get back
22 to Commissioner Fuller. But we will -- as I said,
23 I wanted to check before we commit. We will
24 commit to not allowing residents to get an RPP
25 permit, and we will commit to not using Chicago

1 Street as our address and use MLK so that we've
2 covered it in those two ways, and we're happy to
3 have those as conditions of our order.

4 CHAIRPERSON HOOD: Okay. She has some
5 cross on that.

6 MS. FULLER: No, I just think -- I pretty
7 much got everything that I wanted to say during my
8 cross-examination. So I really don't have
9 anything else to testify. That's why I wanted to
10 make this last statement.

11 The community benefits package that I
12 presented to them, it came to them a little late.
13 I would like a commitment that they will review
14 and work with us to come up with an agreement for
15 a community benefits package for this -- for 2255
16 MLK.

17 And that was it.

18 CHAIRPERSON HOOD: That's in the form of
19 a question.

20 MR. FREEMAN: We have reviewed -- there
21 are a number of things within this document that
22 we can agree to. There are a number of things
23 within this document that we cannot agree to. But
24 we do think that the project as a whole
25 demonstrates substantial public benefits and

1 amenities that balanced against what we're asking
2 for are worthy of its approval. But there are
3 definitely a number of things within here that we
4 can definitely agree to. And we've agreed to
5 tonight.

6 CHAIRPERSON HOOD: Actually, you'll be
7 coming on shortly. You'll be able to give us your
8 report.

9 MR. FREEMAN: Okay.

10 CHAIRPERSON HOOD: Unless you've already
11 given it through cross-examination?

12 MS. FULLER: No, now he's going to make
13 me do it because of the statement he just made.

14 CHAIRPERSON HOOD: Thank you, Mr.
15 Freeman, we appreciate it.

16 Okay. Any other questions? Any other
17 cross?

18 (No response.)

19 CHAIRPERSON HOOD: Okay. Now we will
20 hear from the ANC. Commissioner Fuller, you may
21 begin.

22 MS. FULLER: Thank you. My name is Greta
23 Fuller, ANC Commissioner for 8A06 in which this
24 property is being developed, 2255 MLK, Martin
25 Luther King, Jr. Avenue, Southeast. I basically

1 said and asked a lot of questions tonight, and I
2 won't read through my entire testimony or my
3 letter. I will leave a letter with the Board. I
4 will also leave the community benefits package
5 that we came up with as well.

6 So let me just get to it. As this
7 project progresses and buildings are being built,
8 the PUD has many different projects and many
9 different buildings that are going to be built,
10 and this is one of the first.

11 The community did not have a chance to
12 have an ANC commissioner represent them in the
13 first stage of the PUD, and that's because the ANC
14 commissioner resigned when the PUD was brought in
15 front of the Zoning Commission. And I was the ANC
16 commissioner before, and I was not the ANC
17 commission for four months when someone actually
18 won. And so that's why no one was here. And
19 because no one was here, we really didn't have the
20 voice that we really needed so that we could
21 actually get a good community benefits package for
22 the entire PUD. So it looks like we're going to
23 have to come out each time that the Four Points,
24 the developer, decides to build a building.

25 The changes that are being proposed today

1 will bring about many changes: traffic on our
2 streets, change in the quality of our life, create
3 noise, remove some parking in some instances, and
4 the construction could possibly compromise the
5 integrity of many of the constituents' homes.
6 This is a major concern for the constituents, and
7 they're not quite sure how they're going to be
8 able to deal with the developer if their home's
9 integrity isn't the same after this building is
10 being constructed.

11 I've worked with the community on the
12 11th Street Bridge, and there were claims that
13 when the bridge was being built it also caused
14 damage to houses. So we're very concerned, and
15 the ANC would like to put on record that we really
16 need to understand how the developer is going to
17 work with the community when it comes to the
18 integrity of the existing homes that are directly
19 next to this property.

20 It is also important that the community
21 understands and that the developer follows the
22 process and make sure that they start work when
23 they start work at the time that they're allowed
24 to, not before and not later. We've went through
25 many different times that not this developer, but

1 many developers have not done that. And so I've
2 gotten a lot of calls from community members
3 explaining this.

4 As far as the community benefits package,
5 yes, the developer is doing many things in the
6 community. He named quite a few buildings that
7 they've rehabbed and reconstructed, but that's all
8 part of being an owner. It's part of being a
9 developer. It's part of owning property. I own a
10 house. I have to keep it up. You own a building,
11 you need to keep it up.

12 So those benefits of keeping up a
13 building and restoring, that's something that
14 should happen whether I'm a homeowner or I own a
15 piece of property that's a commercial piece of
16 property. We don't think that those are all --
17 the only benefits that the community deserves, and
18 that's why today we submitted a community benefits
19 agreement so that we can talk about and hopefully
20 come to an agreement.

21 We are submitting it today -- I will be
22 submitting it today in front of the Zoning
23 Commission, and I hope that you will help support
24 this community agreement. I'm not sure that is
25 your position, but we would hope that Four Points

1 and any other parties would work with us in an
2 expedient manner to get this agreement done and
3 signed.

4 And I want to tell Stan and his team that
5 we do applaud the work that you do in the
6 community. The community isn't against
7 development. We welcome development. But we
8 welcome smart development, development that shows
9 -- that helps with the character of the
10 neighborhood. And that's basically all I have to
11 say tonight.

12 Thank you.

13 CHAIRPERSON HOOD: That was very well
14 done.

15 Very helpful to me, and I'm sure my
16 colleagues.

17 Let me just ask this question, though:
18 are you aware that there's a construction
19 management plan in the record?

20 MS. FULLER: Construction management
21 plan?

22 CHAIRPERSON HOOD: Yeah.

23 MS. FULLER: No, I haven't seen it.

24 CHAIRPERSON HOOD: Well, we need to make
25 sure that she sees it. Some of her questions may

1 be addressed, Mr. Freeman, right there, in Exhibit
2 75. I'm getting better. Anyway, it talks about
3 the hours of work, with not working something
4 about Saturdays and some other things in there
5 that may be very beneficial to the community. You
6 might want to take that back to your ANC as well.

7 Mr. Freeman, did the -- when we did this
8 in 2008, or whatever year that was, didn't we have
9 an ANC -- did the ANC support this? There was an
10 ANC -- the chairperson usually fills in when
11 there's not a single member district commissioner.

12 MR. FREEMAN: So I'd have to double check
13 the record. I did not go to any of the ANC
14 meetings. But I know Stan met with everybody.

15 CHAIRPERSON HOOD: See, I just want to
16 know if we had one in the record because that's
17 one of the things this Commission -- we don't?
18 Not previously?

19 MR. VOUDRIE: The ANC -- Greta is correct
20 that before the final action hearing, ANC did not
21 take action at their meeting when I presented. We
22 presented to the ANC, and they didn't take action.
23 We had presented to the ANC over the years because
24 we originally submitted in 2008 and had many
25 meetings throughout that time. So some of those

1 -- Commissioner Fuller was the ANC Commissioner as
2 well as Commissioners before her. And she's
3 absolutely right, there was a brief moment in time
4 where there was someone that had been elected that
5 stepped down and no one else had been appointed.
6 And the ANC was unable to get a quorum on the
7 night of the meeting in question.

8 CHAIRPERSON HOOD: Let's take the ANC out
9 of it. Did anybody else come down and testify
10 from the community?

11 MR. VOUDRIE: Charles Lindsay came and
12 read a letter from Councilman Barry into the
13 record on that evening.

14 CHAIRPERSON HOOD: Okay.

15 MR. VOUDRIE: And a number of others
16 similar --

17 CHAIRPERSON HOOD: You helped me to
18 remember. Did we have any residents come down?
19 Because I'm trying to figure this out. I know
20 Mr. Lindsay came down. I've seen him a few times.
21 But did anybody -- did we have any witnesses?

22 MS. FULLER: I know Charles Wilson also
23 came, but he did not speak on behalf of the entire
24 ANC.

25 MR. VOUDRIE: And Alex Waldou who is a --

1 CHAIRPERSON HOOD: So we did have --

2 MR. VOUDRIE: -- property owner --
3 property owner on Martin Luther King came and
4 testified as well.

5 CHAIRPERSON HOOD: Okay. Okay. You all
6 got a good memory. So we did have somebody to
7 come down and testify?

8 MR. VOUDRIE: Yes, sir. There were
9 multiple other testimonies that evening.

10 CHAIRPERSON HOOD: And I'm not -- what
11 I'm saying is typically those are some of the
12 questions we usually press. If somebody doesn't
13 come and we wonder where is the neighborhood,
14 silence sometimes means we are all in concurrence.
15 But in your situation, silence meant that nobody
16 was -- at least in the leadership position in the
17 ANC in your single member district?

18 MS. FULLER: One of the things from
19 reading the transcript, you press. You pressed
20 hard. Like, where is the community? What
21 happened, et cetera. And what he's probably
22 bringing me is what Charles Lindsay specifically
23 said, that we needed a community agreement. And
24 he asked Dan Voudrie of Four Points to bring that
25 community agreement to the community and work

1 something out, but that actually never happened.

2 CHAIRPERSON HOOD: Never happened. Okay.

3 So the Commission did ask that. Because I know

4 how we usually operate. Okay. All right.

5 Anything else? Any other testimony?

6 (No response.)

7 CHAIRPERSON HOOD: Okay. Mr. Freeman, do

8 you have any cross-examination of ANC?

9 MR. FREEMAN: No, sir.

10 CHAIRPERSON HOOD: Okay. All right.

11 Commission Miller?

12 COMMISSIONER MILLER: No, I just wanted

13 to thank Commissioner Fuller for her testimony and

14 your service and diligence as an ANC Commissioner.

15 If you can work with Sharon Schellin, our

16 secretary, to make sure that we have in our record

17 the ANC authorization, that the testimony -- that

18 you are the representative of the ANC. We have

19 the letter. We have the letter, but if you can

20 just work with Ms. Schellin on making sure that we

21 have in our record --

22 MS. FULLER: I will.

23 COMMISSIONER MILLER: -- the proper

24 authorization.

25 MS. FULLER: Thank you.

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1 CHAIRPERSON HOOD: Yeah, tighten up our
2 record.

3 Okay. Let's go to organizations and
4 persons who are here in support. We do support
5 first. Anyone who would like to testify in
6 support? Everybody is pointing to Mr. Motin over
7 there, so he must be in support.

8 They were pointing to you. Oh, okay, you
9 come in first. They pointed to you then they
10 came. Okay. I see how that's going.

11 We're going to bring everybody up.
12 Everybody come up. Everybody who is here in
13 support, who wants to testify in support.

14 MR. FREEMAN: Good evening.

15 CHAIRPERSON HOOD: We'll start with you.
16 If you can introduce yourself.

17 MR. FREEMAN: My name is Kamal Freeman,
18 Co-owner of WEACTION Radio located at 1918 Martin
19 Luther King Avenue in Historic Anacostia. I had
20 the pleasure of working with Mr. Voudrie on a
21 number of programs that address gentrification of
22 our city. So I know that the thrust of this
23 project is for the improvement of the community
24 rather than merely another economic opportunity to
25 expand gentrification into our neglected section

1 of Washington. I can ask any questions about it,
2 but I know that for a fact that the art district
3 is something that is important to him. It's
4 important to our Mount Leaseholder at Arch
5 Development. And then lack of artist housing is a
6 problem that needs to be addressed, and this
7 project is doing that.

8 I don't like the term "affordable
9 housing". I wish we would use the term "workforce
10 housing" because a million dollar house is
11 affordable to somebody. So we need to sanitize
12 the language. I think that he needs to be
13 commended that he's offering housing at 6 percent
14 AMI. I think those issues within itself is
15 addressing the plight of the economic diverse
16 community of Anacostia.

17 So I'm in full support of the project and
18 I hope that this board sees fit to approve it.

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Next?

21 SECRETARY SCHELLIN: Turn your mike on.

22 CHAIRPERSON HOOD: Turn your mike on.

23 MR. DAVIS: Hello?

24 My name is Darren Davis, and I'm the
25 owner and principal broker of Anacostia River

1 Realty. We specialize in real estate on east end.

2 CHAIRPERSON HOOD: You can go ahead.

3 MR. DAVIS: Oh, okay. I'm sorry.

4 We specialize in real estate east of the
5 river in D.C. As a person working in the area
6 every day and specialize in that area, I can tell
7 you, there's definitely a need for affordable
8 housing. There's a need for development, and I'm
9 in sole agreement with this project.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 Next?

12 MR. MOTEN: My name is Ronald Moten.

13 CHAIRPERSON HOOD: Somebody, we're
14 getting feedback. Oh, he turned his mike. There
15 you go.

16 MR. MOTEN: My name is Ronald Moten, the
17 community activist. I've been working in downtown
18 Anacostia for some time now with a lot of the
19 citizens in this particular area. And I can tell
20 you, I call it housing for all is needed because a
21 lot of people still can't afford the rates that
22 are coming with this package here. But this is
23 definitely -- if somebody is not supporting this,
24 I think there's something wrong with it. Because
25 just for somebody making \$30, 40,000 a year, they

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1 have the opportunity to live in Washington, D.C.
2 is a great thing.

3 And what I want to do is work with
4 developers and people who are willing to work with
5 people in the community and help nonprofits and
6 people in this area build the people up who live
7 there. And every time that people that I know
8 have called on this man who is a developer to help
9 the community and help with the young people who
10 we want to build up to live in this community, to
11 stay in the community that their grandparents and
12 great grandparents grew up, have the opportunity
13 to stay there, stay there.

14 So I believe that he's committed to this
15 community. I've dealt with a lot of developers;
16 I'm not even with most developers. I think most
17 of them are garbage. I think they don't care
18 about the communities that they come in. But this
19 guy has shown time and time again that he cares
20 about the people he -- from what I see with my
21 eyes. Can't speak for everybody else, but I can
22 tell you that he's been for the people. And I
23 think that he will work with the community, and he
24 doesn't come across as the person who will make a
25 bunch of promises and then don't keep them. And I

1 think that's what we need, you know, in our
2 communities.

3 CHAIRPERSON HOOD: All right. Thanks.

4 Next?

5 You seem to want to go last. You must
6 going to wind it all up.

7 (Laughter.)

8 MR. McDUFFY: Hi, my name is Anthony
9 McDuffy. I work at Anacostia River Realty. I'm
10 part of the education department there, helping
11 individuals who live east of the river, by east of
12 the river. And this development here that Mr.
13 Voudrie is offering to our community, I definitely
14 see it as a plus. I support it. I live off of
15 Martin Luther King Avenue, and I catch the bus to
16 work. And I live maybe five blocks from where the
17 development is at. And I'm for it.

18 The bus stop situation, a bus comes in
19 front of where I live at. And I'm happy that I
20 can look at my watch and say, hey, the bus will be
21 there in three minutes, and I can hop on it and go
22 down the street to work. So I definitely support
23 this project.

24 CHAIRPERSON HOOD: All right. Great.
25 Thank you.

1 Next?

2 MR. GUALTIER: My name is Anthony
3 Gualtier. I'm here representing the Ward 8 Arts
4 and Culture Council because I'm the lucky guy who
5 got to not go to the dance performance that's
6 opening tonight at the Anacostia Arts Center
7 because it's a pleasure to be here with all you
8 all.

9 And I --

10 CHAIRPERSON HOOD: I don't know if I
11 believe it. It's a pleasure to meet with us?

12 (Laughter.)

13 MR. GUALTIER: It's interesting, to say
14 the least, than seeing people dancing, you know.
15 I'll see it tomorrow. Please go out there and
16 support us and go see Ms. Jessica Thenson.

17 As a matter for the record, only two of
18 our members are residents of ANC8A06. Okay. They
19 live on Valley Place near Mr. Camille of the
20 Concerned Citizens of Anacostia. And I'm just
21 here -- you have our letter of support on the
22 record already that we attached. Our chairperson,
23 Ted Downy, submitted that.

24 As a matter of consistency for the
25 record, since I gave testimony to Mr. Bowser

1 during the Arch Crit of Economy thing that I was
2 personally in support of affordable housing which
3 -- is correctly called the workforce housing,
4 housing poor people working status. We are
5 definitely in support of this project and
6 regardless of the window sizes, not all artists
7 like to be spectacles. We support this proposal,
8 this amendment to the proposal, for the increased
9 ceiling heights that will permit our artists to do
10 larger work so we could have sculptors in there
11 because typically these units are for visual
12 artists. Okay. These are not for dancers, and
13 they're not for people doing large-scale works of
14 art that are 50 feet tall or whatnot where you
15 need a warehouse. But even just a couple feet
16 will help our artists to be able to craft
17 reasonably large works of art. And so for that
18 reason, we are in support of this amendment to
19 what we are in support in the first place.

20 And that wraps it up for me. So I
21 definitely hope you-all come and support the
22 Ward 8 Arts and Culture Council and see our
23 performances at Anacostia Art Center.

24 CHAIRPERSON HOOD: Okay. I want to thank
25 you, and I thank you for reminding me. We do have

1 a letter of support, as you've already mentioned,
2 from the Ward 8 Arts and Culture Council. So just
3 like you mentioned, I try to always recite the
4 letters in support, and I missed that one. And
5 it's our Exhibit 76. Okay.

6 Any questions of this panel?

7 (No response.)

8 CHAIRPERSON HOOD: All right. It seems
9 like you guys are very active and keep up the good
10 work.

11 Let's see if we have any cross?

12 Hold on, you might -- you can't get away
13 that easy. Let's see if we've got any cross.

14 Mr. Freeman? Where is Mr. Freeman?

15 Mr. Freeman left?

16 Oh, so you don't have any -- Mr. Freeman,
17 do you have any cross?

18 (No response.)

19 CHAIRPERSON HOOD: Okay. Does
20 Commissioner Fuller -- is Commissioner Fuller
21 around? Does she have any cross?

22 Well, maybe -- okay, so you might not
23 have any cross, because you didn't hear what they
24 said.

25 Do have any -- so you probably don't have

1 any cross. Do you have any cross of anybody at
2 the table?

3 MS. FULLER: No.

4 CHAIRPERSON HOOD: Okay. Thank you all
5 for what you do and keep up the good work.

6 Okay. Let's go to persons in opposition,
7 if you would come forward.

8 Okay. You may begin.

9 MR. WHITE: Hello, my name is David
10 White. I'm President of Chicago Shannon Civic
11 Association, an Army veteran and retired D.C.
12 Firefighter. I'm in opposition to this because
13 it's not that I don't want people to have a place
14 to stay or a place to live, but I've been living
15 on -- I bought my house on Chicago Street in 1986.
16 Okay. The property that they're seeking to
17 develop has always been vacant, of which we
18 thought somehow, some valuable commercial or
19 commercial development would come that would
20 uplift the community. The last thing we need is
21 more density on that corner.

22 Okay. If all of the residents who live
23 on Chicago Shannon, much of them are elderly,
24 could be here tonight with me, they would have
25 made this pilgrimage.

1 I think it's sad that the community
2 that's being negatively impacted by this, the
3 constant banging, the slamming, the destabilizing
4 of our homes and the residential street. It's --
5 to say the least, for me in the morning at seven
6 o'clock and you hear slamming and banging and you
7 retired, you don't want to hear that.

8 Unfortunately it seems this plan is going
9 to find its way to approval. There are a lot of
10 questions and a lot of problems I have with it.
11 There are houses that are going to be abutting
12 that particular property where they'll be able to
13 see right down in the back of these people's
14 houses.

15 Most of these houses, the bathroom's in
16 the rear or the bedrooms are in the rear which
17 give them a peeping Tom access to some of these
18 people's homes. The level -- it's bad enough as
19 it is on Chicago Street that you have people who
20 don't live in the neighborhood that shortcut
21 through the neighborhood back and forth to get to
22 the subway station. That's not going to curtail
23 those people who inhabit this building from doing
24 the same.

25 Again, I love the people of Ward 8, I

1 love this city, but when it comes down to housing,
2 just like the gentleman said, that affordable
3 housing thing, we need to change the dynamics of
4 that word because from my residence it sounds like
5 we're going to be overrun with undesirable
6 individuals who are going to only undermine the
7 median income in the community and further chase
8 away any quality developers who would come in and
9 bring the type of development that we had hoped
10 for, of which this particular property is going to
11 consume that area.

12 We have myriad issues with this. By the
13 time we found out that this project was coming,
14 most of the residents of Chicago Shannon were
15 dumbfounded. We didn't get a walk-through, hand-
16 by-hand, step-by-step analysis of this project.
17 And that's why I'm here. And I'm sure you sitting
18 there watching, my face was twisted left and right
19 because I'm hearing all of these people who don't
20 live on Chicago Shannon talking about, oh, we're
21 for it, we're for it. But they're not going to be
22 negatively impacted by this level of density in
23 the neighborhood in any capacity.

24 Okay. Again, I'm not for -- I'm not
25 against anyone having a place to stay. I

1 understand that Ward 8 has been in -- east of the
2 river, if you will, has been inherently designated
3 as the dumping ground for folks who don't have
4 anywhere else to go. And unfortunately, to
5 install that level of density on my residential
6 district after 44 years of being in that
7 neighborhood, it's untenable to us. And I would
8 like to think before you make any decision on
9 this, you take a good look at King Avenue. If you
10 were a descendent of Dr. King, if you were Dexter
11 or Martin the Third, would you be proud of the
12 conditions of that Avenue, and would you add more
13 density to it? That's not going to do anything at
14 all. When you put that apartment building in
15 there, the majority of those people will be at
16 least three miles away from the nearest grocery
17 store.

18 This is poor planning. And some areas in
19 Ward 8, we got a charter school next door to a
20 charter school on prime commercial property. Who
21 is doing the planning here? It's insane. And
22 then to put that type of density on that
23 particular corner where you have all residential
24 houses, the majority of those people that live
25 there are elderly and they have a vested interest

1 in the community.

2 You're talking about putting that
3 rotation property where most of the people will
4 not have a vested interest in the community.
5 They're just going to be there. It's just a place
6 for them to hang their heads.

7 Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 Next?

10 MR. BOURGUIGON: Thank you. Yeah, I
11 think maybe the frustration also may come from the
12 fact that they're in very -- I feel, you know,
13 there was very limited participation in the first
14 source. The record shows that, you know, there
15 were no testimony from the ANC in term of citizen
16 or residents who actually testified during the
17 public hearing. And I believe there is only
18 Charles Wilson, and he didn't say he was in favor.
19 He said, that the ANC was in the -- didn't read --
20 basically there were no opinion on the project,
21 but there were actually concerns about the scale
22 of the project.

23 So that's in the record actually, but
24 that was never really addressed. So I think it is
25 very important to understand that.

1 Somehow the project has just made its way
2 through and this is where we are at now. So now
3 the community -- what's very frustrating is that
4 stage one is approved, and now every time we get
5 this new scale, this new -- and we have very
6 limited scope for influencing, even when it come
7 and not. I mean, the first meeting we get -- I
8 mean, you know, why you didn't remember last time
9 this building is because it was just after Barry
10 Farm. And it was very intense, which we
11 understand what's happening. Barry Farm is also
12 very unacceptable. I say a lot of debate and then
13 after we discuss that building, and nobody really
14 commented on it. Nobody really picked out that it
15 was -- it would become the largest building in the
16 area, that it was a building that was -- qualifies
17 in the staff report as a regular model building
18 that you can see anywhere in Washington, D.C. A
19 lot of things were picked up, and then as soon as
20 we saw that, we had as a community to meet after
21 work and spend hours -- hours, you know,
22 discussing, meeting, reading regulations, to put
23 pressure on the developer because we have to put
24 pressure on the developer to make him change is
25 plans.

1 Because it's very difficult. It's very
2 easy to have -- I have a lot of respect for Mr.
3 Voudrie. I think he is doing some good things,
4 you know; but when you invest in a property that
5 he owns -- it is his property. I mean, I don't
6 see how other people benefit. So he's doing good
7 things. At the same time, on that project I feel
8 he is being greedy.

9 So on that regard, you know, what you
10 think is improvement here, you have to understand,
11 we are to fight a lot for them, and they are
12 actually minimal to what we've been asking.

13 And I also want to emphasize again, we
14 always -- because we bring opposition to his
15 project, what we -- the only project we're having
16 now along MLK are for the low housing project.
17 And I don't think anybody is against the project
18 in that area. I mean, we're all for that. I
19 mean, even, you look at the first plan, it was
20 only 8 percent affordable housing. And I will
21 explain why Mr. Voudrie proposed that first. And
22 I think it's enough. But to go from 8 percent up
23 to 80, and the building across the street is 150
24 units, it's 100 percent, most people -- you just
25 get a new approval to one block away have a 60-

1 unit affordable housing.

2 And at the same time, when the city owns
3 something northwest, what they do is do is a
4 hotel. And people -- they allow people to either
5 put outside for affordable housing east of the
6 river are saying it's for the benefit of the
7 public, and, you know, I don't think they comprise
8 their regulation on site. And that's very
9 frustrating because the regulation and the plan is
10 so clear, you know. And even I think the
11 inclusionary zoning is clear. What we want is a
12 mixity of income, a mixity of tenure, because
13 we're going to talk a bit about tenure.

14 I think only rental here. Always rental.
15 Ownership -- ownership is important. It's in the
16 record during the first stage. A PUD has been
17 approved with that understanding. It does have
18 approval of Mr. Barry with the understanding that
19 there would be ownership. And there was a need
20 for that.

21 So let me go back to my testimony a bit,
22 and quickly I'm going to try to go through that
23 and bring some facts and afterward you will be
24 able to do what you want with them.

25 So I think the character of the building

1 has been a big concern of the community, and we've
2 been very disappointed when we saw the set down
3 report that basically gave approval for the
4 initial design of the building. We saw a lot of
5 information that was factually incorrect and a
6 complete disregard to the actual character of the
7 neighborhood. We had a lot of back and forth with
8 the staff trying to explain to them why we think
9 it's compatible, and we never were really about to
10 have them change their mind. They always, you
11 know, just say it's fine. So we always end up
12 fighting after we go back to the developer and try
13 to make him change.

14 One thing, for instance, in the set down
15 report: if you read it, you will see that it says
16 that the proposed building which was the first
17 one, so there are no bricks in it, hello, would
18 help preserve the neighborhood character, as the
19 building hides will be reflective of some of those
20 in the eastern district across MLK.

21 To be clear, there is no such high
22 building in the area. Okay. So this is
23 completely -- this is incorrect. Let's be clear.
24 The only building you will be able to compare
25 would be the building at 21 -- 200 -- 2100 MLK,

1 that Mr. Pebbles constructed 20 years ago, I
2 believe, and it's considered, but HPO has a
3 controversial building for its scale.

4 So let's be clear. You know, here you
5 may go ahead with this type of project; but, you
6 know, we know what's happening with the fabric of
7 the neighborhood. We know what's happening with
8 the character of the neighborhood. We're losing
9 it.

10 Okay. And the more you're going to
11 approve a project like that, the worse it's going
12 to get because every time there is a new project,
13 this becomes a reference for the next one. So
14 this is what we're getting. And this is a small
15 -- this is the smallest building of what's coming.
16 So that kind of sets the stage.

17 So I think even though we had a lot of
18 interaction with Mr. Voudrie, we made rules,
19 formulated or -- we've been very rigorous in
20 writing things, okay. But in response, we usually
21 don't -- we've got e-mails but not a response to
22 all your comments.

23 So what you saw is after we first
24 commenced, okay, where we brought the developer's
25 responsibility. He did that. And then we submit

1 new comments to do more. We would like to see
2 more bricks, something that is more in the
3 character of the District.

4 I will not expand on that, but we put
5 some information explaining what it means, but
6 clearly more bricks. And since then, we were ANC.
7 And ANC, we discussed another controversial
8 project now. It's a school that Mr. Voudrie want
9 to do that is kind of out of scale for a District
10 building. We had a hearing this morning and would
11 actually fit pretty well on the PUD. So, I don't
12 know. It would be a good thing to consider
13 everything -- is if we do need a good school that
14 maybe we should have it on that side, and maybe
15 it's a lower-scale development that would really
16 fit very well here because so far what has been
17 proposed is being considered out of scale, and Mr.
18 Voudrie decided to withdraw the application.

19 So I think there has been very limited
20 interest in the character, and we hope we can
21 together work on something that would actually be
22 better.

23 The other thing is public benefit and
24 amenities. I mean, the entire logic behind a PUD
25 is public benefit and amenities, you know. You

1 give more rights to the developer. We won't get
2 more in public benefits and amenities. That's a
3 basic truth. And here we're talking at the rule
4 of the PUD. You know, it's a significant change
5 compared to what the developer has a matter of
6 right. You know, because it used to be anywhere
7 between 45 to 65 in terms of height, and now it's
8 going up to 90. You know, so there are a lot of
9 things. But the public benefits and amenities,
10 I'm not clear.

11 Sometime we've got leased -- sometime is
12 going to release the bike racks as a public
13 benefit or amenity. I'm not sure what it is, why
14 actually bike racks are going to be used by the
15 residents. I mean, what do we get out of that?
16 You know, how it is, -- you know, just the
17 regulation is clear. This benefit has to be
18 measurable -- measurable and yet viable -- and
19 they have to be proportional to the additional
20 rights the developer gets. And I think now there
21 is not a comparison of what could have been done
22 as a matter of right and what is being done, and
23 no way to evaluate what we could expect.

24 So now we are trying to get, you know,
25 what we get is through facts to the amazing view

1 of a project that is going to steal all of it. So
2 you know, that's a bit, you know, ridiculous.

3 So let me go quickly here. Okay.

4 Affordable housing, we are in favor of that.

5 There's no problem with that. I want to raise the
6 fact that during first date 8 percent was
7 proposed. The Commission ask why only 8 percent,
8 and Mr. Voudrie said, and it's in the record, that
9 there are a number of -- he basically said there
10 is frankly a lot of affordable housing in the
11 pipeline. So basically he was saying, there is
12 too much affordable housing in the pipeline to
13 commit to more of them which suggests it might not
14 be the best thing.

15 But, again, I want to make sure that when
16 I'm saying that I want us to have a fair share of
17 affordable housing, you know. So I think it's
18 very important for any development. But, you
19 know, I wish we had something a bit more balanced
20 between what's happening now and what's happening
21 in southeast. It's kind of a bit ridiculous. I
22 am waiting for someone to write something about
23 that because that's bad housing policy. It seems
24 like we're back in the '60s or '70s, you know.

25 So all those things, that's important.

1 We talk about affordable housing. We talk about
2 what truly is important. And Mr. Voudrie got the
3 -- Mr. Lindsay when he came, he said, what do we
4 need is ownership. And it's in the records. One
5 of the very -- one of the understanding behind the
6 support of the entire thing is it is going to
7 bring ownership. So when are we going to see
8 ownership? When? And I think it would be good at
9 some stage to have some commitment, some clear
10 picture about the entire project what's going to
11 come.

12 Eighty percent now. It was 8 percent at
13 first. Now we have 80 percent on that side. So
14 what's happening next? Is it going to be -- since
15 we have BK, which is 100 percent affordable
16 rental, Mr. Peebles get his -- also is good deal.
17 I mean, it's just, you know, this is the only
18 thing we're getting here. Where is the mix?
19 Where is the mix of income? Where is the mix of
20 tenure? I'm sorry, but the regulations are clear.
21 Maybe everybody needs to go back to the
22 regulations, look a bit. You know, what are we
23 doing? You know, so that's very frustrating for
24 us.

25 So I hope in that case if we could ask, I

1 don't know how we get that -- how to deal with
2 that, but how can we get a better picture, a
3 better commitment on what's going to happen in
4 term of tenure and income mix.

5 I don't want to, every time we have to
6 keep an eye on what's going to happen. I mean,
7 could the developer commit to a healthy mix of
8 proper ownership and rental and affordable
9 workforce and market, just a healthy list? And
10 let's plan ahead so that, you know, why can't we
11 do that?

12 So as benefits change, we will discuss
13 that, but we should have some form of commitment.
14 And, again, ownership, please. We need a mix, you
15 know.

16 And I think this is my last point. What
17 we are seeing here is basically the first -- it's
18 a very large project. And we are concerned about
19 how it's going to affect the view we have and the
20 light we enjoy. This is this project, and this is
21 what's coming next, the 90 feet building, you
22 know.

23 Anacostia has been disconnected from the
24 rest of the city by the freeway. And it's -- you
25 know, it's been a major issue, but people actually

1 have always been connected visually to the entire
2 city. And that's created this amazing
3 neighborhood with people who are actually lucky to
4 discover it and who don't have this preconceived
5 idea of actually this could be a very nice
6 neighborhood.

7 The thing is what is -- and people have
8 it from the street in many places and from their
9 house. Some people only have, like, windows that
10 shows you the view. Some people may have the full
11 project and enjoy the view, and we have all of
12 that. But what's happening here with what
13 happened? And many people have that warranty when
14 the PUD hasn't been approved because the
15 regulation didn't allow the building to go up to a
16 certain height. But what happened?

17 And the PUD was again, not approved.
18 There were no ANC commissioner representing us. I
19 think it's amazing. And what's up -- what
20 happened with that, it just raised the entire
21 development to 90 feet and I made some rendering
22 because I asked -- and I had to make some
23 rendering to try to understand how this would
24 impact. And many of the people in Historic
25 Anacostia -- and I will give a copy of the raised

1 view -- and basically are probably going to lose
2 their view to the Capitol. And this does have an
3 impact on the quality of life. It does have an
4 impact on the market value of the house, but this
5 has been ignored so far. So what's going to
6 happen to those people? Well, like, you know, we
7 just have to say, okay, well, no we don't live in
8 200 feet so, you know, we're not that important.
9 We don't have too many -- enough lawyers in the
10 neighborhood to actually go and bring everything
11 -- inform everybody of the code. This is what --
12 you know, it's what's happening now.

13 So how -- when are we going to have a
14 reconsideration, for these type of issues? And I
15 think many steps have been burned at the first
16 stage, and for instance as far as the scale of the
17 building is concerned. I think it will be
18 important either from the Commission, the Zoning
19 Office, or the developer to have a genuine impact
20 assessment on the view from public spaces and from
21 houses. There is not that. You could do flight
22 tests. You could do other things. And I don't
23 want us to come back when the next -- when the 90-
24 foot building come and just come 90 feet, and we
25 have to fight against all of that. And people are

1 going to say, ah, it's already approved at PUD
2 stage one. It's too late. I mean, really? This
3 is how we do planning here? I mean, that's
4 frustrating.

5 And also, if we do recognize that the
6 view is a great asset, it's a great asset for
7 Anacostia. Why is it that PUD doesn't have the
8 plans out where people could enjoy that? There
9 are so many creative ways to create an amazing
10 space. The street could be allowed to create a
11 plaza where people -- some people -- because
12 people are -- some people are going to lose their
13 view for sure. But now maybe, you know, you need
14 to lower a bit and also you need to create the
15 public spaces that people who have enjoyed this
16 view for a very long time, sometimes, and people
17 who paid for -- you know, who are living there --
18 can continue to enjoy that. And not just on the
19 front -- on the roof of a private building, a
20 public space. This is -- we are talking about
21 public benefit and amenities. Create along
22 W Street a real public plaza so that, like, people
23 can actually come there the same way you can see
24 sometime by seeing in Columbia Heights, or you
25 have places like that, like a public space where

1 people can all enjoy the view.

2 And I think -- I don't know when we're
3 going be able to -- if we're going to have an
4 opportunity to reopen this discussion, but I
5 really feel there are a lot of issues with this
6 project and if you just move on as-is that's going
7 to be a very disappointing result.

8 Thank you.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Let's see if we have any questions of
11 this panel up here?

12 (No response.)

13 CHAIRPERSON HOOD: Anybody?

14 (No response.)

15 CHAIRPERSON HOOD: A couple of
16 statements. You mentioned Barry Farms. When we
17 first did this in 2008, I don't remember Barry
18 Farms being in front of us. You're talking about
19 recently?

20 MR. BOURGUIGON: Yeah.

21 CHAIRPERSON HOOD: Okay. Now you --

22 MR. BOURGUIGON: For the set down report.
23 For the set down report.

24 CHAIRPERSON HOOD: Oh, for the set down.
25 Oh.

1 MR. BOURGUIGON: This is the first time
2 you saw the design of the -- the actual design of
3 the building because everything was pretty broad
4 before. So this is actually --

5 CHAIRPERSON HOOD: That's a first-stage
6 PUD.

7 MR. BOURGUIGON: Yeah, the first stage
8 was pretty general.

9 CHAIRPERSON HOOD: Yeah, that's what a
10 fist-stage PUD is.

11 MR. BOURGUIGON: Yeah.

12 CHAIRPERSON HOOD: And then we come back
13 with the second stage.

14 MR. BOURGUIGON: Yeah.

15 CHAIRPERSON HOOD: And right now building
16 one is the second stage.

17 MR. BOURGUIGON: The second.

18 CHAIRPERSON HOOD: So that's exactly --
19 and it was prescribed exactly how it happens. Not
20 just over there, but in the whole city.

21 One of the other things -- you're making
22 comments about the PUD. Are you familiar with
23 zoning revision review that the Commission did?

24 MR. BOURGUIGON: No, I unfortunately
25 didn't have time. I was very busy working on

1 these things.

2 CHAIRPERSON HOOD: Well, let me just say,
3 you brought up some points in our PUD -- did we do
4 the PUDs? We're going to. We did it. Yeah.
5 Okay. We do so much. We rewrote the whole code
6 or we're in the process of rewriting the whole
7 code.

8 Some of the information that you got
9 would have been very helpful at the time that we
10 were doing this. I realize you were busy, but,
11 you know, they always say when you want somebody
12 to get something done, give it to a busy person.
13 And we just rewrote the code from 1958, and we
14 spent a lot of -- it took it seven years. I think
15 it was eight because we started with the round
16 tables. But I'm commenting on some of the things
17 you said.

18 Now, are you aware that this case also
19 goes to the National Capital Planning Commission?

20 MR. BOURGUIGON: No.

21 CHAIRPERSON HOOD: Okay. Because you
22 talk about views of the Capitol, and they take
23 that very serious.

24 MR. BOURGUIGON: (Off microphone.)

25 CHAIRPERSON HOOD: National Capital

1 Planning Commission. Okay.

2 I'm just trying to help you because
3 obviously -- now, how long have you been over in
4 that area?

5 MR. BOURGUIGON: A year and a half.

6 CHAIRPERSON HOOD: A year and a half.

7 MR. BOURGUIGON: But I've been living in
8 D.C. for ten years. National again?

9 CHAIRPERSON HOOD: Okay. And are you
10 familiar with Columbia Heights?

11 MR. BOURGUIGON: I am first to -- I used
12 to live in -- was in Mount Pleasant. It's pretty
13 close to Columbia Heights, and the -- I was --

14 CHAIRPERSON HOOD: Okay. So those
15 buildings up there now -- actually, I'm going to
16 be frankly honest. It took me some time -- and my
17 colleagues can remember -- to get used to the
18 height. I went through there today though.
19 Obviously everybody loves it because it's crowded.

20 So, you know, you talk about the policy.
21 You talk about -- but these are the way things are
22 driven, and it has the support of Office of
23 Planning. Now, I'm not going to take anything
24 away from what happened the first time because,
25 you know, sometimes silence is golden. But also,

1 I want you to be careful when you ask for matter
2 of right projects. Be very careful because if you
3 think you got someone now that you're having a
4 problem with -- and I'm not being defensive, I'm
5 trying to help you. Sometimes the matter of
6 rights can look a lot worse than what people bring
7 down here in front of us. And I'm not talking
8 about in this case. I'm talking about in general.
9 So just be careful what you ask for.

10 And another thing -- and I'm going to end
11 on this note because I'm not going to give a
12 lecture. I'm just saying I've seen a lot. You
13 know, what I have in my -- you know how I ended up
14 on the Zoning Commission? Because I have trash in
15 my neighborhood, solid waste facilities. Trash.
16 When I open my windows, it stinks. And you know
17 what? That trash is probably going to be there
18 when I'm dead and gone because it doesn't seem to
19 be going anywhere.

20 So, you know, sometimes we got to be real
21 careful, and it might look like us up here we're
22 living golden, but no. So anyway, enough said on
23 that. And I'm going to come to you, Mr. White,
24 but I'm going to go to my colleagues first.

25 Any comments?

1 (No response.)

2 CHAIRPERSON HOOD: So, Mr. White, you
3 mentioned about the seniors, and that's very dear
4 to us. As you know, the Supreme Court talks about
5 views.

6 MR. WHITE: Uh-huh.

7 CHAIRPERSON HOOD: Certain views. This
8 Commission has gotten dinged in the past about
9 trying to protect views. We can't because it only
10 goes up to the property line.

11 Let me ask you this: the seniors, it
12 seems like you're speaking for Chicago and the
13 Shannon Civic Association because you are the
14 president.

15 MR. WHITE: Correct.

16 CHAIRPERSON HOOD: What have you heard
17 from the seniors other than density? What else
18 have you heard? Are they concerned about traffic?

19 MR. WHITE: Safety, traffic, you name it:
20 Safety, traffic, property values. You know, I
21 mean, again, when you build that level of -- from
22 my vantage point -- and this is where we've
23 discussed as an organization that the city has
24 egregiously escalated the land values northwest of
25 Anacostia. And thus, you know, the land value

1 east of the river remains virtually useless with
2 the exception of thinking about the type of things
3 that the people east of the river don't want.

4 You know, you're talking about trash. On
5 a given day, we can smell Blue Plains on Chicago
6 Street. So, there's a tradeoff there. The thing
7 is, is this: when I talk to my elderly residents,
8 their primary concern is we have enough density in
9 terms -- during the day, in terms of people
10 traversing back and forth from the subway to down
11 to see their probation officers. Okay. We have
12 that type of services already east of the river
13 which in essence, you know, it makes them
14 uncomfortable knowing that we see a lot of people
15 coming back and forth through the neighborhoods
16 wearing ankle bracelets, standing around for long
17 periods of time. They're worried about the same
18 element moving in that building. Okay.

19 You can't -- I mean, you know, we can all
20 sit back and blow sunshine down each other's
21 throat that this is going to be all right and
22 nobody is going to be negatively impacted; but in
23 the final analysis, to those people who actually
24 live on that street, who bought their homes and
25 have been there for years, they're going to be

1 negatively impacted no matter what you say or do
2 in here. They're going to be negatively impacted.

3 And we're getting all the risk and maybe
4 more. I'm not asking for anything monetary. All
5 I'm asking for is guarantees that which particular
6 project, if we have to deal with it, then that's
7 exactly -- endure it. And that's exactly what it
8 means; we're going to have to endure it.

9 CHAIRPERSON HOOD: Okay. Let me -- help
10 me go there so I'll see because I know Mr. Voudrie
11 has work with that neighborhood whether you like
12 this project or not, or whether it's approved or
13 not. How can -- what conversation -- can there be
14 a conversation with you -- and especially those
15 who are rightly impacted on Chicago Street -- can
16 there be a conversation had with you, Mr. White,
17 and Mr. Voudrie? Have you-all had a conversation
18 or can there be another conversation had?

19 MR. WHITE: I would venture to say, I met
20 Mr. Voudrie maybe once or twice. Again, you
21 know --

22 CHAIRPERSON HOOD: Why don't we do this?
23 Why don't we do this: why don't I ask -- I'll tell
24 you what I'm going to ask Mr. Freeman and Mr.
25 Voudrie to do, to come back and have a

1 conversation with you, especially for those scenes
2 on Chicago Street.

3 MR. WHITE: I'd appreciate it. I mean --

4 CHAIRPERSON HOOD: Let's do that. Let's
5 try to do that and see how we go. I can tell you,
6 we've done enough -- we've done a lot of that
7 asking down here, and sometimes it doesn't always
8 come back that everybody is holding hands, but it
9 does come back that the gap has gotten closer.
10 Okay. So why don't we do that?

11 MR. WHITE: Again, I mean, that would be
12 great. I mean, --

13 (Simultaneous conversation.)

14 CHAIRPERSON HOOD: Well, that's a start.
15 Everybody is open.

16 MR. WHITE: This is esoteric to them.

17 CHAIRPERSON HOOD: Right. But I'm
18 saying, let's make that a start. Everybody is
19 open; that's where we're going to start.

20 MR. WHITE: Fair enough.

21 CHAIRPERSON HOOD: That's going to be
22 time in between the time, we're getting ready to
23 take another action and that conversation can be
24 had.

25 MR. WHITE: I'm an amenable man.

1 CHAIRPERSON HOOD: Okay, good. And
2 they're shaking their heads, so we got some
3 progress. All righty. Okay. Any other questions
4 up here?

5 Commission Miller?

6 COMMISSIONER MILLER: I want to thank you
7 for your testimony and for taking the time to put
8 it all together. But I just wanted to encourage
9 you. I'm sure you've looked at the application
10 and the materials submitted by the applicant. I
11 just wanted to encourage you to look a little bit
12 more closely with respect to a couple of the
13 issues that were discussed here tonight in terms
14 of the all affordable or all but eight unit -- all
15 but 14 units being affordable. It's really all
16 but eight -- eight are at 30 percent AMI, the rest
17 are -- which is 63. Sixty-three units start at 50
18 AMI, which is \$60,000 a year or around about. And
19 so that's the market in this neighborhood right
20 now. So it is -- it isn't simply low-income
21 housing or at least the way people perceive it
22 right now.

23 Now, there are these restrictions, income
24 restrictions. And as the land values are rising
25 and will continue to rise in Anacostia, the income

1 restrictions are just designed to a mix of incomes
2 in this important neighborhood.

3 And just to follow up on the chairman's
4 point about the matter of right housing -- the
5 matter of right. Be careful of what you wish for,
6 kind of thing. I think what Mr. Bourguignon -- I
7 think a lot of what you were talking about was the
8 first stage PUD, and you're saying it's too late
9 -- you're concerned that it's too late now. It
10 probably is. It probably is too late because the
11 comprehensive plan designates this area for medium
12 density commercial, medium density residential, at
13 least where this PUD is.

14 The adjacent area is not. It's moderate
15 density residential, but this area was. And so
16 that plan was last amended, and it may have been
17 up -- I have some recollection that Mr. Barry
18 proposed some upgrades along Martin Luther King
19 Avenue in 2010 when I was last on the council.
20 When the last amendment cycle came through, it may
21 have been upgraded. And those were all done with
22 public hearings and knowledge.

23 But I'll turn it back to the matter of
24 right. Just if you would look, as you do your
25 research, and look at the matter of right is 65

1 feet for C3A. And that's what this -- this PUD
2 the matter of right is, I think, 4.5. With a C3A,
3 it would be 4.0 if it was just C3A, just a
4 straight matter of right zoning. But they're
5 doing 2.87. So the density is actually much lower
6 than what matter of right zoning currently would
7 allow on that site.

8 And I just would encourage you to look at
9 that when -- look at those types of issues when
10 you come back to us at the -- you know, for the
11 next buildings, which I think you are going to be
12 more concerned about the higher heights, and maybe
13 legitimately so.

14 MR. BOURGUIGON: I would just like to say
15 one thing.

16 COMMISSIONER MILLER: Sure.

17 MR. BOURGUIGON: Yes, the only thing for
18 me -- the only difference with this building and
19 the other ones is a bit higher than we think is
20 happening. And there is 20 percent market value,
21 so that's off market. So that's a big difference.
22 So there is a real effort for the developer, for
23 Mr. Voudrie to -- you know, to maybe be a bit more
24 socially responsible and, you know -- but also, it
25 is also because he has a lot of stake in the area.

1 So, you know, he's the main owner.

2 But the height, this is a -- this part is
3 true, 60, 65 feet as a matter of right, but most
4 of the PUD actually ended up increasing
5 significantly, and we're talking about an addition
6 maybe five stories, six stories, sometimes. So I
7 think it's -- you know, it's a significant change.
8 It's a very good thing for a developer. It's a
9 very good deal, but everybody needs to try and
10 enjoy it. And I don't know if there is room to
11 discuss -- to create this public space where
12 people could really enjoy the view. I mean, I
13 wish, like, there is a way at some point to
14 discuss that and introduce that in the plan.
15 There is always room for change. But it's always
16 -- we need to have the developer on both because
17 now we are sort of getting, you know, to go ahead.

18 COMMISSIONER MILLER: Well, the Chairman
19 has encouraged you and the developer to have these
20 conversations and that should be part of the
21 conversation.

22 COMMISSIONER TURNBULL: I think as we go
23 forward with the next phases, those kinds of
24 discussions and questions which you talk about,
25 view shed and open spaces, will all come up again.

1 They will be discussed at that particular time.
2 So there is an opportunity to revisit it when we
3 get into those other phases about setbacks, view
4 sheds, and how the buildings are going to relate.
5 So there is an opportunity. There's another bite
6 at the apple later on.

7 CHAIRPERSON HOOD: We're looking forward
8 to the discussions that you-all are going to have.
9 I can tell you in the past they've been very
10 successful. They have been. And not all of them
11 always are, but we always are optimistic. We
12 always look favorably, and we always think
13 positive. And I'm sure -- you might not get
14 everything you want. There's got to be a little
15 give and take. But hopefully, especially for the
16 seniors, that's very critical, at least from my
17 standpoint and I'm sure others.

18 I'm not clear, did the ANC vote on this?

19 MR. FREEMAN: On what?

20 CHAIRPERSON HOOD: Are they going to vote
21 on this?

22 You can come back up to the tables. I
23 was just curious, are we going to have something
24 from -- I know we asked for something, but are we
25 going to have an ANC vote?

1 MS. FULLER: On what? On this particular
2 building, the design?

3 CHAIRPERSON HOOD: On what's in front of
4 us tonight.

5 MS. FULLER: They didn't vote on anything
6 recently. But in January I'm sure they could.

7 CHAIRPERSON HOOD: I mean, were they
8 going to vote on it, or what were they going to
9 do? What were their actions?

10 MS. FULLER: Well, the actions that the
11 ANC was taking right now was just really trying to
12 be clear on what was --

13 CHAIRPERSON HOOD: What was going on?

14 MS. FULLER: Yeah, the materials, design,
15 you know, the neighbors, different things. Yeah,
16 just really what was going on.

17 CHAIRPERSON HOOD: Okay.

18 MS. FULLER: But in January, I'm sure
19 I'll put this in front of them and take this all
20 back to them. And I think we should have a vote
21 on this. We did vote on the first part, the
22 financial part. But we never got to this because
23 I think we were constantly working their design.

24 CHAIRPERSON HOOD: Trying to understand.
25 Okay. Good.

1 Thank you.

2 Any other questions?

3 (No response.)

4 CHAIRPERSON HOOD: Do we have any cross?

5 (No response.)

6 CHAIRPERSON HOOD: Could you see Ms.

7 Schellin? The gentleman that was in support, he's
8 raised his hand about seven times. I don't want
9 to disregard him, but if it's any rebuttal or if
10 it's something you're trying to get to the
11 Commission -- not from there. We try to be
12 organized a little bit. Could you see Ms.
13 Schellin? If you see Ms. Schellin and she'll give
14 me your question.

15 We do our best. We try to be fair. We
16 try to be organized a little bit.

17 (Pause.)

18 COMMISSIONER TURNBULL: Mr. Chair, I
19 think if Commissioner Fuller could go back to the
20 ANC, because I guess what's confusing right now is
21 we do have the letter back in May to housing the
22 community development basically saying, approve
23 this project. So, there's mixed -- I know we've
24 got design issues. I mean, basically in one way
25 we've got someone saying, you're saying, go ahead,

1 we need to do this. But then there was some
2 reservation. So if we could get a -- if you could
3 bring that up, that would be appreciated.

4 MS. FULLER: I think in January, because
5 I've already spoken with a team of -- the Four
6 Point team. And we're going to try to get
7 together within the next week and discuss some of
8 our issues here tonight. I think if we can get
9 through that, when we go to the January meeting we
10 should be able to vote on that. It's not that the
11 ANC is opposed to this; we just want to make sure
12 we're doing it right and things are answered.

13 COMMISSIONER TURNBULL: Okay. It's
14 always the fine points, so that would be great.

15 COMMISSIONER MILLER: And just to follow
16 up, I assume there are new commissioners in
17 January. So the developer should be invited to
18 that meeting and be able to present and answer
19 questions.

20 MS. FULLER: Yeah, they will be invited
21 to the executive meeting before the actual ANC
22 meeting so that things can be presented and they
23 can understand. Actually, I won't be an ANC
24 commissioner again in January, but I will make
25 sure that the ANC gets all of this information and

1 they understand. I have been a commissioner for
2 eight years. I am the vice chair, and I am the
3 secretary, so I do a lot of work.

4 So I will make sure that all the
5 commissioners know what's going on and we'll
6 invite Stan as well and his team.

7 CHAIRPERSON HOOD: Well, great.
8 Especially if you can leave a trail of what's
9 going -- because we don't want to have to start
10 all over again. We've got a new ANC commissioner
11 coming in, and then we have that void again and,
12 you know, all that. So let the record reflect
13 that we thank you for your service. And we'll see
14 you back in what, four months? No, I shouldn't
15 say that --

16 MS. FULLER: That's what everybody says.

17 CHAIRPERSON HOOD: Oh, they're already
18 saying it. Okay. But seriously, we thank you for
19 your service because we know that's not a paid
20 position and it requires a lot of work.

21 Okay. Did I do cross?

22 And I want to thank the gentleman who
23 told Ms. Schellin about the definition and
24 working. So hopefully you will join them and be
25 able to with some explanations to Chicago. So

1 we'll be depending on you also to help out with
2 that whole presentation.

3 Okay. Any other questions up here?

4 (No response.)

5 CHAIRPERSON HOOD: All right. Thank you
6 all very much. We appreciate it.

7 MS. FULLER: Do I get to ask them
8 questions?

9 CHAIRPERSON HOOD: Oh, I'm sorry. Have a
10 seat.

11 MS. FULLER: Yeah, I really --

12 CHAIRPERSON HOOD: You're right. I'm
13 sorry.

14 MS. FULLER: I have a question for you.

15 CHAIRPERSON HOOD: Mr. White, have a
16 seat.

17 MS. FULLER: I didn't ask --

18 CHAIRPERSON HOOD: I'm sorry. Cross-
19 examine. You're right. Thank you.

20 MS. FULLER: Thank you.

21 CHAIRPERSON HOOD: Because we would have
22 had to have had another hearing.

23 MS. FULLER: Only a couple of questions.
24 I'm not going to keep us here. I know everybody
25 is probably ready to go.

1 David, I know you're really concerned
2 about the seniors in your houses over there at
3 Chicago Shannon. This project is really close.
4 Is there something that the developer can do or
5 that you think it can be part of the community
6 benefits agreement that will help the residents
7 understand, you know, repair to their houses, or
8 some type of commitment with the developer and the
9 homeowners to understand what's legally they're
10 liable for, et cetera?

11 MR. WHITE: You have to recognize first
12 that most of those residents have seen a vacant
13 lot for the last 30 years. And many of them,
14 again, are not apprised of this development. And
15 it's not because of apathy alone. It's because no
16 one came to them as a community and said, look,
17 this is what we're going to propose here for this
18 particular neighborhood. You know, it's just all
19 of a sudden we discover that this project is
20 coming. You know, we didn't, you know, skip ANC
21 meetings because we thought it was a waste of
22 time.

23 You know, I've been in the ANC myself, so
24 I would know if something of this magnitude was
25 proposed for any neighborhood, especially my own.

1 I would be all over it.

2 You know, when they were building the new
3 lottery building, every resident in the
4 neighborhood was -- if they weren't calling my
5 house, they were knocking on the door, you know,
6 including myself. I just renovated my bathroom.
7 Now I can see tears in the wall and the ceiling
8 from heavy trucks slamming up and down the street,
9 you know, dump trucks; not only that, but the
10 drilling, the constant pounding. All of that has
11 destabilized a lot of homes on the block. These
12 people are up in arms. Many of them aren't even
13 aware what avenues are available for them to
14 recoup any -- if there are any losses.

15 So what I had done, it says, I met with
16 you and Stan and I told my residents, take
17 pictures of every room in your house, every floor.
18 If there are no cracks or any deviations on your
19 property prior to this, then you have your
20 complaints, especially if you know that you are
21 not egregiously and recklessly destroying your own
22 property.

23 MS. FULLER: Thank you. And my last
24 question for you is about the affordable housing
25 aspect. I know residents are concern about the

1 workforce affordable housing. Do you feel like
2 the area is getting more or its fair share of
3 affordable housing, and do you know where those
4 buildings are located that are identified as below
5 market rate units?

6 MR. WHITE: Well, first of all, I've been
7 on Chicago Street for 41 years as a principal
8 homeowner. Well, excuse me, 28 years as a
9 principal homeowner. Up until this particular
10 project, I can't think of any affordable housing
11 projects that have been erected, with the
12 exception of the housing that's being built on
13 Sheridan Terrace. Okay.

14 Now, I don't know what the ramifications
15 are on how it's going to be break down. From a
16 firefighter's standpoint, I find it to be
17 substandard. I mean, you know what, as far as I'm
18 concerned with this being built with particle
19 boards and maybe one brick's width, a good wind
20 hailing off of Suitland Parkway will render that
21 entire complex on the ground.

22 Another concern of ours is if you attract
23 the wrong element of individuals to live in these
24 buildings and the management doesn't take care of
25 the properties, the whole neighborhood can be

1 negatively impacted and go down. That's something
2 else we worry about. It's bad enough that we have
3 people who come into the neighborhood. We want
4 people -- if they're going to have this, we want
5 people that are going to have a vested interest in
6 the community. And the only way you're going to
7 have a vested interest in anything is that you're
8 actually paying for it as an owner, not as a
9 renter. That's our perception.

10 Now, if you can allay that concern to
11 those residents, especially the elderly, be my
12 guest. But you're going to have to do something
13 in an effort to get them to get on board and be
14 openly receptive of this. And, again, it's not
15 because they don't want to see people with a place
16 over their heads. The bottom line is they don't
17 want to compromise what they bought and paid for
18 so somebody else can have. They don't want their
19 neighborhood being prostituted by avaricious
20 individuals who are out to cash in on the poor,
21 period.

22 MS. FULLER: Thank you. And one last
23 question for Camille. It's about the housing
24 projects that's coming to the community. Just one
25 question, and it is: can you identify or tell us

1 where those projects -- the ones that aren't
2 market rate -- as a matter of fact, are there any
3 market-rate projects, and can you identify where
4 they are? Or are there any more lower-income or
5 affordable housing as we call it?

6 MR. BOURGUIGON: No. I'm aware of now is
7 actually the 20 percent we're having on that
8 project is the only thing we are -- we've been
9 hearing about. So we just hear affordable housing
10 and it should be rental. Again, I really want to
11 emphasize the rental aspect because I think it's a
12 very different thing. Now, the site in relation
13 to the other affordable housing projects, you
14 know, that always makes us feel bad because it
15 always makes us feel like we're against affordable
16 housing which, you know, it's not that. It's just
17 a really good mix.

18 But the projects, we're talking --
19 basically BK is just across the building we're
20 talking about, just across 2250 MLK. So it's 160
21 units. And the other one Mr. Pebbles is trying to
22 build to be 60 units, and it's a block away. So
23 basically it doesn't sound very compatible with
24 the commercial corridor image. You know, we can
25 have from the values plans and, you know, what MLK

1 is described as being in the future. So it's the
2 only thing we're seeing along MLK now is that or
3 very close.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 Mr. White, the only other thing I would
6 say is the -- have you read the construction
7 management plan?

8 MR. WHITE: No, I haven't.

9 CHAIRPERSON HOOD: Okay. I would suggest
10 that either you get a copy or make sure you read
11 that. That would be very -- or maybe Mr. Voudrie
12 or Mr. Freeman will help you because I think that
13 would maybe ease some of what you just said about
14 the property and that cracks in the wall and
15 everything. There's a construction management
16 plan which is proffered in this case, and it's --
17 take a look at it. Just take a look at it and
18 read it and see what it says because that's how
19 you're going to be moving forward.

20 MR. WHITE: Thank you, Mr. Chair.

21 MS. FULLER: Mr. Chair, could you tell
22 us, or perhaps someone could tell us, where that
23 is or what attachment or what?

24 CHAIRPERSON HOOD: Yeah, we got it today.
25 Oh, let me go back to my -- see what exhibit it is

1 in the record. But somebody will make sure you
2 get a copy, either the office or Mr. Freeman.
3 They'll make sure you --

4 What is it? Seventy-five, yeah,
5 Exhibit 75.

6 I think that will help you. It talks
7 about traffic, construction control, construction
8 truck route, construction parking, regular
9 community updates, communications, site
10 management, cleanliness, work hours, it has all of
11 that. It's a good document. And it's a proffer.
12 Is it a proffer? Did you proffer this? Is that a
13 proffer?

14 PARTICIPANT: Yeah.

15 CHAIRPERSON HOOD: Okay. A lot of times
16 you know, the applicant has a right to proffer it
17 or not. So that shows that they're at least
18 trying to do what's right by the neighbors, I
19 think. Because a lot of times I don't get -- we
20 have to ask for it or push for it. We didn't have
21 to ask for this, I don't think. Maybe it's the
22 discussions you had, but it showed up.

23 MR. WHITE: I just want to take some
24 tangible information back home to the residents --

25 CHAIRPERSON HOOD: It's very tangible.

1 Very tangible.

2 MR. WHITE: I appreciate it.

3 CHAIRPERSON HOOD: Okay. Anything else?

4 (No response.)

5 CHAIRPERSON HOOD: Okay. Mr. Freeman,
6 any rebuttal or closing?

7 MR. FREEMAN: Just closing.

8 CHAIRPERSON HOOD: Okay. How long is
9 your closing?

10 (Laughter.)

11 CHAIRPERSON HOOD: I just asked, you
12 know.

13 (Laughter.)

14 MR. FREEMAN: I'll try to keep it as
15 short as I can.

16 CHAIRPERSON HOOD: I only asked because
17 if it's too long, we might need to take a break,
18 but if it's not that long --

19 MR. FREEMAN: I don't want to make it too
20 long.

21 CHAIRPERSON HOOD: Okay.

22 MR. FREEMAN: I'll actually start with a
23 couple points. As you just indicated, we have
24 filed a construction management plan, and that
25 covers a number of the items that Mr. White raised

1 as concerns with respect to adjacent property
2 owners.

3 There was a comment about traffic and
4 trips. I do want to point out for the record, we
5 did file a traffic report. And the actual number
6 of trips are nominal for this project. It's a
7 small project. Eighteen trips during the a.m.
8 peak and 26 trips during the afternoon peak, so
9 nominal amounts of traffic.

10 We did file today a written response to
11 all of the concerns that were raised in the
12 submission by CCA, so I'm not going to belabor the
13 point.

14 Just big picture, obviously we know the
15 regulations. We know the process. We've went
16 through all of that before, so we -- as you know,
17 nothing flies past the Zoning Commission. So
18 everything that happened during the first phase --
19 first stage was part of a deliberative process.

20 Public benefits and amenities are weighed
21 against the additional benefits that the project
22 is getting. Sixty-five feet is a matter of right.
23 That's where we are. As you indicated, the
24 permitted matter of right FAR is 4.8 and we're at
25 2.85. So we're well below the matter of right

1 height and FAR.

2 Views, view sheds -- again, as you
3 indicate, Mr. Chairman, the law -- there is no
4 protection for right air views across another
5 person's property. And, again, all of that is
6 detailed in our submission.

7 You, again, mentioned comp plan. The
8 development is consistent with the comp plan
9 designation for this site. And, again, that's in
10 detail in our submission. It's in detail in the
11 order for the first stage approval. It's in
12 detail in our application materials.

13 Affordable housing: you know, the last
14 time I was here we had to increase the amount of
15 affordable housing. Now, we hear different
16 things. We would say from the comprehensive plan
17 perspective, the affordable housing proposed for
18 this project is consistent with the comprehensive
19 plan. We would note the letter that we included
20 in our package from the Department of Housing and
21 Community Development, and that that indicates
22 that this is consistent with the City's plans and
23 goals for this city.

24 Public benefits and amenities, we think
25 the project includes many of them as detailed in

1 our submission.

2 And last, but not least, Commission
3 Fuller and I missed the witnesses who were
4 testifying in support because we were trying to
5 figure out a date for us to meet to kind of
6 resolve kind of what we think are some open
7 issues. So we have always been and continue to be
8 willing to meet with anyone to talk to them about
9 any issues they have with respect to the project.
10 But we do want to do that in a timely manner. So
11 we do look forward to meeting with them, and we do
12 look forward to getting back to the Zoning
13 Commission as soon as possible.

14 That concludes my closing. Thank you.

15 CHAIRPERSON HOOD: Okay. Thank you, Mr.
16 Freeman, and I will say that while you quoted what
17 I said about the views, the court said that. I
18 didn't say Anthony Hood agreed with it. But the
19 courts rule.

20 All right. Any comments or questions of
21 Mr. Freeman?

22 Okay. Commissioner Miller?

23 COMMISSIONER MILLER: Just a quick
24 question: Among the things that you might be
25 submitting back to us, which I think we're about

1 to get to recap on, if you could give information
2 on the time table for the phasing of this first
3 phase, for the other buildings in this first
4 phase. I think building three and building eight,
5 I think we're coming up to a deadline, and I just
6 want to know -- have a better understanding of the
7 timing of --

8 MR. FREEMAN: Absolutely.

9 COMMISSIONER MILLER: -- the filing of
10 the second stage for the other buildings and this
11 phase.

12 MR. FREEMAN: Absolutely.

13 CHAIRPERSON HOOD: Okay. Any other
14 questions?

15 (No response.)

16 CHAIRPERSON HOOD: Okay. Ms. Schellin
17 and Mr. Freeman, do you all want to go over what
18 we asked for -- or did we ask for anything other
19 than what Commissioner Miller? I can't remember.

20 SECRETARY SCHELLIN: Yes. I know that
21 Commissioner Fuller is leaving, but I think that
22 prior to her leaving, if she could go ahead and
23 get the ANC to provide us with a letter that
24 authorized you to represent the ANC this evening,
25 that would be great.

1 I know that you're not going to vote
2 until January, but if you could at least just get
3 Ms. Clock to send in a letter saying that you were
4 authorized to represent the ANC this evening, that
5 would be great.

6 MS. FULLER: If you would just give me a
7 moment. We actually did vote on it already. So I
8 have the letter, but I thought I sent it. I'll
9 make sure you get it when I get back.

10 SECRETARY SCHELLIN: The ANC Report?

11 MS. FULLER: Uh-huh.

12 SECRETARY SCHELLIN: Okay. So you can
13 submit that, too, because we need the ANC report.

14 And, of course, if you revote in January,
15 then you can submit a report that says it replaces
16 that one.

17 So, for the applicant, Commission Miller
18 -- Commissioners Miller and May would like to see
19 a different textured design between the fiber
20 cement and the aluminum windows, either a perfect
21 match or some differentiation.

22 Commissioner Miller would prefer the
23 brick sidewalk extend around the building on the
24 Chicago Place side. Commission May -- there was a
25 discussion regarding the elevator overrun, a

1 better perspective elevation showing the one-to-
2 one setback.

3 Commission May, regarding the side yard,
4 would encourage the applicant to think about what
5 they intend to do with it and take advantage of
6 that space.

7 Commissioner May, the live/work units, he
8 thinks it's a missed opportunity to make them more
9 -- better storefronts and to make them a little
10 more urban/commercial.

11 The solar panels, Commissioner May asked
12 that you define some limits on those.

13 Commissioner Turnbull, drawing 22, he
14 would like the roof more accurately shown. And if
15 there is going to be a big screen TV or some other
16 type of lighting up there, make sure that the
17 lighting is not going to be a nuisance to the
18 neighborhood.

19 Commissioner Turnbull, with regard to the
20 live/work units, he would not want them to be too
21 commercialized.

22 Commissioner Turnbull and Commissioner
23 Miller, with regard to the alley side, they would
24 like to see some more brick introduced to get rid
25 of some of the black.

1 Commissioner Turnbull said the corner of
2 the building may need something to accent it.

3 Commissioner Hood asked for the
4 perspectives from the areas -- other areas in the
5 neighborhood looking at this building. And I know
6 that it was coming from the first stage. So we
7 can't really just say it's exhibit such and such,
8 so we actually need you to provide those into this
9 record. So if you could provide those
10 perspectives because we need this record to be
11 complete.

12 CHAIRPERSON HOOD: Updated with the
13 height --

14 SECRETARY SCHELLIN: So you actually want
15 new ones?

16 CHAIRPERSON HOOD: Yeah, whatever we have
17 --

18 SECRETARY SCHELLIN: Because this height
19 has changed?

20 CHAIRPERSON HOOD: -- whatever we have
21 now.

22 MR. FREEMAN: So those perspectives were
23 mainly all for the other --

24 SECRETARY SCHELLIN: Other buildings.
25 They were for the other buildings, not for this

1 building.

2 MR. FREEMAN: There's like 10 buildings
3 in the old one.

4 CHAIRPERSON HOOD: Yes, I saw that. I
5 saw that. So that's already in the record; right?

6 MR. FREEMAN: Yes.

7 CHAIRPERSON HOOD: For the other
8 buildings?

9 MR. FREEMAN: Yes.

10 CHAIRPERSON HOOD: But it was an aerial
11 view, if I'm not mistaken?

12 MR. FREEMAN: They were from different
13 views. There were multiple ones. I'm happy to
14 file it.

15 CHAIRPERSON HOOD: Yeah, well, here's
16 what I like. I like live views of what really
17 exists and just -- okay, this is how this goes in
18 there to the neighborhood from other areas or from
19 what already exists. If that's there then --

20 MR. FREEMAN: We have filed perspectives
21 for this building and this case. We didn't show
22 them -- all of them, but there are perspectives in
23 our current drawings.

24 CHAIRPERSON HOOD: But most of the ones I
25 saw in this record were aerial.

1 MR. FREEMAN: Okay. So you want street
2 level?

3 SECRETARY SCHELLIN: Right.

4 CHAIRPERSON HOOD: I want street level
5 perspectives.

6 SECRETARY SCHELLIN: Street levels.
7 Okay.

8 So the applicant agree through -- out of
9 cross by the ANC to commit to no RPP and to use an
10 MLK address so that they were going to place as a
11 condition in the order.

12 Commissioner Hood asked that they have a
13 conversation with the Chicago Street seniors and
14 to report back on that.

15 Commissioner Miller asked them to provide
16 information on the phasing on the other buildings
17 in this phase of the project.

18 And that's all I have.

19 CHAIRPERSON HOOD: Nah, I saw that. That
20 doesn't do it for me. No.

21 MR. BONILLA: This is not what you're
22 looking for?

23 CHAIRPERSON HOOD: I don't want to say
24 cartoonish, but that doesn't do it for me. I need
25 to see how that building is going to sit with

1 what's -- how it is around there now, a live
2 picture of a structure in there from the street
3 view. That doesn't do it.

4 MR. BONILLA: Okay.

5 CHAIRPERSON HOOD: Okay. And if somebody
6 can convey -- let me just say this: unfortunately,
7 Mr. White left. But if somebody can convey what
8 was said because I think some of the -- this is
9 where we miss stuff. Some of the stuff that we
10 were saying is very important. That's at the end
11 of how we're going to proceed. If you can convey
12 some of that, that will be great. Thank you.

13 SECRETARY SCHELLIN: And so except for
14 that, then the record would be closed to everyone
15 else. And so we need to set dates for those
16 submissions, and I think that this -- based on the
17 fact that we -- with the holidays, we wouldn't
18 bring this back up until our February meeting. So
19 we would have the applicant provide their -- and
20 the ANC an opportunity to provide their -- well, I
21 think the ANC may need a little bit more time for
22 their report. So have the applicant provide their
23 submissions by January 12th. Does that work for
24 you guys?

25 MR. FREEMAN: Yes.

1 SECRETARY SCHELLIN: Yes. Okay. And the
2 ANC to provide their report by January 26; that
3 works.

4 And any responses to the submissions by
5 the applicant, the ANC would provide their
6 responses to by January 26th also. And all
7 submissions are due by 3:00 p.m. And then we
8 would place this on the Commission's February 9th
9 agenda for consideration for proposed action.

10 And draft, findings of fact and
11 conclusions of law would be due January 26th also.

12 CHAIRPERSON HOOD: Okay. Anything else?

13 COMMISSIONER TURNBULL: Yeah, Mr. Chair,
14 just to clarify, my comment about the corner of
15 the building, I don't want to get too wrapped
16 around the axle about it. I think it gets back to
17 the fiber cement panel issue, the aluminum panels
18 and brick. I think it gets into -- I think you're
19 going to look at the whole thing. And so I didn't
20 want to single out that as one particular element.
21 You're going to revisit the whole thing. As I
22 said earlier, I thought it was going in the right
23 direction. I think there is just some tweaking
24 that has to be done.

25 CHAIRPERSON HOOD: Okay. Anything else?

1 (No response.)

2 CHAIRPERSON HOOD: Okay. So with that,
3 we'll thank everyone for their participation.
4 This hearing is adjourned.

5 (Whereupon, at 10:02 p.m., the meeting
6 was adjourned.)

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