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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-29 [Jemal's Gateway D.C., LLC. -
Consolidated PUD and Related Map Amendment at Square
2960, Lot 17.]

7:10 p.m. to 9:30 p.m.

Thursday, June 16, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 MARCIE COHEN, Vice Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 STEPHEN MORDFIN

14

15 DDOT:

16 JONATHAN ROGERS

17 ANNA CHAMBERLIN

18

19

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21

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25

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen, this is the public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is June the 16th, 2016.

6 My name is Anthony Hood. We're located in
7 the Jerrily R. Kress Memorial Hearing Room. Joining
8 me are Vice Chair Cohen, Commissioner Miller,
9 Commissioner May, and Commissioner Turnbull. We're
10 also joined by the Office of Zoning staff, Ms. Sharon
11 Schellin, Office of Planning staff, Ms. Steingasser
12 and Mr. Mordfin, District Department of
13 Transportation, Mr. Rogers.

14 This proceeding is being recorded by a court
15 reporter and is also webcast live. Accordingly, we
16 must ask you to refrain from any disruptive noises or
17 actions in the hearing room including the display of
18 any signs or objects. Notice of today's hearing was
19 published in the D.C. Register and copies of that
20 announcement are available to my left on the wall
21 near the door.

22 The hearing will be conducted in accordance
23 with provisions of 11 DCMR 3022 as follows,
24 Preliminary matters, applicant's case, report of the
25 Office of Planning, report of other government

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

6 The decision of the Commission in this case
7 must be based exclusively on the public record. To
8 avoid any appearance to the contrary the Commission
9 requests that persons present not engage the members
10 of the Commission in conversation during any recess,
11 or at any time. The staff will be available
12 throughout the hearing to discuss procedural
13 questions.

14 Please turn off all electronic devices at
15 this time so as not to disrupt these proceedings.

16 Would all individuals wishing to testify
17 please rise to take the oath?

18 Ms. Schellin, would you please administer the
19 oath?

20 MS. SCHELLIN: Yes, please raise your right
21 hand.

22 [Oath administered to the participants.]

23 MS. SCHELLIN: Thank you.

24 CHAIRPERSON HOOD: Let me just ask this; how
25 many people are here to testify -- organizations or

1 persons who are testifying in support? Just raise
2 your hand. Okay.

3 Organizations or persons who are here to
4 testify in opposition, just raise your hand. Okay.
5 Great. Okay. Thank you.

6 Ms. Schellin, do you have any preliminary
7 matters?

8 MS. SCHELLIN: For this evening we have a
9 couple proffered expert witnesses and I think there's
10 only one that has not testified before the Commission
11 before, Mr. Atkins, landscape architecture.

12 MR. FREEMAN: Good evening. For the record
13 Kyrus Freeman on behalf of the applicant. We'll just
14 proffer Laurence Caudle and Erwin as our experts,
15 Laurence in architecture and design and Erwin in
16 transportation.

17 MS. SCHELLIN: Okay.

18 MR. FREEMAN: Planning and engineering.

19 MS. SCHELLIN: Okay.

20 CHAIRPERSON HOOD: Okay. They've already
21 been previously accepted. We don't need to deal with
22 that.

23 MS. SCHELLIN: Correct.

24 CHAIRPERSON HOOD: Okay. Anything else?

25 MS. SCHELLIN: No, sir.

1 CHAIRPERSON HOOD: Unless my colleagues feel
2 otherwise. We don't usually undo what we've already
3 done. Well, I shouldn't say it exactly that way but
4 yeah, okay. Especially when it comes to expert
5 witnesses. Anything else?

6 Okay. Who is taking the lead, Mr. Freeman or
7 Ms. Bloomfield? Who is taking the lead tonight?

8 MR. FREEMAN: I'm going to start us off.

9 CHAIRPERSON HOOD: Okay.

10 MR. FREEMAN: Whenever you're ready.

11 CHAIRPERSON HOOD: You may begin.

12 MR. FREEMAN: Again, good evening. For the
13 record, Kyrus Freeman on behalf of the applicant.
14 We're excited to be here to present what we think is
15 an exciting project. Just to do some quick
16 introductions, to my immediate left, Mr. Paul
17 Millstein on behalf of the owner, Mr. Patrick Cooper,
18 who is the owner's representative, Ms. Andrea
19 Gourdine also with the owner to my immediate right,
20 Ms. Bloomfield, Mr. Caudle, and Mr. Erwin, Andreas.

21 We are presenting a project which you've
22 seen, obviously at setdown. We believe as you go
23 through the package you will see that we have an
24 improved design which addresses a lot of the comments
25 that we heard at setdown. We're happy to report, as

1 I'm sure you've seen, that we have OP and DDOT
2 support for the project, and we have -- we agree to
3 all of the conditions in both the OP and DDOT
4 reports, so I wanted to make that clear from the
5 outset.

6 Our application materials describe in detail
7 how we comply with the Comp Plan and the Small Area
8 Plan in effect, that we're providing substantial
9 public benefits and project amenities. Again, all of
10 that is detailed in the project. But I would like to
11 note in order to make Commissioner Cohen happy, that
12 we're providing 16 percent affordable housing,
13 whereas only eight percent is required. So we're
14 double the requirement there.

15 We have, we meaning Paul and Mr. Cooper, have
16 attended many, many community meetings for this
17 project since 2013. I have a list of them. We'll
18 ask to leave the record open to submit it, but we've
19 attended numerous, numerous projects for the project.
20 We've created a project website. We have a Q and A
21 session. All of our application materials are on
22 board and I'd like to believe we've done a good job
23 of actually working with the community to get
24 community support as evidenced by the ANC resolution
25 and support as well as the Shepherd Park Citizen's

1 Association resolution in support.

2 We do disagree with the ANC's last
3 recommendation regarding parking, but again, even
4 that letter indicates their support for the project.
5 So again, we think we meet all of the applicable
6 standards for approval of the project. And with that
7 I'll turn it over to Mr. Caudle to go through the
8 design.

9 MR. CAUDLE: Okay. Good evening. Again,
10 Laurence Caudle with Hickok Cole Architects. I
11 appreciate the gentleman that came in and corrected
12 the aspect ratio, but I promise I didn't touch it and
13 it just jumped back. So if it's okay we'll just plow
14 ahead with the way the presentation presents. It's
15 sort of stretching things horizontally.

16 MR. FREEMAN: Sorry. You also have a copy of
17 the presentation on the dais.

18 MR. CAUDLE: All right. And I think it might
19 be just the screen.

20 So just to get some familiarity with the
21 site, this is of course right at the Maryland
22 District line, Eastern Avenue. On the left is sort
23 of an aerial, axonometric aerial of the site, and to
24 the right the flat aerial of the site. It's an
25 interesting confluence of a number of different roads

1 that creates a very interesting configuration of the
2 site, which I'm sure you're all very familiar with.
3 I think you can easily see just to the north, all the
4 evolution that downtown Silver Spring has undertaken
5 in the last few years. I think that's important
6 because, you know, as we enter in the District our
7 intention with the architecture of the building was
8 to do something a little more classic, stately, yet
9 clearly modern.

10 And of course you can tell the unusual nature
11 of the configuration of the site. There will be an
12 existing office building that is not part of the
13 property that remains on Eastern Avenue.

14 Next sheet gets you a few contextual
15 photographs of the existing conditions of the site.
16 Typically, one-story retail, surface parking lot,
17 some streetscape conditions which have not been
18 improved in quite a while.

19 We wanted to just quickly walk through the
20 streetscape improvements with just this plan here.
21 It's interesting of course that the project touches
22 to the top left, down Eastern Avenue, that's more
23 west on Eastern Avenue, then there's the existing
24 office building. But the improvements continue as
25 you move towards Georgia Avenue. That is where the

1 main entry to the retail will be. As you go down
2 Georgia Avenue you can begin to see that we actually
3 purposefully set back the building at that point so
4 that there's a better -- the pedestrian streetscape
5 experience. But as you go down Alaska and Kalmia
6 there are -- just want everyone to note, there are
7 building restriction lines which we are meeting. But
8 the good thing about that is it is providing us an
9 outdoor café area for the retail and then along
10 Kalmia it allows us to give some additional
11 landscaping transition to where the -- excuse me,
12 where the residential entry is.

13 Looking at the ground floor plan of the
14 building, it's for the most part, the grocery store
15 where it goes into the tail end of the building,
16 where their back of area is. You just understand
17 that everything that you're seeing here is under roof
18 and enclosed. There's a small sort of neighborhood
19 three-story building on the top left. All the
20 loading and trash happens off of Eastern Avenue. The
21 vehicles come in, they turn around within that. It's
22 completely enclosed. It is loading for both the
23 retail residential and trash for both the retail and
24 residential.

25 You can see that on the right, on Eastern is

1 the main entry to Harris Teeter. There's escalators
2 that come from the below-grade parking. And then as
3 you move around towards Kalmia is the residential
4 entry.

5 Next sheet is a little repetitive but it does
6 get to show you that the residential has a second-
7 level mezzanine at the entry where leasing will be
8 for the apartments. But it's a tall retail space,
9 about 20 feet in the main retail area.

10 These plans as we move up to the building,
11 the first and second floors of the residential is a
12 complete ring. You can certainly begin to see that
13 most of the density is to the eastern on Georgia
14 Avenue part of the site. These plans show the second
15 and top level of the three-story sort of community
16 building. The second level will be office. The top
17 floor has been noted as a community space for the
18 community, and they have a little outdoor terrace
19 there that is just to the west on the alley side.

20 The link between the building there, again,
21 is the one-story link.

22 On this sheet, this is where it's important
23 to note that we have discontinued, disrupted, you
24 could say, the residential so it does not form a
25 complete ring. That's going to become important when

1 we talk about the elevations at that portion of the
2 building. The top of the residential building is
3 basically agreement if there's no outdoor terraces
4 there. The amenity space is completely contained
5 within the courtyard.

6 So this is some 3-D diagrams of the site.
7 This is just noting how we sort of carve the massing
8 on the west side. It certainly makes sense to put
9 all the density towards Georgia Avenue. We, as you
10 can tell, stepped down drastically. We did not
11 maintain that height through the site. You can see
12 that the three-story building is kind of a nice fit
13 as you move down Eastern Avenue. But essentially
14 it's a one-story connection to the main portion of
15 the building.

16 In terms of the architecture, we certainly
17 wanted to do something that was a little more classic
18 but certainly modern, and that really comes through
19 in a lot of the detailing of the building. There is
20 a considerable distinction of the retail base from
21 the residential above, particularly around Georgia
22 Avenue. There's a strong middle brick which has the
23 two-story readings for the windows, balconies that go
24 in as well as out. And then the whole top of the
25 building is capped with an entire floor that is metal

1 with a strong eyebrow.

2 I think what's fun and interesting about the
3 site is the interesting angles that language
4 continues around towards Kalmia, the site slips down
5 a little bit. This is where we see -- you can see
6 where we'll have that outside deli.

7 I'll go back for a second. The glazing for
8 the Harris Teeter at the entry along Georgia and
9 around Kalmia is all transparent, will look into the
10 store. You can see, particularly in this view about
11 the articulation and detailing around the retail
12 areas. We've paid a lot of attention to that.

13 And on the view to the left here, you can see
14 that we've changed the pallet of the building to
15 relate more to a residential character, switching to
16 more of a darker brick. And this view really gives
17 you a dramatic take on the effect of not having a
18 continuous circle like one would expect. We really
19 disrupted the building above there. It allows us to
20 step the buildings down to basically two stories over
21 the retail when it comes adjacent to the
22 neighborhood.

23 Switching back around to Eastern, this is the
24 small building which will be some small retail space
25 on the ground floor, office space on the second, and

1 the community room on the top level. You can see the
2 outdoor terrace space that the communities level will
3 have. This also has the entry into the loading dock
4 on this side as well. There's a lot of little
5 attention to some subtle brick detailing. Actually
6 maybe not so subtle, but in a good way. It's a nice
7 scale of detailing for this small building.

8 A view looking north on the public alley.
9 This is where the one-story interior loading dock and
10 back of house area, the grocery store is. The roof
11 of this will be planted. We certainly took the care
12 to articulate this alley wall with brick, giving the
13 other pilaster reading, a base reading, and the green
14 that we hope will begin to cascade down the top of
15 the edge of the roof. All right.

16 This is the elevations which is key to denote
17 all the materiality of the building. And I'll keep
18 going around here. You can see that particularly in
19 the retail we're using a combination of transparent
20 and spandrel glass, some double-readings on the metal
21 framing to give it a nice rhythm, strong metal
22 banding and the projection piece that separates the
23 retail from the residential levels above.

24 And that language continues around the three
25 sides. So there's a clearly more commercial side to

1 the building and a more residential side to the
2 project.

3 This is where the architecture transitions to
4 the residential entry. We brought the brick down to
5 the ground and you can see that the red piece here is
6 the main lobby entry to the residential portion.

7 Elevations of the small community building.

8 Inside the courtyard we'd like to lighten up
9 the materiality. They will have some warm colors. I
10 think there was a -- you've seen a landscape plan.
11 It's going to be a well amenitized space and very
12 welcoming.

13 There's a few axonometric diagrams which
14 help to -- to help to explain the detailing of the
15 building. There is, I think, a lot of good depth to
16 portions of this. A lot of care has been taken to
17 really give this some special detailing.
18 Particularly around the retail.

19 This is a cut-away at the residential entry,
20 which is going to read as a two-story entry with a
21 canopy.

22 And here you can see in a typical retail area
23 there's a bit of a projection piece over the retail
24 to give it some shadow and depth, and additional
25 character.

1 And lastly the detailing, which has a lot of
2 similarity to the main port -- the main building.

3 And our panel board which is there, I think,
4 I believe behind you. You know, there is the main
5 two brick colors. Dark brick for the base. There is
6 some stone base as well. There is this high strength
7 technical concrete which is part of the retail base
8 which is patterned, which will give it a lot of
9 texture and scale.

10 MR. ANDRES: Good evening, Chairman Hood and
11 Members of the Commission. Erwin Andres with
12 Gorove/Slade Associates. I just want to go quickly
13 through the transportation aspects of the project.
14 We had worked consistently with DDOT in the
15 preparation of the plan, considering the different
16 alternatives for access. And we've identified an
17 access scheme that works for the site as well as for
18 the potential development.

19 The site is located along a transit route.
20 There are several transportation facilities that then
21 make this site very attractive. The Silver Spring
22 Metro Station is about seven tenths of a mile away,
23 which is approximately a 15-minute walk. The Tacoma
24 Metro Station is a little further at nine tenths of a
25 mile.

1 There are four nearby bus lanes, bus routes
2 with two of them express bus lanes, and then there's
3 convenient access to the Metropolitan Branch Trail
4 and CarShare and BikeShare stations.

5 We are committing to transportation demand
6 management plan that's comprehensive. The number of
7 loading provisions include two 55-foot berths, a 30-
8 foot berth, and a 20-foot service space. And we are
9 also providing adequate on-site parking with a total
10 of 271 parking spaces.

11 With respect to the transportation facilities
12 which are shown on the screen, we believe that we are
13 taking advantage of the different roads that are
14 serving the site, just to give you a little bit of
15 context. Georgia Avenue is an arterial, Eastern and
16 Kalmia are both collectors, and Alaska, which is
17 diagonal, is a minor arterial.

18 With respect to the proposed site plan I
19 believe Mr. Caudle had identified the different
20 elements. I'm going to quickly through them just so
21 that we can confirm the site access points. The
22 driveway that's located on Eastern Avenue is strictly
23 for the service vehicles as well as the trash
24 vehicles, and the access on Kalmia is intended to
25 serve the below-grade parking that is serving both

1 the residential and the retail components of the
2 project.

3 With respect to the TDM elements, the
4 transportation demand management elements are
5 relatively consistent with the other PUDs that we've
6 worked on that have sort of a mix of grocery and
7 residential. We believe that these are robust
8 elements.

9 With respect to DDOT's conditions they
10 suggested that we replace the CarShare so that it's
11 no longer in public space, but inside the building.
12 I think that was an important element that we agreed
13 to.

14 With respect to the mitigation in and around
15 the entire neighborhood, we've identified three
16 intersections that are impacted by the projected
17 traffic volumes. It's important to note that DDOT
18 had identified these mitigation measures and
19 confirmed them with us. And we have committed to
20 putting cameras, traffic cameras, at all three of
21 these intersections which include 16th and Kalmia,
22 Alaska and Kalmia, and Georgia and Geranium.

23 It's also important to note that we have
24 identified some retiming schedules at these
25 intersections that we will coordinate with DDOT as we

1 go through the permitting process.

2 The most significant improvement that we're
3 making is actually at the intersection of Alaska,
4 Kalmia, and Georgia. And actually it's somewhat of
5 an awkward intersection. What we're doing at that
6 intersection is we're reconfiguring the intersection
7 so that east-bound on Kalmia we're providing a three-
8 lane cross-section. And the way we're doing that is
9 we're not widening the road at all. The way that
10 we're achieving three lanes through that cross-
11 section is to actually eliminate three metered
12 parking spaces that are on our side of the street.
13 So they're metered parking spaces during the day and
14 we're eliminating those in order to provide a three-
15 lane cross-section so that traffic can move more
16 efficiently through this intersection.

17 In addition to that we're adding a northbound
18 Georgia Avenue left turn phase which will help
19 facilitate traffic to and from the project.

20 With respect to DDOT's conditions, as I had
21 identified, we are agreeing to all of them and they
22 are identified on the screen. The first is that
23 they've required that the access on Kalmia to be full
24 access. As I mentioned, we're installing traffic
25 cameras at the three intersections that I identified

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1 in a previous slide. We are relocating the CarShare
2 spaces from the public space into the building. And
3 then we're also adding transit screen for the grocery
4 store and providing shower and changing facilities,
5 as well as providing CarShare and BikeShare benefits
6 for -- and we're making that offer for three years.

7 So, with that I'm available for questions.
8 Thank you.

9 MR. FREEMAN: So that concludes our direct
10 and we're happy to answer any questions.

11 CHAIRPERSON HOOD: Okay. Thank you all for
12 your presentation. Let's see if we have any comments
13 or questions up here. Any comments and questions?
14 Commissioner May?

15 MR. MAY: I just have a few minor questions.
16 I appreciate the changes that were made to the
17 design. I think that the moves that you made to kind
18 of simplify the pallet just a little bit -- it's
19 still a complex pallet, but it's still, I think it
20 has improved. And addressing the top of the
21 building, adding balconies, those are all good moves.

22 The wall that sort of wraps around that
23 office building that's on the north side of the
24 project, that changed from a red brick to a tan
25 brick, or a buff brick. Can you explain to me why

1 you did that?

2 MR. CAUDLE: Let me go to that page.

3 MR. MAY: You can tell I have minor concerns
4 when I immediately jump to brick color.

5 MR. FREEMAN: It's A30.

6 MR. CAUDLE: A30. Thank you.

7 MR. MAY: It's only 7:30.

8 MR. CAUDLE: I think previously, previously
9 it was red.

10 MR. MAY: Yes.

11 MR. CAUDLE: And there was a comments of a
12 concern that sort of stuck out because it was set
13 back when you look at it from the street. But we
14 felt that just, it was a little simpler to not have
15 that big color change on that side --

16 MR. MAY: Okay.

17 MR. CAUDLE: -- when you looked at the side
18 of the building because there is a plane change
19 there.

20 MR. MAY: Right.

21 MR. CAUDLE: And it's just a lighter color.

22 MR. MAY: And it relates to the -- at least
23 it relates to the taller portion of the building.

24 MR. CAUDLE: That's correct.

25 MR. MAY: But when you get to that little

1 retail building does it relate to what's around the -
2 - how it wraps around the corner? Is that what it
3 is?

4 MR. CAUDLE: Yes, I think we kept it -- we
5 kept it red on the back of the small building.

6 MR. MAY: Yeah.

7 MR. CAUDLE: Yeah. So I think it stops at
8 the inside --

9 MR. MAY: Yeah.

10 MR. CAUDLE: Inside corner, or on the outside
11 corner, yes.

12 MR. MAY: All right. I mean, there's so
13 many --

14 MR. CAUDLE: When it comes all the way
15 around, yes, to the front, you're right. I see where
16 you're looking.

17 MR. MAY: Yeah. I mean, there's so many
18 faces to the building --

19 MR. CAUDLE: Correct.

20 MR. MAY: -- it's hard to keep it all
21 straight.

22 MR. CAUDLE: That's correct.

23 MR. MAY: So --

24 MR. CAUDLE: But turning the yellow on the
25 front banister and kept that red brick portion on the

1 front, kind of a nice proportion.

2 MR. MAY: Uh-huh. Uh-huh.

3 MR. CAUDLE: Yeah.

4 MR. MAY: You're using a Hardy Plank in, you
5 know, basically Hardy board siding for the interior
6 of the courtyard?

7 MR. CAUDLE: For the interior of the
8 courtyard, yes. Yes.

9 MR. MAY: Yeah.

10 MR. CAUDLE: But it's multi-patterned. It's
11 not just the plank. We're also -- we're using two
12 sizes of plank, and panels as well. So it will be
13 quite a mix. It's not just one --

14 MR. MAY: So I mean, the panels were a
15 different -- I thought that was the rain screen
16 treatment, right? Accent treatment? Or am I missing
17 something else?

18 MR. CAUDLE: Well, the square panels that you
19 see are the -- is the rain screen panels, yes.

20 MR. MAY: Right. And that's the reddish rain
21 screen panel. But then you have, is it below some of
22 the windows where you have the Hardy -- the bigger
23 pieces?

24 MR. CAUDLE: Yeah. I'm just trying to go to
25 my sheet so I can answer you more specifically.

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1 Yeah, here we go.

2 So the rain screen panels on the lower pieces
3 and as it comes into the courtyard from the
4 outside --

5 MR. MAY: Uh-huh.

6 MR. CAUDLE: -- and it's on the special
7 amenity piece which is kind of a two-story reading.

8 MR. MAY: Oh, got it. Yeah, yeah.

9 MR. CAUDLE: Yeah. And then the balconies
10 that you can see on --

11 MR. MAY: Uh-huh.

12 MR. CAUDLE: -- page A34.

13 MR. MAY: Uh-huh.

14 MR. CAUDLE: They are a larger plank panel
15 that will contrast to the smaller plank panel that's
16 on the field.

17 MR. MAY: Uh-huh. Okay.

18 MR. CAUDLE: There's many faces to the inside
19 of that courtyard.

20 MR. MAY: Right. Right.

21 MR. CAUDLE: So --

22 MR. MAY: No, I mean, ordinarily we -- I
23 think sometimes we have concerns about sort of
24 treating the interior courtyards in a lesser in
25 fashion, but this is not -- I mean, it's certainly

1 not visible from any -- to any great extent. And
2 it's not like you've gone to -- you know, aluminum
3 siding there's a mixture of materials and so on. So,
4 I am a little concerned about the choice of color. I
5 mean, I appreciate having a bright color but you mix
6 bright colors with metal frame windows and you could
7 have all sorts of unintended consequences in terms of
8 drainage and drips and marks and things like that.

9 So, I don't know what your experience is. I
10 only know what I see on buildings, so.

11 MR. CAUDLE: Yeah, I think we sort of started
12 using materials like this about five years ago.
13 There were two manufacturers. There's now a dozen
14 and their colorfastness has gotten much improved.

15 MR. MAY: Well, I'm not even concerned about
16 the color fastness of the material. You mean, are
17 you talking about the windows themselves and how --

18 MR. CAUDLE: Oh, not the windows. I was
19 still talking about the panels.

20 MR. MAY: I mean, because it's the, you know,
21 it's the windows or any other features of the façade
22 that will collect, you know, water and soot and
23 things like that. And so it starts to spill down and
24 then it just looks unattractive. And in some cases,
25 the windows if they're not, you know, sufficient

1 quality they might actually -- you know, the color
2 might bleed off of the windows, and it just you know
3 -- white buildings generally kind of scare me because
4 they don't age well.

5 MR. CAUDLE: Yeah.

6 MR. MAY: You know, you look at a white
7 building, if you -- half of the white building
8 downtown, the ones that are detailed well to sort of
9 accentuate what happens when buildings get dirty and
10 used over time versus ones where it just shows up
11 with big streaky blotchy stuff.

12 MR. CAUDLE: That's right. The windows are a
13 darker color, and you're right, those are often
14 harder to keep clean. But the material, the siding
15 itself should be able to be cleaned with regular
16 maintenance.

17 MR. MAY: Right.

18 MR. CAUDLE: So --

19 MR. MAY: Well, I mean, how often do you want
20 to send a guy out there with a power washer, I don't
21 know.

22 MR. CAUDLE: Right.

23 MR. MAY: It's just a, it's a concern. If it
24 were on the exterior of the building I might be more
25 concerned than I am. I mean, using the rain screen

1 treatment on the exterior of the building you know,
2 alleviates a lot of that.

3 We don't actually have a sample of that. I
4 don't think I care that much.

5 MR. CAUDLE: There are some smaller samples
6 that are on the lower left.

7 MR. MAY: Very small samples of the -- it's
8 that white color.

9 MR. CAUDLE: Yes.

10 MR. MAY: It's the same fiber cement --

11 MR. CAUDLE: yeah.

12 MR. MAY: -- material that's not Hardy, it's
13 something similar. Okay. And then, did we get the
14 corrugated aluminum? I don't think we did. So
15 corrugated aluminum.

16 MR. CAUDLE: There is a piece there, yes.
17 It's the ribbed piece. It should be the same color
18 as the metal panel on the left.

19 MR. MAY: So that, the very fine ribbed piece
20 is what you're using to enclose your mechanical?
21 Because it looks like a much bigger ribbed red piece,
22 corrugated. It's called out as corrugated.

23 MR. CAUDLE: We don't have that sample on the
24 board, you're right.

25 MR. MAY: Okay. So I mean, I don't need to

1 see and touch that but you might want to submit a
2 picture of it so we know what it looks like.

3 And the last thing, I mean, this is the only
4 substantive issue, is the elevator tower. Can you
5 explain to me why that has to be kind of exterior to
6 the building and sticking out in that way? And if it
7 is going to be sticking out that way can you make it
8 look any better?

9 MR. CAUDLE: Uh-huh.

10 MR. MAY: Because it is going to be visible
11 around the building.

12 MR. CAUDLE: Yeah. Let me go back to the
13 plans so we can -- I know which one you're talking
14 about.

15 Well, the good news for that is that it's
16 deep within the middle of the site, from any which
17 way you look at it. From a planning standpoint we
18 have to -- given where the loading dock is, it's a
19 long reach, so we have to make it as accessible as we
20 can for the building to function on the inside. It
21 also has to stay clear as much as we can from the
22 grocery store retail space.

23 MR. MAY: I'm sorry, it has to stay -- what
24 does it have to do in relationship?

25 MR. CAUDLE: Clear of the --

1 MR. MAY: Oh.

2 MR. CAUDLE: It has to stay without -- it
3 can't be in the middle of the grocery store retail
4 area. Otherwise it's --

5 MR. MAY: Got it. Okay. So for plan reasons
6 it has to be pushed out to the --

7 MR. CAUDLE: Yeah.

8 MR. MAY: -- perimeter. So yeah, it's deep
9 within the site, but it's also, it's going to be
10 visible as long as that office building that you are
11 wrapping around remains there because you can see
12 right past that, right?

13 Maybe it's only from across the street. I
14 don't know. I just remember seeing somewhere in here
15 a view that shows it. Yeah, so it's -- I mean,
16 granted we don't see things in true elevation, but on
17 A23 it's pretty clear to me that you could probably
18 see that shaft from across the street, and it doesn't
19 look very good. So if you can't make it go away, can
20 you -- is there something to do to make it look like
21 more than just --

22 MR. MAY: And it looks like sort of an add-on
23 stair tower or something.

24 MR. CAUDLE: I think we tried to simplify it
25 by certainly keeping the same material as the tan

1 brick that walks around there, but we can --

2 MR. MAY: I just --

3 MR. CAUDLE: -- certainly consider something
4 about what to do with it.

5 MR. MAY: Yeah, I mean, I'm not saying it's
6 got to be, you know, fancied up and made into a real
7 feature or make it into a tower. It doesn't
8 certainly get any taller. I mean, you might want to
9 have a uniform height around it if it's going to be
10 there so it does look a little bit more --

11 MR. CAUDLE: Uh-huh.

12 MR. MAY: -- like it's an intentional thing
13 as opposed to a just, absolutely, totally function
14 driven tower.

15 MR. CAUDLE: Understood.

16 MR. MAY: And added on. I mean, again, you
17 see these sorts of things where there's a need for
18 additional egress at an existing building and they
19 just sort of try to match the brick and they glom on
20 a stairway, and that's kind of what it looks like to
21 me. So I think it warrants some attention.

22 Sorry for talking so long, Mr. Chairman.
23 That's it.

24 CHAIRPERSON HOOD: All these years I've
25 served with you, you finally apologize for talking so

1 -- I've never heard that. Okay. Vice Chair Cohen.

2 MS. COHEN: Thank you, Mr. Chairman.

3 Commissioner May, I didn't think you were talking
4 that long.

5 But in any event, I have to tell you, I am so
6 moved that you want to make me happy. I appreciate
7 that a great deal. But I have to tell you, you
8 really made me even happier because you're doing LEED
9 Gold. So I am thrilled.

10 I do have some questions with regard to --
11 you're writing that down, and the date. Okay.
12 That's good.

13 Who owns that unattractive office building,
14 and what's surrounding that unattractive office
15 building?

16 MR. FREEMAN: The owners -- we're not the
17 owners. I think they're in the back row.

18 MS. COHEN: I'm sorry, but you need to do
19 something. What's surrounding it? Parking? Yeah,
20 you need to kind of go and redo it. I just think
21 it's -- do you like it? Okay. Well, I'll hear from
22 you later I think, right?

23 But in any event I just find it to be
24 something where, you know, looking out on a parking
25 lot and looking at this building I wasn't very

1 pleased with it.

2 The other question I have, what is the
3 rational for the rain screen adjacent to the Harris
4 Teeter? Why isn't that all glass? What is that
5 rationale?

6 MR. CAUDLE: You mean down at the corners of
7 the first floor?

8 MS. COHEN: Yes. Yeah, yeah, yeah, yeah.

9 MR. CAUDLE: Well, I think, I think as it
10 functions as a grocery store it sort of needs a
11 little bit of service area because they will have
12 areas of transition. There is the main entry, then
13 it transitions to the cash area, then it transitions
14 to the deli. And I think it gives a moment of
15 solidity to the corner that sort of helps. We did
16 put it with the special material that sort of
17 hallmarks those angles because to us the angles are
18 really interesting, quite frankly.

19 So there is, when you look at it -- and you
20 always get two sides view of the building. That's
21 what's interesting about the angles. So it does make
22 a little bit of transition at the corner but there is
23 a lot of continuity of the glass once you move beyond
24 those pieces. But we sort of like the reading of the
25 corners coming down to the ground because we sort of

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1 like the idea of celebrating those interesting
2 corners.

3 MS. COHEN: I understand your rationale, now.
4 Mr. Andres, what is going to be the use of an alley
5 you have going in both directions?

6 MR. ANDRES: Well, the DDOT driveway design
7 guidelines identify that if you have an alley you
8 should provide access to your building through that
9 alley. However, given our coordination with the
10 local community groups, they suggested that that
11 would be an issue. So we approached DDOT to identify
12 alternative access into the building, and given that
13 we wanted and actually needed to separate the loading
14 access from the garage access, the access that is
15 proposed is what it ends up.

16 Now, with respect to the alley itself,
17 essentially all District alleys are considered to be
18 two-way, and we're not looking to change that unless
19 there is an opportunity to do so. But our intent was
20 not to use the alley for any of our -- we don't need
21 the alley, considering that we've identified access
22 off of Eastern for the loading and off of Kalmia for
23 the garage.

24 MS. COHEN: What is the use of the alley now?
25 Is it for waste pickup for the --

1 MR. ANDRES: Yes. It serves the back of some
2 of the homes.

3 MS. COHEN: Okay.

4 MR. ANDRES: And parking.

5 MS. COHEN: Okay. Oh, the only thing that --
6 the only concern that I do have is flexibility on the
7 LEED because I really have faith in this developer,
8 this applicant, that they won't need that
9 flexibility. So I just don't think that that's
10 warranted.

11 MR. FREEMAN: So just to be clear, the
12 flexibility on the LEED is that we achieve 60 points,
13 and the flexibility we can pick different options so
14 long as we get to 60 points. Not flexibility on the
15 number of points.

16 MS. COHEN: Okay. Oh, I see, where the
17 points are --

18 MR. FREEMAN: Correct.

19 MS. COHEN: Okay. I got that. I understand
20 it. All right. Thank you very much.

21 CHAIRPERSON HOOD: Okay. Any other comments
22 or questions? Commissioner Miller.

23 MR. MILLER: Thank you, Mr. Chairman.

24 CHAIRPERSON HOOD: Oh, I'm sorry, before you
25 get started let me ask one -- if anyone is having a

1 problem with using the kiosks, this is our first
2 night, you can just see Ms. Schellin to our left. So
3 this is a good practice night. So if anyone has a
4 problem, because I only have three people, I think,
5 that have signed up. So if you need to sign up on
6 the kiosk and you need assistance, Ms. Schellin will
7 be able to help you while we're asking our questions.

8 And the kiosk is to my left on the wall here.
9 Right on -- at the column right here. Okay? But you
10 can see Ms. Schellin to my left, all the way to my
11 far left. Okay. Sorry. Thank you, Commissioner.

12 MR. MILLER: Thank you. So I appreciate all
13 the changes that have been made to make the -- in the
14 design to make the -- make it look more residential,
15 particularly the addition of the balconies and the
16 addition of the, I think, patio enclosures along the
17 courtyard. Because I think it does read a lot more
18 residential than it did at the time of setdown. And
19 I think it's an attractively designed -- and the
20 horizontal bands that you've added as well, they're
21 very attractive.

22 I mean, this is a gateway location that many
23 people have been looking to have a full service
24 supermarket for a long time, and so that's a
25 fantastic component of this project as well.

1 I'm going to ask Office of Planning about
2 this -- well, I'm going to ask the applicant as well
3 about the -- I think we may need more information in
4 the record on how this -- how the height of this
5 building, and density, but particularly the height,
6 how it is not inconsistent with a moderate density
7 category on the Land Use Map, particularly given a
8 case that was recently decided by the D.C. Court of
9 Appeals. I mean, this kind of fits -- this
10 strikingly looks like that case.

11 MR. FREEMAN: We were -- this case is
12 different in a number of respects. We were reading
13 that case yesterday. And what we would like to do
14 is, again, I think what we submitted indicates how we
15 think the project is consistent with the
16 Comprehensive Plan and the Small Area Plan. But we
17 would ask to leave the record open and we'd be happy
18 to present -- submit more information on those issues
19 so that the Zoning Commission can have that in the
20 record.

21 MR. MILLER: Right. And I realize that there
22 are, you know, there are step downs and setbacks.
23 But there were in that case, and the height of this
24 is actually higher.

25 MR. FREEMAN: Just a quick general response

1 is that instead of being seven stories in total it
2 steps down to three.

3 MR. MILLER: Right.

4 MR. FREEMAN: At the far end. And there
5 includes a number of steps, and the density across
6 the site is 3.12, which is consistent with moderate
7 density. But we will put that in great detail for
8 the record.

9 CHAIRPERSON HOOD: Can I just -- I think
10 that's very important because -- and I don't mind
11 saying this. I think the Court is sitting in this
12 city two or three different -- because we had some
13 other projects that they upheld our opinion. So
14 they're sending us two or three, and I don't mind.
15 They can read the record what Anthony Hood said.
16 They're sending this city different perspectives on
17 what they should be -- what we should be looking at.

18 So since the judge wants to -- well, that's a
19 whole other issue. But anyway, they're giving us
20 mixed messages.

21 MR. MILLER: Right. And their message on
22 this was it was totally focused on the four to seven
23 stories as medium density as opposed to all the other
24 elements in the Comp Plan that --

25 MR. FREEMAN: On that other case. Not on

1 this case, yes.

2 CHAIRPERSON HOOD: But since he brought it up
3 I want it clear for the record that just in case this
4 one happens to go down the same road, I want him to
5 read that Anthony Hood said you're sending us mixed
6 messages.

7 MR. MILLER: Okay. We'll move on from that.
8 I also share the Vice Chair's appreciation for the
9 LEED Gold element. I still would -- I appreciate
10 that you are -- and I appreciate that you're offering
11 more affordable housing and deeper than what IZ would
12 require, but I still would like to see, if you're
13 able to make some of those senior units at the 50
14 percent AMI level, or just a couple of them at the 50
15 percent AMI level rather than the 80 percent AMI
16 level. I just, the 80 percent AMI level for this --
17 for our city just doesn't really -- just isn't really
18 meeting the affordable housing needs of our city.
19 That's why we have a pending Inclusionary Zoning case
20 that is looking at those AMI levels.

21 What is the mix of the size of the overall
22 199 units, or what is the size of the Inclusionary
23 Zoning units? I assume it's a range of sizes,
24 studio, one-bedroom, two-bedroom.

25 MR. FREEMAN: So those are two different

1 questions. Mr. Caudle can tell you the unit mix for
2 the building.

3 MR. CAUDLE: Sorry. The unit mix for the
4 building -- sorry, wrong glasses -- is about 12.5
5 percent two-bedrooms, one-bedrooms and one-bedroom
6 with dens are basically about 52 percent of the
7 project and the studios are approximately 35 percent.
8 And if that doesn't add up it's because I rounded
9 incorrectly here. But.

10 MR. MILLER: And it's the same general
11 proportion for the Inclusionary Zoning units?

12 MR. FREEMAN: Yes, it's proportioned --

13 MR. MILLER: As required. If required.

14 MR. FREEMAN: Compliance. Yeah.

15 MR. MILLER: I wonder if you could -- if
16 somebody could respond to the suggestion in the ANC's
17 letter that five parking spaces be reserved in the
18 garage for the five houses that are in the 1100 block
19 of Kalmia Road. They said that was in the -- that
20 was a condition and an order 25 years ago or
21 whatever. Just wondering if you have any reaction to
22 that.

23 MR. FREEMAN: Well we have a lot. Not quite
24 sure how that came up at the ANC meeting. We were
25 not there so we didn't have a chance to really

1 interject in that discussion. Generally, we have
2 been in communications with each of our abutting
3 property owners on the north side of Kalmia, and have
4 started to develop agreements with them on a variety
5 of issues, so we're not inclined to have that as a
6 condition in this order because we already are in the
7 process of talking to those neighbors about specific
8 conditions that relate to their specific needs.

9 With respect to the order that they mentioned
10 from 1988, it's a much different project. It
11 included office use, which as you know, has a very
12 different parking demand than does a retail and
13 residential use. And equally as important that
14 space, that project, had 452 parking spaces. We're
15 half of that.

16 So we will not agree to -- we're not
17 interested in having that condition as part of our
18 order at this point.

19 MR. MILLER: And I appreciate that you are
20 working with your neighbors. So you think there's
21 going to be something that's going to be -- that's
22 just going to be a separate agreement that you're
23 going to work out with them, or are you going to
24 submit something to us?

25 MR. FREEMAN: No, they would be separate

1 agreements. Half of the issues -- first of all,
2 they're different per neighbor, so we don't want that
3 in the record. Secondly, half of them address like
4 construction issues. There was a -- you know, we're
5 not doing tie backs, but we need access for certain
6 things. So that's what those agreements -- half of
7 the issues address construction. The other half
8 address living next to each other and being good
9 neighbors.

10 MR. MILLER: Right. And where is ANC -- ANC
11 4B says that they're going to be -- the project, I
12 think is in ANC 4A, but --

13 MR. FREEMAN: 4A is, we're in 4A.

14 MR. MILLER: Right.

15 MR. FREEMAN: 4B is an affected ANC. It's
16 across Georgia Avenue to the east.

17 MR. MILLER: And they're meeting, I guess, in
18 a couple weeks and you -- have you been in any
19 preliminary discussions with them and --

20 MR. FREEMAN: We saw their letter today.
21 They have a planning and zoning design review
22 committee. We went to that meeting last week. We've
23 been in that meeting twice. We went once in January
24 and we went once last week. So we've been to that
25 group twice.

1 We've presented our project. I won't speak
2 for them. I think Commissioner Green is here. She
3 might have comments about that. Mr. Millstein wanted
4 to add something about your IZ question.

5 CHAIRPERSON HOOD: And I wanted to follow up
6 on the -- before you -- can I follow up on the ANC?
7 I hate to keep interrupting but I'm trying to save us
8 a little time.

9 Do we know why ANC 4B -- when did you file
10 this case?

11 MR. FREEMAN: November 4th.

12 CHAIRPERSON HOOD: November 4th. Do we know
13 why ANC 4B, and I know Ron Austin very well, do we
14 know why they did not -- something was unforeseen
15 that they could not meet on this case and ask for
16 extended time? Was that explained at the meeting?

17 MR. FREEMAN: I can't speak for the ANC. I
18 know notice was provided in accordance with the
19 regulations. We went to them. They're well aware of
20 our application. We've been there twice, so --

21 CHAIRPERSON HOOD: Okay.

22 MR. FREEMAN: -- I'm not sure.

23 CHAIRPERSON HOOD: Well, we do have a letter
24 from ANC 4A and which the project is in. So, anyway.

25 MR. MILLER: All right. I appreciate all the

1 community outreach that you have done with the
2 neighborhood.

3 MR. MILLSTEIN: In respect to your question
4 on the senior housing --

5 MR. FREEMAN: Well --

6 MR. MILLSTEIN: Oh, sorry.

7 MR. FREEMAN: -- let me just clarify for the
8 record since this is a multi-family building, we
9 can't have units designated to seniors. They have to
10 be open and available to all. We've designed them
11 with features that will be more accommodating to
12 seniors, but they will be open and available to non-
13 seniors if necessary. That's my legal disclaimer.

14 MR. MILLSTEIN: So, thank you for that.
15 Certainly, I need that help. We will agree that half
16 of those units that have special design features that
17 would be more attractive to an elderly community,
18 we'll do it 50 percent AMI and the other half at 80.
19 We'll split them.

20 MR. MILLER: That's fantastic. Thank you
21 very much. Thank you for your presentation and for
22 all the work you've done on this project.

23 CHAIRPERSON HOOD: Okay. Commissioner
24 Turnbull.

25 MR. TURNBULL: Oh, thank you, Mr. Chair. I

1 want to also thank you for your presentation tonight
2 and join Commissioner miller, and all the changes
3 that you've made. And I think they have been very
4 well -- and I want to thank you for the perspective
5 down the alley, which I know I had asked for the
6 view. And it looks like the lighting in that alley
7 is all on the other side, is on the other side of the
8 street, not on by your building. It looks like from
9 the view that I see, it looks like any alley lighting
10 reaches over from the other side so --

11 MR. CAUDLE: That's correct. I think the
12 poles are on the other side as well.

13 MR. TURNBULL: The poles are on the other
14 side of the alley. Okay. And I want to again,
15 compliment you, Mr. Millstein, on the additional
16 housing. I think that's greatly appreciated.

17 I wonder if we could get with relationship in
18 regards to that, maybe a -- and I don't think I saw
19 it, a floorplan showing where the units might be.

20 MR. FREEMAN: We do have one.

21 MR. TURNBULL: Was there?

22 MR. FREEMAN: It is on Sheet A09. It's kind
23 of small. It's not A09, it's --

24 MR. TURNBULL: Didn't think it was.

25 MR. FREEMAN: It's A13. You got to look

1 close because they're kind of small. A13 and A14,
2 you see we have a key.

3 MR. TURNBULL: Maybe you can do a better
4 plan.

5 MR. FREEMAN: I'm looking at our big packet.
6 Yeah.

7 MR. TURNBULL: Yeah, I know. I wonder if you
8 could do maybe a better layout of that so we could
9 see better. And a breakdown of the square footages
10 and all that, which we just heard.

11 MR. FREEMAN: We'll do a new table --

12 MR. TURNBULL: Yeah.

13 MR. FREEMAN: -- that breaks down everything.

14 MR. TURNBULL: If we could have that, that
15 would be great.

16 I guess I would agree with Commissioner May,
17 if you could do work on that tower, and when you look
18 at the plans it looks like you've got some
19 flexibility to move that there. It's, I think you've
20 got some flexibility to adapt and make some changes.
21 But other than that I have no issues with the
22 architecture. I think, again, it's greatly improved
23 since we saw it at setdown. And I greatly appreciate
24 all your efforts to listen to the Commission and to
25 address those concerns.

1 I guess the one item, the community space,
2 what is the square footage on the community space?

3 MR. FREEMAN: It's approximately 1,800 square
4 feet. Plus the outside?

5 MR. CAUDLE: Yeah. Plus the roof deck.

6 MR. FREEMAN: Plus the roof deck.

7 MR. TURNBULL: Eighteen hundred. Okay,
8 because the only -- I was going to ask the Office of
9 Planning on their first page it looked like they said
10 there was 56,079 square feet of community space,
11 which I thought was awful generous of you to be
12 providing that. But I see OP says 58,814 square foot
13 of ground floor retail. And I don't know if they've
14 got that reversed, if it's really 56 for the retail.
15 I mean, it's no big deal but I just happened to
16 notice these numbers and --

17 MR. CAUDLE: I think I understand. I'm
18 sorry. It's actually 5,000 square feet. I think
19 there was a typo so it made it look like 50 something
20 thousand square feet. But that one level on the top
21 is about 5,000 square feet.

22 MR. TURNBULL: So there's about 5,000 for
23 community space?

24 MR. CAUDLE: Right. Right.

25 MR. TURNBULL: Okay. Five thousand for

1 community space. Okay. And then 58,814 for ground
2 floor retail or something? Is that what I'm looking
3 at? Somewhere around there.

4 MR. CAUDLE: That's somewhere around there,
5 exactly. Yeah.

6 MR. TURNBULL: Okay. All right, great.
7 Well, thank you. Mr. Chair, those are all my
8 questions.

9 CHAIRPERSON HOOD: Thank you. I'm trying to
10 get a kind of an orientation of the placement. Have
11 you decided where -- well, where your grocery store
12 is going to go? Is it over there where the Morris
13 Liquors and the campaign office is? Is that the
14 frontage where it's going to go?

15 MR. FREEMAN: Yes.

16 CHAIRPERSON HOOD: Okay. There's a church
17 across -- does that church on -- what is it off,
18 Kalmia? Does that church have a parking lot?

19 MR. COOPER: It does have a lot behind the
20 buildings. Forgive me, my name is Patrick Cooper,
21 Chairman Hood. It does have a lot behind the
22 building, parking spaces.

23 CHAIRPERSON HOOD: The church?

24 MR. COOPER: Yes.

25 CHAIRPERSON HOOD: Okay. All right. Okay.

1 Let me just -- yeah. I just wanted to know if they
2 had additional. I know about the four or five, but
3 okay. And I would ask everyone, let me ask the
4 applicant, you'll have time to come up and give your
5 position. Is there RPP around that area?

6 MR. ANDRES: Commissioner Hood, yes. So on
7 the 1100 block of Kalmia there is RPP on both sides
8 of the street. The frontage on Georgia in front of
9 our site, there is no RPP, and the frontage on -- and
10 the frontage on Eastern in front of our site, there's
11 no RPP.

12 CHAIRPERSON HOOD: Aren't there meters on
13 Eastern?

14 MR. ANDRES: There are meters on Eastern and
15 there are actually meters on Kalmia in front of our
16 site. There's actually three meters.

17 CHAIRPERSON HOOD: Okay.

18 MR. ANDRES: The driveway into -- excuse me,
19 the liquor store, and then another two meters before
20 you get to the adjacent townhomes.

21 CHAIRPERSON HOOD: Do we know which version
22 of RPP that they have in that area?

23 MR. ANDRES: It's the version where there's -
24 - the typical version where it's --

25 CHAIRPERSON HOOD: Two hours.

1 MR. ANDRES: -- two hours, yes.

2 CHAIRPERSON HOOD: Two hours. Zone 4 or
3 whatever it is.

4 MR. ANDRES: Yes.

5 CHAIRPERSON HOOD: Okay. All right. And do
6 we know the time frame that it's enforced, because --

7 MR. ANDRES: I would have to double-check.

8 CHAIRPERSON HOOD: -- at 10:00 at night --

9 MR. ANDRES: I have to double-check, but I
10 believe it's seven to 6:30, maybe. I'm going to have
11 to double-check that.

12 CHAIRPERSON HOOD: Well, according to ANC 5A
13 they believe -- at least the way I read it, they
14 believe you're parking is sufficient. So according
15 to what -- if I've read that correctly, 5A -- not --
16 what did I say, 5A? Did I say 5A, though? I can't
17 remember.

18 MR. ANDRES: Yes, I think you said 5A, but I
19 don't know --

20 CHAIRPERSON HOOD: That's what happens when
21 you live in Ward 5. Okay. 4A.

22 Let me ask you, is that deli -- I heard you
23 mention the deli. I'm always interesting in making
24 sure businesses that are there during the rough times
25 remain. Is that the deli that you all mentioned or

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1 you're talking about another deli?

2 MR. MILLSTEIN: No, the deli that I think was
3 referred to is actually just a breakout of Harris
4 Teeter. Harris Teeter, unfortunately, quite frankly,
5 is taking all of the retail there because it's a
6 small site. So they'll be operating that sidewalk
7 café restaurant through the Harris Teeter.

8 CHAIRPERSON HOOD: I did not see a
9 perspective of -- I always like to see street
10 perspectives. I would like to see how the
11 relationship, and you can point me, I may have missed
12 it. I miss a lot of things. But I'd like to see how
13 that building sits with the surrounding area and
14 which this development is going to be put into that
15 already exists now. And not an aerial view. I'd
16 like to see a street view. Can you direct me to one
17 or can you get me one?

18 MR. CAUDLE: We don't -- let's see. We don't
19 have one that is rendered. I think the closest thing
20 that we would have to it, there are diagrams --

21 MR. FREEMAN: Commissioner Hood, it's kind of
22 tough because there are a lot of angles on this
23 building. So I don't know if A18 -- A15 would be the
24 closest thing you have to it, but they're just --

25 CHAIRPERSON HOOD: Yeah, and I saw those, so

1 that doesn't do it for me. And I know it may be
2 tough but I know it's doable. Don't have to have a
3 whole lot of extensive, but I'd like to see a view
4 from -- I'd like to see how it sits down and what's
5 there now in the character of the neighborhood. Just
6 give me two or three. And I think you hit one to and
7 Kalmia, 12th Street, Eastern Avenue.

8 MR. CAUDLE: So I mean, the perspectives are
9 close up. You're looking for something further back,
10 I would say.

11 CHAIRPERSON HOOD: I want to know how I'm
12 going to see this if I'm standing down --

13 MR. CAUDLE: Okay.

14 CHAIRPERSON HOOD: -- what is that, Eastern
15 Avenue? Where the park -- it's a park or a
16 playground or whatever to the right. I want to know
17 how I'm going to be -- how does it sit or what's
18 already existing in relationship.

19 MR. FREEMAN: Commissioner Hood, I just -- so
20 if you take a look at A20, and I'm just asking to
21 make sure we're not producing what -- that we're
22 answering your question properly when we produce --

23 CHAIRPERSON HOOD: No, that one doesn't do it
24 for me.

25 MR. FREEMAN: Doesn't do it. So you mean

1 from the sidewalk.

2 CHAIRPERSON HOOD: From what's there now. I
3 want you to put the building in what exists now. I
4 want to see it. I want to see how to just sit down
5 in there from a street view.

6 MR. FREEMAN: Okay.

7 CHAIRPERSON HOOD: Work hard at it.

8 MR. FREEMAN: Okay.

9 CHAIRPERSON HOOD: All right? Okay?

10 MR. FREEMAN: So like on A20, that building
11 in the middle is what's there now.

12 CHAIRPERSON HOOD: I haven't seen anything
13 that helps me answer my question.

14 MR. FREEMAN: Okay. Understood. We will
15 prepare that.

16 CHAIRPERSON HOOD: I want you to know my
17 colleague just showed that to me and that didn't do
18 it for me.

19 MR. FREEMAN: We will prepare that,
20 absolutely.

21 CHAIRPERSON HOOD: I mean, I'm not asking for
22 a whole lot. I just want to see how it sits with the
23 relationship of what's there now. Okay.

24 All right. I asked the question already
25 about the ANC because that kind of concerns me. The

1 vote, five to two -- and is anyone representing Mr.
2 Whatley? Or Steven Whatley here?

3 Do we know the ANC vote for -- and we're
4 going to allow time for ANC 4B. But the ANC 4A, I
5 noticed they had -- I think they had two people in
6 opposition and I'm curious. Well, yeah, two in
7 opposition and one voting present. I'm just curious
8 if the two in opposition were the single-member
9 district ANC. Do we know?

10 MR. FREEMAN: Absolutely not. I know for
11 sure.

12 CHAIRPERSON HOOD: The single-member district
13 commissioner --

14 MR. FREEMAN: Is fully supportive.

15 CHAIRPERSON HOOD: -- voted in support?

16 MR. FREEMAN: Yes. That's --

17 CHAIRPERSON HOOD: All right. That's all I
18 have. Any other follow ups? Okay. Let's go to the
19 ANC 4A. Is anyone representing ANC 4A for any cross-
20 examination? And we don't have any other parties, I
21 don't believe, so okay, we'll go to the Office of
22 Planning and the District Department of
23 Transportation, Mr. Mordfin, and then I guess Mr.
24 Rogers.

25 MR. MORDFIN: Good evening. And I just have

1 one comment that I wanted to add from my report.
2 Under number six on the report where I had addressed
3 the items from the Commission from the setdown
4 meeting, and in there I said that I requested the
5 applicant to revise the window treatment that they
6 had done there. But there's a better drawing that
7 shows it better, and that's on Sheet A39, which is
8 also included in this. And instead of it looking
9 like dashed lines going around the windows with
10 straight lines, horizontal lines in between, it
11 doesn't look like that at all and A39 is a much
12 better perspective of that, and therefore I rescind
13 my comment that they should revise that detail.

14 And that -- and I'm also available for any
15 questions if you have any. Thank you.

16 CHAIRPERSON HOOD: Thank you very much, Mr.
17 Mordfin. Very well done.

18 Okay, Mr. Rogers.

19 MR. ROGERS: Good evening, Mr. Chair, Members
20 of the Commission. Happy to rest on the record
21 tonight, but available for any questions you may
22 have.

23 CHAIRPERSON HOOD: You know, let me just say
24 this and I know your supervisor probably sitting
25 right next to you, but you guys do such a good report

1 that you don't have to elaborate so much. So, thank
2 you both. We appreciate it.

3 Okay. Any questions or comments up here?
4 Vice Chair Cohen.

5 MS. COHEN: Thank you, Mr. Chairman. This is
6 a question for DDOT.

7 Now that we're getting much more, you know,
8 penetration of grocery stores in the District, well
9 as urban centers, I would think 131 parking spaces is
10 pretty high. Are you anticipating an analysis of the
11 Harris Teeters, the -- all the different stores that
12 are coming in to check to see how much is being --
13 how many spaces are needed and used? Trader Joes is
14 the one I couldn't think of immediately.

15 MR. ROGERS: I'd say as a general rule we are
16 interested in better understanding how different land
17 uses perform throughout the District. And we do have
18 a couple of research efforts that are underway to
19 look at that. I think I've, I've probably mentioned
20 in the past a parking study to look at residential
21 parking utilization as well as trip generation for
22 urban multi-modal areas like ours.

23 We have collected data on trip generation at
24 a number of grocery stores throughout the District.
25 What we've found is that context is very important,

1 walkability, transit access. What I think is one of
2 the next steps for that research is kind of overlay
3 parking and the trip generation and see how those two
4 are related. That's not something we've done yet but
5 I think are looking to do in the future. If that
6 answers your question.

7 MS. COHEN: It does. Thank you.

8 CHAIRPERSON HOOD: Okay. Any other questions
9 or comments? Okay. Oh, Commissioner Miller.

10 MR. MILLER: Yeah, I just wanted to give
11 Office of Planning an opportunity to briefly comment
12 on how this project fits into the mixed use low
13 density commercial/moderate density residential land
14 use category.

15 MS. STEINGASSER: Well, it does but just by
16 definition. When you look at the distribution of
17 uses and the allocation of FAR for those uses, each
18 one falls within the appropriate category. The case
19 that you reference focused solely on the residential
20 description in the Comp Plan. When you have a site
21 that's striped by the Comp Plan, by pure necessity
22 you have to look at the commercial or mixed use zones
23 and designations, not just the residential, so that
24 that conclusion based on the number of stories along
25 we felt was a very focused and a very narrow answer

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1 to a very limited question that I think we will all
2 provide you additional information.

3 Had our report been filed after we'd seen
4 that we would have put a lot more discussion in
5 there. But both the prehearing information and the
6 OP report were filed before the court decision came
7 out so we weren't really in a position to address it.
8 But it really focused on the interpretation of a
9 residential land use versus a mixed use land use.
10 And you can't have the mixed use within the
11 residential category, so you have to go to the
12 commercial categories and they provide a broader
13 range. So we look at the distribution of the FARs,
14 we look at how height is used in the flexibility of
15 the context of a PUD and Chapter 24 specifically
16 provides for that flexibility, subject to not being
17 inconsistent. And when you look at the way the Comp
18 Plan talks about density and height it uses terms
19 like generally, typically. It's not a definitive.

20 So we're very comfortable that based on the
21 use of height to move density around the site and the
22 ultimate FAR that results, that it is very much
23 consistent with the Comp Plan.

24 MR. MILLER: Thank you. I think it's
25 important that we supplement the record, given where

1 we are. Thank you.

2 CHAIRPERSON HOOD: Any other questions of
3 either Office of Planning or DDOT? Okay. Does the
4 applicant have any cross?

5 MR. FREEMAN: No, sir.

6 CHAIRPERSON HOOD: Okay. Again, anyone
7 representing ANC 4A? Any cross? Not here.

8 Okay. Do we have any additional government
9 reports? Okay. Let's go to -- hold on for a second.
10 I'm going to ask the Vice Chair to talk about the ANC
11 report. We do know the vote was five to two, and one
12 abstention.

13 [Discussion off the record.]

14 CHAIRPERSON HOOD: Okay. ANC 4A actually
15 supports this, but I'm going to read one or two
16 excerpts from their report.

17 Okay. ANC has a lot of detail but I'm going
18 to particularly read --

19 [Pause.]

20 CHAIRPERSON HOOD: Okay. I think I have been
21 misquoted, but where did I get 5-2 from? That might
22 have been a special meeting case. It all runs
23 together sometimes.

24 Okay. Anyway, let me read this. "At its
25 regularly scheduled meeting on June 7th, 2016 notice

1 of which was properly given and which a quorum of six
2 of seven members were present, Advisory Neighborhood
3 Commission 4A voted six yes, zero no."

4 So, Mr. Freeman, I told you something but let
5 me correct it. I think I said five to two. Or
6 did --

7 MR. MILLER: There's an earlier resolution
8 that you were correct on, Mr. Chairman.

9 CHAIRPERSON HOOD: Oh, the five, two. Well,
10 now it's -- I meant to refer to the most recent. Six
11 yes, and no -- zero nos to approve this letter
12 regarding a proposed loss of residential parking due
13 to certain traffic modifications caused by the
14 subject development. And it goes on. There are a
15 lot of details in here which I think were mentioned.
16 But there's something specific that I was looking
17 for. Let me go to my computer.

18 [Pause.]

19 CHAIRPERSON HOOD: "ANC 4A requests that the
20 two fullest extent great -- be given great weight."
21 And this one was five to two. Okay. Maybe I'm
22 mixing things up here. Is this the one that was --
23 Mr. Freeman, come back and help me with this ANC
24 letter, because you were there.

25 They took two votes, right? An earlier vote.

1 MR. FREEMAN: So the first ANC resolution,
2 which is included as Exhibit No. 11 --

3 CHAIRPERSON HOOD: Right.

4 MR. FREEMAN: -- is the one in which they
5 voted to support the project and it talks about the
6 public benefits and amenities, et cetera. And again,
7 that was September 1st. The vote was five yes, two
8 no, and one present.

9 CHAIRPERSON HOOD: Okay.

10 MR. FREEMAN: And then there was a letter
11 they filed the other day that says, it says a number
12 of things. They say they're fully -- they support
13 the project. They're still fully committed to
14 continuing its positive relationship and interactions
15 with the applicant. But in the end they ask that we
16 have the five spaces in the building for the five
17 homes on the north side of Kalmia.

18 CHAIRPERSON HOOD: And I think you said the
19 applicant disagreed with that?

20 MR. FREEMAN: Yes, sir.

21 CHAIRPERSON HOOD: Okay. They also have
22 something in the other letter, but since you have
23 something that supersedes that, that may have been
24 worked out. I don't see it right off. I may do it,
25 mention it at a later time.

1 Okay. Thank you for helping me get that
2 straight. Also 4B, due to circumstances beyond their
3 control Advisory Neighborhood Commission 4B has been
4 unable to act on their recommendations, and I think
5 their meeting with the Land Use Committee that they
6 have, which is fine. And I think we will leave the
7 record open as requested unless there are some
8 objections. Commissioners?

9 No objections. Okay. Thank you,
10 Commissioner Miller. I think I gave you everything
11 back.

12 Okay. Now let's go to organizations and
13 persons in support. I have a list. This is our
14 first night. I will tell you, I'm seeing undeclared
15 does not start until September the -- when do our new
16 regulations --

17 MS. SCHELLIN: September 6th.

18 CHAIRPERSON HOOD: Sixteenth?

19 MS. SCHELLIN: Sixth.

20 CHAIRPERSON HOOD: September 6th. So what
21 I'm going to do is I'm going to call Mr. David
22 Jefferson, and I believe they are related. Hopefully
23 I pronounced this correctly. Naima. Okay. Now what
24 happens when --

25 [Discussion off the record about the kiosk.]

1 CHAIRPERSON HOOD: So if they can come
2 forward. Are you Jefferson?

3 [No audible response.]

4 CHAIRPERSON HOOD: Oh, okay. You a proponent
5 too? Did you key your name in? Oh, you just did it?

6 PARTICIPANT: [Speaking off mic.]

7 CHAIRPERSON HOOD: No, you need to come on up
8 now. Were you here when I made the announcement
9 earlier about keying in and -- this is our practice
10 night for this so. Okay. Let me see. What's your
11 name again? Bate?

12 MR. DOMINIQUE: Thomas Dominique.

13 CHAIRPERSON HOOD: Thomas Dominique, there
14 you are. You're proponent. Okay. All right. Let's
15 start -- yeah. So, let's begin with the Jefferson
16 family. You may begin.

17 Let me -- are the younger Jeffersons going to
18 come up and join you? They live in the neighborhood.
19 We'd like to see --

20 N. JEFFERSON: [Speaking off mic.]

21 CHAIRPERSON HOOD: Oh, they have?

22 N. JEFFERSON: They have voiced their
23 concerns at several community meetings.

24 CHAIRPERSON HOOD: Well, maybe I might want
25 to -- we might want to hear them if we all allow

1 them.

2 N. JEFFERSON: Do you want to speak? No?

3 CHAIRPERSON HOOD: Don't be bashful. Not
4 down here. But we're glad that you all joined us.
5 We're glad that you all joined us. We're glad that
6 you all -- well, she -- we're glad you all joined us.
7 Seriously, we're really glad you all joined us.

8 Okay. You may begin.

9 N. JEFFERSON: Good evening. My name is
10 Naima Jefferson and myself, along with my husband,
11 are the property owners of 1121 Kalmia Road
12 Northwest, which is Lot 8 depicted on the applicant's
13 Exhibits 47-3 on -- I'm sorry. Hear me? I'm sorry.
14 It doesn't go in between. On page 2.

15 We have grave concerns regarding the
16 renderings that are supporting the change. However,
17 we are conditionally supportive of the change in
18 zoning. We will directly and negatively be impacted
19 by the construction, noise nuisance and elevated
20 structure, more than any other property owner. In
21 fact, one side of our physical home is less than five
22 feet from the property line as illustrated on the
23 applicant's Exhibit 47-3, page 2.

24 Furthermore, the proximity of the proposed
25 project to our property, including our HVAC system,

1 will have a negative impact on the air and light
2 available to us. As a caveat, the page on Exhibit
3 47-3, Exhibit 47-3, page 2, is inaccurate and it does
4 not properly illustrate the position of our HVAC
5 systems.

6 While this Commission allows great weight of
7 the ANC I must mention for the record that according
8 to the ANC 4A minutes, our single-member district
9 commissioner has not been at an ANC meeting since
10 January and has made no efforts to meet with the
11 affected property owners within 200 feet without the
12 presence of the applicant.

13 Both the applications, I would like to note
14 for the record, did not give parties and individuals
15 the opportunity to look at previous zoning actions
16 and orders, both applications don't list -- it says,
17 "Not applicable," on that section. Granting some or
18 all of the relief sought by the applicant would have
19 a substantial and predictable impact on persons
20 residing within our neighborhood, particularly on our
21 1100 block, including impacts on traffic, parking,
22 quality, and quality of life.

23 I would like to say that the gentleman that
24 is the traffic consultant, misrepresented the parking
25 situation. There is only parking on the north side

1 of Kalmia Road on the 1100 block. There is no
2 parking on the south side.

3 It's a no-parking zone, in fact, because the
4 street is too narrow to have parking on both sides.

5 The applicant wishes to construct an entrance
6 to the garage on Kalmia Road and has been notified on
7 more than one occasion that two residents of our home
8 have serious health issues which will be adversely
9 impacted by the construction of the project. Those
10 adverse health issues are well documented in the
11 public domain in another matter in the U.S. District
12 Court.

13 The applicant made multiple promises to have
14 acoustic studies performed, and as of today has yet
15 to produce any. As such, we are requesting that the
16 PUD not be approved until the applicant completes a
17 noise analysis prepared by an engineer specializing
18 in acoustics which includes exhibits of existing
19 noise contours, and a 20-year projection, including
20 the demolition phases, excavation construction, and
21 transportation noise impact, given the proximity of
22 the garage entry to our home and the neighboring
23 homes.

24 If applicable we would request that the
25 analysis describe the mitigation techniques needed to

1 attenuate the current noise levels to no more than
2 allowed under the D.C. law.

3 We also would request that the noise
4 measurements and monitoring be taken over seven days
5 given the proximity of the houses of worship, for 24
6 hours a day, and that all meters be traceable to the
7 National Institute of Standards Technology for Type 1
8 Sound Level Meters.

9 A representative for the applicant has sent
10 us, as he mentioned in his testimony, working with
11 neighbors, two deficient neighbor notification forms
12 which I have provided you in an effort to access our
13 property. DCRA also has those.

14 The applicant has attempted to gain access to
15 our property, however an easement exists along the
16 back end of the property from our property --

17 MS. COHEN: How much longer are you going to
18 need, because you've exceeded your time.

19 N. JEFFERSON: Okay.

20 MS. COHEN: But do we have your testimony?

21 N. JEFFERSON: No. I can provide it for you.

22 MS. COHEN: Please.

23 N. JEFFERSON: Okay.

24 CHAIRPERSON HOOD: Let me do this. How much
25 more time do you need, because we don't have that

1 many people, Vice Chair. How much more time do you
2 need?

3 N. JEFFERSON: Maybe two or three minutes.

4 CHAIRPERSON HOOD: You can have it.

5 N. JEFFERSON: So, the traffic study which
6 came out last week mentions having three lanes of
7 traffic and the traffic consultant mentioned that
8 they would comply with DDOT's request to make right
9 and left turns. But in order to make a right turn
10 out of Kalmia and still have three lanes, you have to
11 eliminate parking because the street is too narrow.
12 So hence the request made to the ANC to have parking
13 available to the residents.

14 In addition, I'm glad that they mentioned
15 that there would be no expansion of the street. We
16 did want to point out that the traffic study failed
17 to incorporate Sundays. There are four houses of
18 worship within a two and a half to three block
19 radius, and it did not include the impact of traffic
20 east on Blair Road and west of Georgia, including the
21 Blair Center project that is currently under
22 construction. As such, we would request that the
23 traffic study be repeated.

24 And then lastly, I just wanted to say that
25 the applicant has benefitted from having public space

1 in exchange for allowing the community and the
2 church, Northminster that you mentioned, to park in
3 the parking lot, but yet now yet seeks to remove the
4 parking from those churches and flow additional
5 parking within to the neighborhood.

6 And just for the record the community has
7 supported that all the way back in several zoning
8 cases, to 1949.

9 I think the document that I provided to you
10 all kind of outlines the concerns as to why an
11 agreement to access our property is highly
12 improbable. And I'll just also say that the
13 applicant has not demonstrated, which it's in that
14 letter, that there's adequate liability insurance to
15 cover damage for all the adjoining properties, as
16 well as any other structural defects that may occur
17 with excavation in the area.

18 CHAIRPERSON HOOD: Okay. And let me just say
19 this, Ms. Jefferson, and it's not many so we want to
20 hear from the residents also and we want to be
21 amenable.

22 N. JEFFERSON: Uh-huh.

23 CHAIRPERSON HOOD: Not to cut you off at
24 three minutes because we don't have a room full.

25 N. JEFFERSON: I understand.

1 CHAIRPERSON HOOD: So, we appreciate that.
2 Let me just say that you came up with proponents, but
3 you're signed in as an undeclared, which doesn't
4 happen. So you are in opposition.

5 N. JEFFERSON: So I had a discussion with Ms.
6 Schellin. I'm not opposed to them changing it;
7 changing it to C-2 whatever, but I am opposed to the
8 method and manner in which they are going about it.

9 CHAIRPERSON HOOD: Okay.

10 N. JEFFERSON: Which includes accessing my
11 property.

12 CHAIRPERSON HOOD: Okay. Okay. Let's go to
13 Mr. Jefferson, I believe. And you are in support?

14 REVEREND JEFFERSON: Okay. My name is
15 Reverend Jefferson. Please forgive me with my eyes
16 being closed. I have a legal disability and it
17 affects my speech and I have sound sensitivity so I
18 apologize.

19 But the first thing I just want to say, thank
20 you for giving me this opportunity. As clergy I'm
21 always concerned about other people, and I just want
22 to first say that one of the things, the first thing
23 that I stated when the developer came to the --
24 started talking to the community was, please just be
25 respectful of the community. And in light of that, I

1 don't know if this is proper or whatever, but this is
2 what I normally do, and I defend other people. And I
3 would like to say that, I don't know the particular
4 titles but -- I don't know if it's Commissioner or --
5 I don't know your particular titles but I would just
6 say, just for the future, Ms. Cohen, you never know
7 who is in the audience, and the owner of that
8 property is here. So to make a comment about her
9 property, I think that was out of line. You know, so
10 please be mindful of someone's property.

11 As for the parking, I've been considered the
12 block captain, and I was the block captain before my
13 disability and for the 1100 block, and I've had many
14 conversations with my neighbors. And they are
15 elderly. Please forgive me for the speech. Some are
16 elderly and one of the concerns that I had, and I've
17 been trying to have this conversation with the ANC
18 and then the ANC did support this position, was the
19 fact that with this new development there -- we have
20 no parking for our homes, behind our home. We don't
21 have access to -- the only parking we have is
22 directly in front of our home.

23 So once the development comes, then there's
24 going to be hundreds of people vying for the space in
25 front of our homes, and we have elderly people right

1 next to this property. And so the ANC thought it was
2 fair that based on that request that the five homes
3 that would be greatly impacted by this have access to
4 the development's property, just like it was
5 suggested years ago. And it was a fair tradeoff.
6 And so I would ask that that definitely be supported.
7 I definitely -- well, one of the down sides is that
8 we have not had adequate representation and tonight
9 is another point of that. We have a single-member
10 district, but the person hasn't been there since
11 January, so how can we share our concerns with you
12 all if the people don't show up.

13 The last thing I would say, and my wife has
14 stated a lot of things, and that would be is that I
15 have a disability with sound -- disability to sound
16 sensitivity. Excuse me. And so that I just ask that
17 the noise be factored in because that is definitely a
18 major impact to me.

19 But I do support the developer and their
20 right to develop the property. I definitely do that.
21 That's it.

22 CHAIRPERSON HOOD: Thank you. We may have
23 some questions so hold your seat. Let's go to, just
24 to Dominique.

25 MR. DOMINIQUE: Hello. My name is Thomas

1 Dominique. I'm the homeowner of 1133 Kalmia Road
2 Northwest, also in the 1100 block and one of the
3 properties that is abutting the development.

4 First of all, you know, I think the Shepherd
5 Park Neighborhood is a very vibrant neighborhood,
6 it's a very historical neighborhood. And in general
7 my family supports the development. We want to see
8 the community continue to grow. I think for the most
9 part new families moving in and some of the older
10 families that have been there would prefer to have a
11 shopping -- a grocery store in their neighborhood
12 versus having to go over to Silver Spring. So we're
13 contributing to the tax base of the District. And it
14 also adds, I think, a lot of character to the
15 neighborhood.

16 We are concerned about the parking. I think
17 that's something that, you know, should continue to
18 be addressed. You know, we have small kids. There's
19 a lot of small kids within the general vicinity of
20 the development, and I don't think enough effort has
21 been made to really address, you know, traffic and
22 how it impacts your day to day life.

23 You know, we of course we look forward to
24 seeing people walk. But there will be a lot of
25 vehicular traffic. One of the things that you know,

1 my household is advocating for and if DDOT supports
2 it, is making the alley -- we're the home on the
3 alley. So, you know, we have a fence there, we have
4 small kids. You know, if they run into the alley or,
5 you know, something happens, we think a lot of
6 traffic is going to be generated in the alley. Right
7 now it's a very quiet alley. Most of the tags that
8 you see coming through are really Maryland tags. You
9 know, people cutting over from Eastern Avenue.

10 And then of course you'll see the homeowners
11 use it. But if you can make that alley, you know,
12 northbound only, and I think that will prevent a lot
13 of cut-through traffic. You know, people trying
14 to -- you know, basically since we've made access
15 full, given full access off of Kalmia, people cutting
16 down the alley trying to circumvent having to go
17 eastern, to Georgia.

18 So that's one of the things that I hope you
19 guys take into consideration. You know, we have had
20 a chance to work with Patrick and Paul. They've had
21 a lot of community meetings. They did have a sit-
22 down with all the members on the block. I think
23 three out of the five homeowners were in attendance.
24 They were very open and honest about the project.
25 They were very receptive to our needs.

1 I think there are some things that, you know,
2 still need to be ironed out, mainly parking and the
3 impact on traffic on the families on the block. But
4 other than that I think, excuse me, the project adds
5 a lot of -- a lot of character to the neighborhood
6 and it really creates a true community spot for
7 people living in Shepherd Park. Thank you.

8 CHAIRPERSON HOOD: Let me just digress a
9 little bit. I see another young person back there,
10 and I always acknowledge the young people. We glad
11 you're with us too this evening. Did you want to
12 come up and say something?

13 Now, you a little different. You like waving
14 and you want -- you want to come up and say --
15 introduce yourself? He's -- is that it? Do you all
16 want to come up and introduce yourselves? Because
17 guess what, I'm going to tell you what I tell all the
18 kids, and everybody know I do this all the time.
19 When you go home you can stream yourself later on and
20 you can tell your friends, watch the -- they might go
21 to sleep on the rest of it, but they'll be glad to
22 see you three. So come up and introduce yourselves
23 if your parents don't mind, and just tell us what
24 grade you're in. I'm not going to ask you what
25 school you go to. Just tell us what grade you're in.

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1 And what kind of grades did you make in school?

2 We're going to start with you while the young
3 lady is getting ready to sit down. We're going to do
4 this right quick. Introduce yourself and just tell
5 us the grades and what grade you're in.

6 F. DOMINIQUE: My name is Fahari Dominique
7 and I'm in 6th grade. I get straight As.

8 CHAIRPERSON HOOD: Straight As? Okay. Can I
9 get a copy so I can make it look like it was my
10 report card, because I didn't get straight As. But
11 that's good. Keep up the good work.

12 A. JEFFERSON: My name is Analeese Jefferson.
13 I am in 5th grade and I also get straight As.

14 CHAIRPERSON HOOD: All right. Let's keep the
15 roll going.

16 A. JEFFERSON: My name is Aria Jefferson and
17 I am in 3rd grade.

18 CHAIRPERSON HOOD: You get straight As too,
19 right? Well, we're going to -- here's what we're --

20 MR. MAY: She gets an A for coming up here
21 and talking to you, that's what I think.

22 CHAIRPERSON HOOD: We're going to work to get
23 straight As. But here's what I want you all to do,
24 when you all go home ask your parents tomorrow, early
25 when you come home from school, if school is still in

1 session. So you show how out of touch I am. Go to
2 the D.C. Office of Zoning's website and I want you to
3 watch yourself. You can skip through all the rest of
4 it what we did, and I want you all to go right on and
5 watch yourselves. Okay? All right?

6 Thank you all for coming, we appreciate it.
7 You three can go back to your seats unless you all
8 want to stay up here. You can stay up here. But let
9 me say this, two things I did want to -- would
10 comment on, the recommendation about the alley being
11 one way, have you had that discussion with the
12 applicant? And that's a proposal that has to come
13 from DDOT, pretty much. Well, come from the
14 applicant and then DDOT has whatever they go through
15 to see if that happens or not. So that's a
16 discussion you might want to have.

17 And about the ANC, when you don't have your
18 single-member district representative, the
19 chairperson is who you go to, the chairperson of your
20 ANC. And I think in this case, in 4A, it's Mr.
21 Chairman -- Ms. Black? Yeah, Ms. Black is your ANC?
22 Or was the chairperson.

23 REVEREND JEFFERSON: No, she's the
24 Chairperson.

25 CHAIRPERSON HOOD: She was just down here,

1 the special presentation we had. I know Ms. Black
2 very well. So you always lean on the chairperson
3 when you don't have a single-member district person.
4 For future references, always lean on the chair,
5 because the chair has to pick up the responsibility
6 when you -- but you have a commissioner though,
7 right?

8 REVEREND JEFFERSON: I was just about to say,
9 we do have --

10 CHAIRPERSON HOOD: Well, still lean on the
11 chair. That's the best you can do in that situation.
12 And then I would also recommend that you run. Or
13 somebody run. That's just where I am. Okay.

14 Any questions, other comments or follow up
15 questions up here?

16 MR. TURNBULL: Yeah, Mr. Chair I just have,
17 for the Jeffersons, your address is on Kalmia.
18 You're 1121?

19 REVEREND JEFFERSON: One. 1121.

20 MR. TURNBULL: I'm just looking at the
21 applicant's book and they show an 1123, and it looks
22 like there's three row houses. So you're the middle
23 one? Or no, you're the first one.

24 REVEREND JEFFERSON: Yes.

25 MR. TURNBULL: And there's a dashed piece of

1 line. Is that -- I guess I'm trying to figure out
2 when you say they're trying to access your property,
3 what are you getting at? The one boundary of your
4 property or what?

5 N. JEFFERSON: Based on the information
6 that's in what I provided you, our understanding is
7 that they needed eight feet of access in order to
8 build their walls or whatever they're doing.

9 MR. TURNBULL: Oh, I got you.

10 N. JEFFERSON: And there was some in an
11 earlier notification, there was some structural items
12 that would be encroaching on our land.

13 MR. TURNBULL: Well, one of the things that
14 normally happens, the ANC usually -- it's something
15 we can't enforce, but normally there's a construction
16 management type which talks about work hours, which
17 the ANC usually works out with the applicant. So I
18 don't know if they've had that discussion or not, but
19 it usually talks about protecting -- especially homes
20 that are that close to construction. So I don't know
21 if you're going to do that or not. But again, it's
22 not something that we enforce, but we often see that
23 referenced by the ANC. So.

24 CHAIRPERSON HOOD: Comments up here? But one
25 of the things I will say, and I'm not sure where

1 we're going on this, I've worked with a lot of
2 developers down here and I will tell you this
3 developer has, all over the city, has been very
4 amenable. I'm not putting a plug in for them, but I
5 want you all to continue to work.

6 This is not the first time he's had to work
7 with neighborhoods with some of these issues. I can
8 tell you, I've seen him come back with some different
9 results. So, you all I think, between the both of
10 you all, some of those outstanding issues that you
11 still have, you may be able to work them out. I'm
12 going to encourage the developer to try and I'm going
13 to ask for those who still have some concerns to try.

14 Let's go to Mr. Goodlow.

15 MR. TURNBULL: Mr. Chair, I just want to
16 concur with you. We've had this applicant in
17 practically every ward doing similar complex projects
18 with owners, homeowners, and it usually works out
19 very well. So, just so you know, just continue
20 working. But they're good to work with.

21 CHAIRPERSON HOOD: Okay. Mr. Goodlow, you --
22 screen. But anyway, Mr. Goodlow.

23 MR. GOODLOW: Good evening. My name is John
24 Goodlow. I live at 7706 Alaska Avenue. I am
25 supportive of this project. I won't qualify that but

1 I will say that I've been into many discussions with
2 the applicant about some of those residential
3 neighborhood concerns that have been addressed,
4 parking, traffic, and others of the such.

5 One of the things that I will point out for
6 the traffic study, my follow up questions to the
7 applicant regarding some of the impacts down Alaska,
8 particularly at Alaska and 12th Street, that
9 intersection in particular was not addressed in the
10 traffic study. I believe that it needs to be,
11 because I can see already that's a dangerous
12 intersection. The accident numbers for that
13 intersection don't account for the many close calls
14 that you see on a daily basis. So my request would
15 be to DDOT, to extend the traffic study to include
16 Alaska and 12th Street.

17 I will say, though, in addition that the
18 residential parking permit with it being parking for,
19 I believe, a two-hour period, that of course will
20 accommodate just fine, anybody that's running into
21 the grocery store, which of course brings that
22 traffic out onto the streets.

23 That being said, I am supportive of this
24 project. I believe that it's going to have a great
25 impact on the neighborhood. In part because of

1 what's there right now. I've seen issues of vagrancy
2 and people sleeping on the church property right next
3 to my home. And I'm hoping that with the increase in
4 traffic, pedestrian traffic, and hopefully some of
5 the positive impacts of -- that corner being
6 activated, that will discourage some of those
7 activities that make me and my family feel unsafe at
8 times. So I just did want to chime in with my
9 support.

10 CHAIRPERSON HOOD: Thank you, Mr. Goodlow.
11 And thank you all for your testimony. Let's see.
12 Any other questions up here? Not seeing any.

13 You have something else you wanted to add?
14 I'll give you one minute.

15 REVEREND JEFFERSON: Thank you. I'm sorry.
16 The other thing I wanted to say was, it is regarding
17 the parking. One of the reasons why we wanted to
18 make sure that it went through the ANC and included
19 in the application was that all of the neighbors
20 don't have the same ability to negotiate contracts.
21 That was a main issue to keep everybody even, to make
22 sure that everyone had parking. So that was -- to
23 make sure that the five homes would have access to
24 the parking because everyone doesn't have the same
25 ability to negotiate contracts. That's what I wanted

1 to add in.

2 CHAIRPERSON HOOD: Okay. Thank you. Does
3 the applicant have any cross?

4 MR. DOMINIQUE: I have one question for you.
5 You said that if we have any issues with traffic flow
6 and everything, we go to the applicant. And do they
7 -- is it a joint request between the applicant and
8 DDOT, because it sounds like DDOT has some
9 requirements for alley traffic.

10 CHAIRPERSON HOOD: They have requirements of
11 what streets they look at and I think Alaska may be
12 one of them. I'm not sure. I believe it is.

13 I think they have different requirements for
14 things they look at. What I simply ask is that some
15 things are not within the Zoning Commission's
16 purview. A lot of people think we just do it all.
17 They blame us for everything. But I'm used to it.
18 I've been here 17 years. So just blame us for
19 whatever. But we also have a letter to the law that
20 we have to follow. We have regulations we have to go
21 by. And we have things that we have to reconcile,
22 especially in the PUD case. So we are pretty much --
23 we don't throw it away but we are cognizant of it.
24 And a lot of times as Mr. Turnbull and I both have
25 already mentioned, and we're not saying it, you have

1 one of the better applicants. We already know that.
2 We've worked with them for years. They usually try
3 to make it work.

4 Does everybody hold hands and sing Kumbaya?
5 No. But do a lot of people come back a lot happier?
6 I think they have the proven track record. And I
7 would not just sit up here just to be saying this
8 because I've seen it done. And as Mr. Turnbull said,
9 we've seen it done in all wards. So that's why one
10 of the things I'm going to, when they come back up,
11 I'm going to ask them to continue to work with you,
12 and continue to see how we can kind of mitigate some
13 of these issues that we have, and try to work them
14 out because most of you all I believe, are in support
15 with concerns, the way I -- even undeclared. Even
16 you, Mr. Jefferson. I believe you're in support.
17 You're concerned, because you want to walk around the
18 corner and go to Harris Teeters. Okay. Well. Okay.
19 But somebody else may want to go around the corner
20 and go to Harris -- okay, you do. Okay.

21 But anyway, so that's what I was kind of
22 referring to. Okay?

23 All right. Where was I at? When I get on
24 these soap boxes. Where was I at? Where at?

25 Oh, does the applicant have any cross?

1 Okay. If you have any questions, please see
2 Ms. Schellin. We've already had support. I've
3 called for it about seven or eight times. If you are
4 in opposition, I'm getting ready to call for that
5 now. So, thank you all very much. We appreciate it.

6 Okay. Let's go to persons in opposition.
7 Let's go to Juliet Bate, Sara Green, and anyone --
8 well, let me just do this for the night. Anyone else
9 who is here in opposition? You can come forward.
10 Yeah, just come on. This is our first night having
11 this and we'll probably put up a sign. And I know I
12 called or it a couple of times earlier. But just
13 come on. Anybody in opposition.

14 And this is our official record so if you
15 testify please go back over to the kiosk, because
16 this is how we keep our official record of who signed
17 in. And this is our first night with that, so.

18 Okay. We're going to start with Sara Green
19 to my right, your left. Ms. Green.

20 MS. GREEN: Press it? Okay. There it is.
21 Good afternoon. Good evening. My name is Sara
22 Green. I'm here representing myself. I am not a
23 commissioner. I was. I am not a commissioner so I'm
24 not representing ANC 4B or any other organization.
25 What you have are letters that are from two of my

1 neighbors and myself, and I'm going to add some
2 things. Some of the comments I'm making do not
3 represent my neighbors, they just represent me.
4 What's in the letter is from my neighbors.

5 What we all agree about is that, you know,
6 the building is improved. I haven't heard anybody,
7 and certainly not me say that we don't support a PUD,
8 that we don't support development there. So I am not
9 speaking in opposition, you know, to this building or
10 to anything, except a general request that this
11 building should be better. It could be better. And
12 you know, in looking at the Small Area Plan and the
13 Georgia Avenue Plan, that I spent a lot of time, you
14 know, attending meetings and working with, I was on
15 the ANC when it went through. It was a big deal.

16 And what we were promised was that, gee,
17 Office of Planning kept saying, you know, you're
18 going to get a lot of density here. And one of the
19 things you get with density, it's a tradeoff. What
20 you get with density is you get benefits. You get
21 better architecture, you get community benefits, and
22 that's what cities do, and that's what density does.
23 And we accepted that.

24 I acknowledge the community -- you know, the
25 community room, the donation to Shepherd School,

1 that's all fine. But I think what we need, what we'd
2 like to see, is something that is genuinely gateway
3 building. We'd like to see art, signature, something
4 other than a sign that says Harris Teeter.

5 Harris Teeter, the sign that says Harris
6 Teeter does not a great building or a gateway
7 building make. And that's what we're asking for.
8 We're asking for some more creativity. These are
9 things that were in the master plan. I've attached,
10 you know, just unique architecture. Unique
11 architectural elements that visually reinforce the
12 gateway concept.

13 You could do things with the corner. You
14 know, it's a great corner. You could make the corner
15 of that building work with corners. I mean, I'm not
16 an architect but I think you're getting my point.

17 The other thing we suggested is landscaping.
18 Now, you have that island with the Garden Club of
19 America monument, bicentennial monument to George
20 Washington. That's at Kalmia. And you know, we had
21 suggested that the land owner that, the company just
22 take over that site, make it beautiful, keep it
23 beautiful, adopted. And to do that in a covenant.
24 But I'm going to put on something, my own hat, my
25 other neighbors haven't talked to about, and that is

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1 that during the Comp Plan, during all of this stuff,
2 all of these discussions over the years, I have come
3 to the Zoning Commission and I have come to HPRB,
4 I've gone to the city council, and I've said, please,
5 let us have the Garden of Eden on Georgia Avenue.
6 Why can't we have that? Silver Spring has that.

7 You drive down Downtown Silver Spring and it
8 blooms. And money is spent. And it looks gorgeous.
9 We know when we go into the District of Columbia
10 because all of that greenery ends. It doesn't look
11 so nice anymore.

12 Well, here we have a big development, here we
13 have a developer with some pockets. I'm sorry.
14 There are some deep pockets here. And I would like
15 to see something start as a precedent, that when you
16 build a building, especially a significant building
17 on Georgia Avenue, you plan. And to do plantings in
18 medians, to do plantings, deep plantings on the
19 sidewalk, I'd like to compete favorably with Silver
20 Spring as landscaping goes.

21 And the last thing, I want to agree with Ms.
22 Cohen and Mr. Miller about the affordable housing. I
23 wasn't sure what the proffer just was from the
24 developer. But to only have four percent of housing
25 at 50 percent AMI is, I'm sorry, I just don't think

1 it's significant, even though the number may be
2 larger in total. I don't think you're missing that.
3 I think you're missing whether it's seniors or
4 anybody else.

5 One of the things that ANC 4B, and I'm not
6 speaking for ANC 4B except on the record, this was
7 testimony over and over again over the last decade.
8 We are looking in our neighborhood to house our
9 neighbors as families. Studio apartments, one
10 bedrooms do not make it. If you're a school teacher
11 or a fireman, or anybody, not just a government
12 employee, and you have a child, you need a two-
13 bedroom apartment. And if you have, you know, a
14 lower income you need a two-bedroom apartment
15 probably at 50 percent AMI.

16 And we need a lot of those apartments. And
17 that's what I'm asking you to require in this project
18 and in others. And again, saying it again, I'm
19 speaking for myself and what's in the letter is to
20 those people who submitted it.

21 Thank you for listening, thank you for the
22 time, and again, I am not opposing this project. I
23 think there's so much that's good that's going to go
24 on there, and I know this company and I well
25 understand what you're saying about them. We just

1 think it could be a little better and we're asking
2 you to help us do that.

3 CHAIRPERSON HOOD: Okay. Thank you, former
4 Commissioner Green.

5 MS. GREEN: Thank you.

6 CHAIRPERSON HOOD: We know you down here but
7 I want to make sure I emphasize, you're speaking for
8 yourself. We got it.

9 MS. GREEN: Thank you.

10 CHAIRPERSON HOOD: We understand. I know
11 you've been here many times in your other capacity,
12 your formal capacity. So I want you to know for the
13 record --

14 MS. GREEN: Thank you.

15 CHAIRPERSON HOOD: -- we understand that
16 you're speaking on behalf of yourself. Okay. Next.

17 MR. BATE: Yes. Hello. My name is Juliet
18 Bate. I live at 1150 Kalmia Road, so I'm on the
19 south side of Kalmia Road in the same block. And I
20 just wanted to say that while there's been a lot of
21 outreach to the north side of Kalmia Road there's
22 been no outreach to the south side of Kalmia Road.
23 And I still do feel that we're affected properties.

24 But the applicant, the ANC, nobody has
25 knocked on our door and asked for our opinion at all.

1 There has been zero community outreach in our
2 opinion.

3 Our concerns are with this development. We
4 already have five grocery stores in the vicinity. We
5 have potential Ekman's moving down the road at Water
6 Reed. We have a lot of unleased properties on East-
7 West Highway, the Blair's have just rebuilt, and
8 we're just putting the same thing in again on the
9 corner. And our concerns are, is anybody going to
10 even be interested in that? Why do we even need
11 this? What is it adding to our community?

12 We moved into this community because it was a
13 quiet residential neighborhood. We have a small
14 child. It's a very quiet neighborhood. This is an
15 early to bed, early to rise neighborhood. By 9:30
16 p.m. you can hear a pin drop in our street and that
17 is going to change. That's a huge concern of mine.
18 We have a store that's open until 11:00 p.m., we now
19 have a parking exit for both residential and for the
20 store off Kalmia Road with constant noise, and it's
21 going to dramatically change our neighborhood.

22 Going back to your point over here, one
23 bedroom apartments, that's not what this neighborhood
24 is about. It's not about Millennials moving in.
25 This is family, it's older residents. It's family.

1 Families. And this is not what this neighborhood is
2 about in our opinion.

3 My concern, personally, on Kalmia Road again,
4 is the whole traffic congestion. We are a connector
5 route. We have EMS. We have fire trucks and
6 ambulances go down our road constantly. We do
7 connect from one side from Georgia to 16th Street.
8 The road is very narrow right now with the existing
9 parking, and now you're going to potentially make
10 three lanes of traffic. They say they're not going
11 to widen the street, which is a bit of a relief for
12 us, but I just don't see how all this additional
13 traffic, the EMS vehicles, how all this is going to
14 fit into a quiet residential neighborhood.

15 And again, I think the point was made, Sunday
16 is actually our busiest day in this block. We have a
17 couple of churches. You literally cannot park by our
18 house and within a two-block radius on Sundays.
19 Every single space is filled. And now we're going to
20 bring in additional cars and traffic and I just don't
21 see how all this is going to work and I don't feel
22 it's really been addressed. So those are the points
23 I wanted to make.

24 CHAIRPERSON HOOD: Okay.

25 MR. BATE: Thank you.

1 MR. BATE: Thank you.

2 CHAIRPERSON HOOD: Ms. Holt.

3 MS. HOLT: Excuse me.

4 CHAIRPERSON HOOD: Turn your mic on, Ms.
5 Holt. Is it on? And speak right into it. There you
6 go.

7 MS. HOLT: I promised my husband I would not
8 come and make a -- I would not say anything because I
9 am disappointed and angry that 25 years ago we went
10 through this same song and dance, at which time if
11 anybody can remember, Jeb Cohen wanted to put 213
12 apartments on that corner, and he wanted to make a
13 roundabout at 12th and Eastern. And everything was
14 purportedly to accommodate 213 apartments at that
15 corner.

16 Well, fast-forward 25 years, maybe. Back
17 then we didn't have the internet. Consequently,
18 those of us who wanted to negotiate, talk, bring it
19 down a notch, walked the whole neighborhood from
20 Colonial Village to Georgia Avenue. He wanted to
21 acquire the alley. That didn't go.

22 And then with these 213 apartments at Eastern
23 and 12th Street, he wanted to create a roundabout for
24 the traffic. What has not been mentioned here is
25 that when Walter Reed put in that hospital, new

1 building, and they started digging, and I don't know
2 how deep they dug, but all the mice, the rats, the
3 vermin, anything you can think of, invaded the
4 community. I'm concerned about the depth because in
5 order to have parking they're going to have to dig
6 deep. Well, those of us who lived there for the last
7 50 years, we know that this part of Washington, D.C.
8 is part of Silver Spring.

9 Silver Spring has underground springs, as
10 does our neighborhood. Practically everybody in the
11 neighborhood has had an issue with underground water,
12 the pipes. We now know how old they are and how --
13 what's going to happen when you start, you know,
14 building, building, building. I don't know.

15 I just don't think that the Zoning Commission
16 has done a very good job of allowing the members of
17 our community, or required the ANC and whoever else
18 to allow the residents at our community to know
19 what's coming up on them. I mean, it just boggles my
20 mind that I see somebody at church and it's my church
21 right there on the corner, and that person doesn't
22 know what's coming.

23 Morris Miller had given the church, our
24 church, the ability to park on that parking lot over
25 the many, many years the church as stood there. When

1 the complex is complete the church will die. There's
2 nowhere. There is absolutely nowhere to park on the
3 streets. The Ethiopians moved into the synagogue,
4 and there must be 1,000 of them. And they felt quite
5 privileged, they park any way they want and the
6 District Government, or the police department does
7 nothing.

8 If I park two inches from a stop sign and my
9 front bumper inches over, I'll get a ticket. They
10 can park anyway they want, all day long, on Sundays.

11 CHAIRPERSON HOOD: Ms. Holt, let me help
12 you --

13 MS. HOLT: What?

14 CHAIRPERSON HOOD: Let me help you to refrain
15 -- keep it to what we have jurisdiction. I wish we
16 had jurisdiction over ticket writing in the city, but
17 we don't, because I would get rid of some that I get.
18 But I want to make sure that we keep it germane to
19 the land use issues in the community.

20 MS. HOLT: Okay.

21 CHAIRPERSON HOOD: And you have about two
22 minutes.

23 MS. HOLT: Okay. I would ask that this
24 Zoning Commission, which has the ability to make
25 zoning decisions that impact neighborhoods, that we

1 could be informed of what's being planned and what
2 decisions are being made. I got word of this hearing
3 on a half a piece of paper saying there will be a
4 zoning hearing on this and that was a month ago.

5 Since then nobody has said a word on the
6 neighborhood list serve, no major notice has been
7 given. So, half the people in the neighborhood have
8 no clue as to what's coming. And I don't know, I've
9 come and stood before this Commission and back then
10 we didn't have a website, we didn't have computers to
11 notify everybody in the community what is going on.
12 Nobody really, really knows. All they know is that a
13 Harris Teeter is coming, and they're excited.

14 But they have no clue about the impact of the
15 traffic. We've lost three cars coming down Kalmia
16 Road over the years. There are a lot of children
17 walking from school.

18 CHAIRPERSON HOOD: Okay. Can I get your
19 closing thought, Ms. Holt?

20 MS. HOLT: Okay. I quit.

21 CHAIRPERSON HOOD: Okay.

22 MS. HOLT: I'm just concerned that you're
23 sitting here having a conversation about what's
24 coming to us, but we are not getting adequate and
25 proper notice.

1 CHAIRPERSON HOOD: Okay.

2 MS. HOLT: Okay. And I'll leave it at that.

3 CHAIRPERSON HOOD: Okay. Let me help you out
4 on a few things. First of all, the proper notice
5 comes from -- you ever see any green signs on the
6 property up there?

7 MS. HOLT: What?

8 CHAIRPERSON HOOD: Did you see any green
9 signs?

10 [No audible response.]

11 CHAIRPERSON HOOD: Okay. Tomorrow sometime
12 what you could look at, they should still be properly
13 noticed. That's one way of notice.

14 The other notice is participating in your
15 ANC. And if you are within 200 feet of the subject
16 property you should have gotten notice. We have a
17 record of that. I'm not sure about all that. If
18 you, again, I say if you're within 200 feet. So
19 there's a proper notice.

20 This Commission, the five of us basically,
21 that's what the Office of Zoning do. We send out 200
22 foot notices. And also, do you attend your ANC
23 meetings? I think all over the city people who
24 attend the ANC meetings -- one of the things that
25 I've found, and I'm not admonishing anyone. One of

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1 the things I've found in my neighborhood, the reason
2 I got up here is because I got out there, found out
3 what was going on in my neighborhood, and I got
4 involved.

5 So I have to go to my ANC meetings. I have
6 to go to my civic association meetings, and find out
7 what's going on also. There are certain requirements
8 by law that the city has to do, and I think the
9 Office of Zoning, we send out to people who are
10 within 200 feet of the project. As Ms. Green, and
11 others who are ANC commissioners know, the ANC is
12 notified. This office does a great job doing that.

13 So, I don't know what more -- and I think
14 it's also in the Register. Is it in the Register? I
15 don't know what more else to do to be notified
16 because obviously -- and whoever sent you that
17 obviously was somebody who was proactive. I'm not
18 sure what that was, you said that you got a half a
19 sheet of paper from. But whoever sent it to you is
20 obviously engaged and following what's going on in
21 their community.

22 So I just don't want anyone to leave here
23 witness the misunderstanding that it's our job to go
24 around and notify all the communities.

25 MS. HOLT: It's not your job to notify all

1 the members of the community, but it needs to be
2 published.

3 CHAIRPERSON HOOD: It is published.

4 MS. HOLT: And for those who are impacted --

5 CHAIRPERSON HOOD: It's published, and that's
6 my point. Those who are impacted and it's published.
7 If you're within 200 feet.

8 One thing in my neighbor -- or most
9 neighborhoods, if you're within 200 feet you get a
10 notice from the Office of Zoning. And it has our
11 names on it, because I have church members who say,
12 Anthony Hood, I got something in the mail that has
13 your name on it. I say, oh, that's a zoning case,
14 you need to read it.

15 So I would encourage you -- I don't know, you
16 may want to talk to Ms. Schellin see if you got a
17 notice, because we have a record of it.

18 MS. HOLT: I didn't.

19 CHAIRPERSON HOOD: Are you within 200 feet?

20 MS. HOLT: I don't -- I'll count it out
21 tomorrow.

22 CHAIRPERSON HOOD: Okay. But also look
23 around -- walk --

24 MS. HOLT: I'm on the corner of the
25 intersection.

1 CHAIRPERSON HOOD: But also I want you to
2 look around that block and see if you -- I think they
3 -- are we still using the green ones?

4 MS. HOLT: No.

5 CHAIRPERSON HOOD: A green notice.

6 MS. HOLT: No.

7 CHAIRPERSON HOOD: Are you sure?

8 MS. HOLT: Positive.

9 CHAIRPERSON HOOD: Can you guarantee that?

10 MS. HOLT: As best I can. I live there. I
11 walk up and down that street. And I've not seen a
12 green anything.

13 CHAIRPERSON HOOD: Okay. Let me get off of
14 this subject.

15 MS. HOLT: And so I have tried to give notice
16 when I got back in town, couple weeks ago, that there
17 was going to be a hearing on the 16th.

18 CHAIRPERSON HOOD: Ms. Holt, let me just help
19 you. I've seen two signs up there. I was up there
20 about three weeks ago. The two signs were up. And
21 the reason I was up there, there was another reason,
22 I wasn't going up here to look at the site or
23 anything. I'm in that area. Just look around the
24 area for me. They're posted. They're posted.
25 They're posted. I saw -- and that's what made me

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1 think about it. Oh, I got a hearing coming up. And
2 I was on Georgia Avenue and saw them.

3 MS. HOLT: Well, I don't walk up and down --

4 CHAIRPERSON HOOD: I see them all over the
5 city.

6 MS. HOLT: -- Georgia Avenue.

7 CHAIRPERSON HOOD: I was actually driving.

8 MS. HOLT: I live at one -- I live across the
9 street from her.

10 CHAIRPERSON HOOD: Okay. Well, Ms. Holt,
11 we're going to move forward because we might have
12 some questions.

13 MS. HOLT: Well --

14 CHAIRPERSON HOOD: But we have your testimony
15 and we appreciate it.

16 Commissioners, any questions of this panel?
17 Commissioner Miller?

18 MR. MILLER: Thank you, Mr. Chairman. Thank
19 each of you for your testimony. Ms. Green, on the
20 affordable housing proffer, you may have missed it
21 but Mr. Millstein did double the 50 percent AMI in
22 response to a question I asked. And we will ask them
23 when they come back about the landscape and
24 streetscape/landscape improvements.

25 MS. GREEN: I heard something and I wasn't

1 quite sure what it is. So --

2 MR. MILLER: It was quick. He really --

3 MS. GREEN: I will thank him. I will --

4 MR. MILLER: -- responded quickly.

5 MS. GREEN: I will thank him publically.

6 That's good news. Thank you.

7 MR. MILLER: That was good news. Thank each
8 of you. It's good to see you again. It's been a
9 long time, Ms. Holt. I don't know if you remember.

10 MR. HOLT: What did you say?

11 CHAIRPERSON HOOD: He said it was good to see
12 you. It's been a while since you all have seen each
13 other. He didn't know if you remembered.

14 MS. HOLT: About 25 years.

15 MR. MILLER: Yeah.

16 MS. HOLT: Twenty-seven.

17 MR. MILLER: Yeah.

18 CHAIRPERSON HOOD: Okay. Any other -- does
19 the ANC have any cross? I'm sorry, not the ANC.
20 Does the applicant have any cross? Okay.

21 Thank you all very much. We appreciate your
22 testimony.

23 Okay. Mr. Freeman, you've heard some of the
24 comments. It would be nice if you addressed some in
25 rebuttal.

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1 MR. FREEMAN: Sure.

2 CHAIRPERSON HOOD: And if you all could come
3 back and let's see how we can close this out.

4 MR. FREEMAN: Sure.

5 CHAIRPERSON HOOD: Thank you.

6 MR. FREEMAN: I will try to get through as
7 many of the comments as quickly but thoroughly as
8 possible.

9 With respect to the notice issues and the
10 lack of information, that's simply not true. We have
11 a project website; we've been to many community
12 meetings. I will submit for the record all of the
13 meetings we've been to.

14 With respect to the comment from Ms. Bate,
15 and I believe she lives with Mr. Holler, their
16 address, their name is listed on the list where
17 notices are sent. And as you acknowledged the site
18 has been clearly posted.

19 CHAIRPERSON HOOD: Let me ask you, since you
20 have that list available, is Ms. Holt's name on
21 there? Okay. She's not on there. So she --

22 MR. FREEMAN: I didn't get her name, but she
23 might not be within --

24 CHAIRPERSON HOOD: Okay.

25 MR. FREEMAN: Okay.

1 CHAIRPERSON HOOD: So she's not within 200
2 feet. Okay.

3 MR. FREEMAN: So I think the record is pretty
4 clear in terms of the applicant's notice and
5 community outreach.

6 With respect to the comments from -- and I'll
7 tell you, I applaud Mr. Jefferson. I don't know if I
8 would have did that if I were him. But with respect
9 to those comments we have the letter that Ms.
10 Jefferson circulated was a notice that's required
11 pursuant to construction regulations. So we have Mr.
12 Turnbull, you suggested that often times applicants
13 do construction management agreements. What we
14 attempted to do in this case was to actually work
15 with each of the immediately impacted neighborhoods
16 specifically, and try to address their specific
17 concerns.

18 MR. TURNBULL: Rather than an overarching.

19 MR. FREEMAN: Rather than an overarching.

20 MR. TURNBULL: Okay.

21 MR. FREEMAN: Address their specific
22 concerns. So the letter that she was referring to
23 and was talking about access and easements, those
24 were access -- an access right to construct the
25 portion of the --

1 MR. TURNBULL: Of that wall.

2 MR. FREEMAN: -- our building.

3 MR. TURNBULL: Right.

4 MR. FREEMAN: But to the extent that she's
5 not interested in doing that, we're happy to not do
6 that agreement.

7 MR. TURNBULL: Okay.

8 MR. FREEMAN: We're happy to continue to work
9 with her, but you know, if she's saying here she
10 doesn't want to do it, we are not attempting to force
11 anyone to do it. We will comply with all regulations
12 regarding noise, construction staging, traffic
13 control plans, road and abatement, all of those
14 issues as you all know are construction issues which
15 we will have to do and comply with as we go through
16 the process. We'll comply with the regulations in
17 terms of noise, hours of construction, et cetera.

18 So I think that answers a lot of the comments
19 that you might have heard with respect to -- with
20 respect to parking noise, et cetera.

21 Parking traffic. Traffic, our traffic
22 report, I think there was a comment that it was just
23 made available. It was filed 40 -- it was filed in
24 the record and posted on the website, so that's been
25 out and open in the public domain. The study, DDOT

1 will say we've done everything they asked us to do.
2 We did the counts on the days they asked us to do the
3 counts. We studied the intersections they asked us
4 to study.

5 We are committed to maintaining parking on
6 site. You know, we often have a struggle in which
7 the planning agencies say we're over parked. In this
8 case we're providing more parking than is required.
9 And I want that. We're almost double what's required
10 on site in order to make sure we have enough parking
11 within the site to -- for the people within the
12 building. We're not asking for parking relief.
13 We're not doing anything that -- we're doing
14 everything we can to try to minimize spill-over
15 parking.

16 With respect to traffic impacts we are
17 installing traffic cameras at a cost of about
18 \$15,000. We're reconfiguring a number of
19 intersections in order to make improvements to
20 accommodate the project, at a cost of approximately
21 \$250,000. So we think we have done what is necessary
22 in order to ensure that we're mitigating any adverse
23 impacts and not have any unmitigated impacts on
24 neighbors.

25 Always happy to continue to do more. We'll

1 continue, as you know, these guys are out there every
2 day working with people trying to address their
3 issues. We will continue to do that. There is a
4 comment about landscaping. We have designed a
5 landscaping plan which is included in our packet.
6 We'd love to get super creative. Sometimes we can't
7 do that given kind of public space requirements but
8 we actually have an approved landscape plan. We've
9 gone through the public space committee so our
10 landscape plan has been approved and meets all of
11 those standards.

12 So again, I think -- I think I covered most
13 of the comments topically. I'm not sure if Mr.
14 Millstein wants to add anything.

15 MR. MILLSTEIN: No, I'll just keep it very
16 brief. We will continue to try to work out our
17 issues with the immediate neighbors. We are in
18 direct contact with all of them directly or by
19 counsel, through their counsel, one or the other. We
20 have been trying. We have offered all kinds of
21 mitigation factors and construction knowledge and
22 offered legal support, offered to pay for legal
23 support. We have been, I believe, very progressive
24 in trying to make everybody work within -- you know,
25 make everybody happy. That is our goal. We're not

1 done. We'll continue to try.

2 I would also say that we do think we're over
3 parked, but nobody knows for sure. If there is
4 excess parking we will bring in a parking operator
5 and we will open it up to the community so that if
6 there's spaces that are not being utilized nobody
7 benefits from empty garages. We'll make it available
8 to the churches, the residents, the neighbors. It
9 will be available. We're not going to let it sit
10 there in waste. So in fact if there's more, there's
11 more. And with that I'll wrap it up. Thank you.

12 CHAIRPERSON HOOD: Okay. Let's see. And
13 here's the thing. I see shaking heads and like this.
14 We've been doing this a long time. I think we need
15 to leave out of this room constructively, that we're
16 going to try to work together to make it work so we
17 can all coexist. I see your hand, Ms. Jefferson, but
18 I want you -- I'm going to ask for a report, and I
19 want a report what's going on with the, especially
20 the Jefferson family, before we do any final action.

21 And things that are within your jurisdiction
22 that you can work out. I don't expect you to resolve
23 everything. I think from what I heard a overwhelming
24 -- I know there's concerns, Ms. Holt and others, are
25 concerns. And I think some things we have to just

1 learn how to co-exist because you know, sometimes you
2 be very careful of what we ask for. Just come to my
3 neighborhood. But I will tell you that one of the
4 things that I would like to see is that we -- what I
5 call the good neighbor policy. If you're going to be
6 a neighbor then we need to work out some mitigation.
7 Are we going to get 100 percent? Probably not. But
8 can we get closer than where we are? We probably
9 will. And again like I stated earlier, this
10 applicant has done that. I've been here. I've seen
11 it. My colleagues have seen it.

12 So, I'm looking forward to that, to see us
13 bridge the gap close together. Are we going to close
14 it? We might not, but we're going to be closer
15 together, depending upon which direction this
16 Commission goes in.

17 So we want to leave out of here, not with a
18 shaking head, we want to leave out of here with a
19 positive way that we're going to try to make this
20 work if it's approved by this Commission. That's all
21 I ask. All I ask is that you try. Try. Okay. And
22 that's everyone. All right.

23 Any questions or comments, Commissioners?
24 Okay. Vice Chair Cohen.

25 MS. COHEN: Thank you, Mr. Chairman.

1 Actually I would just like, and not tonight, but DDOT
2 to comment on the approach from Silver Spring into
3 D.C. and the landscaping. I'm trying to recall when
4 I've come in, but it's probably been at night. So it
5 hasn't really struck me. But I would like more
6 information on the public space and landscaping. Is
7 it really, you know, it's been noted tonight that it
8 really is a major difference and very unfriendly
9 coming into our part of the city. I mean, the
10 access. Thank you.

11 CHAIRPERSON HOOD: Commissioner Miller.

12 MR. MILLER: Yeah, as a follow up to that.
13 If the applicant or DDOT can comment on the, I think
14 it was Mr. Dominique's suggestion about the
15 northbound alley, northbound only on the alley, I
16 think it was. But if you're prepared to comment now,
17 or in your post-hearing submission, if you can
18 include that?

19 MR. FREEMAN: We'll address it in our post-
20 hearing.

21 MR. MILLER: Okay. Thank you.

22 CHAIRPERSON HOOD: The next time everyone
23 goes up to Annapolis, I want you to come in on New
24 York Avenue, my neighborhood, and see what we look
25 at. You Store, a storage facility. So, I think we

1 really need to balance some of the things we ask for.
2 I would love to have Harris Teeters in my
3 neighborhood. I'm not pushing for that, but I'm just
4 saying. We really need to balance.

5 And I understand, Ms. Green, I've actually
6 been there when Andy Altman was the planning
7 director. I've took him around and told him about
8 these gateways, or at least the ones in my area, and
9 maybe I didn't do a good enough job because we had --
10 hopefully the person is not here that owns the You
11 Store. We're glad to have it. It's better than what
12 we had, but I would like to have what I'm hearing
13 here tonight. So sometimes we've got to balance
14 these things, everybody. So and again, not shedding
15 light on anyone's opinion or what they believe,
16 because I actually agree with you, Ms. Green. I
17 really do. But I wish I could get some of this over
18 in my area.

19 But anyway, any other questions up here?

20 MR. FREEMAN: Just, and this may be out of
21 order, but I did want to make one comment. With
22 respect to landscaping, the parts that we control and
23 can impact are shown on Sheet L01, which I think
24 demonstrates that the applicant has done a good job
25 of developing a landscape plan. Again, over the

1 parts of the public space which they control. And
2 again, that plan has been approved by DDOT.

3 MR. MILLSTEIN: Now, I would also offer that
4 if DDOT is willing to give us the rights to take
5 control of that triangular landscaping that is an
6 abominate and embarrassment, we will be glad to pay
7 for it and maintain it as long as we run that project
8 on the corner. We're glad to do it.

9 CHAIRPERSON HOOD: We've already made some
10 headway. I don't know what's going to happen, but
11 there's already been an offer put on the table and we
12 haven't even adjourned. So, anyway, any other
13 comments up here?

14 Mr. Freeman, have you given us your closing?
15 You did. The Vice Chair said yes. Whether you did
16 or not, she said yes, so we'll take that as the
17 closing. Commissioners, any other follow up
18 questions?

19 Ms. Schellin, do we have any dates.

20 MS. SCHELLIN: How much time do you think you
21 need?

22 MR. FREEMAN: We can turn our materials
23 around relatively quickly. I can go through the list
24 that I have if you like, but I think --

25 MS. SCHELLIN: I don't want you to.

1 MR. FREEMAN: Okay. I think we can get it
2 in. I think the -- okay. We could get everything
3 in, in two weeks.

4 MS. SCHELLIN: Two weeks.

5 CHAIRPERSON HOOD: Does that also factor in
6 the conversations I want you all to have? Update or
7 status?

8 MR. FREEMAN: Assuming they're available to
9 talk we will meet with them as we've had multiple
10 meetings and we will continue those meetings. Yes.

11 CHAIRPERSON HOOD: Okay. And I need an
12 update both from you all. And also --

13 MR. FREEMAN: If we want to schedule a time
14 for that right now we can do that right now.

15 CHAIRPERSON HOOD: I think you all can handle
16 that.

17 MR. FREEMAN: Okay.

18 CHAIRPERSON HOOD: I don't want to get into
19 that. Ms. Schellin, I also want an update from the
20 Jefferson family.

21 MS. SCHELLIN: Okay.

22 CHAIRPERSON HOOD: And 4B at 29th. So we
23 probably won't be able to deal with this until July
24 11th.

25 MS. SCHELLIN: Correct.

1 CHAIRPERSON HOOD: Unless you all want to do
2 it at our special public meeting July 7th.

3 MR. MILLSTEIN: I think we need at least to
4 the 11th, Chairman, if you don't mind.

5 CHAIRPERSON HOOD: Okay.

6 MR. MILLSTEIN: We've got to have some
7 meetings with some neighbors.

8 CHAIRPERSON HOOD: Okay. July the 11th.

9 MR. MILLSTEIN: Thank you.

10 MS. SCHELLIN: Are you okay with getting the
11 responses on July 7th and moving forward with the
12 meeting on the 11th? Are you guys okay with doing
13 that?

14 CHAIRPERSON HOOD: Anybody have any problem?
15 No, we're good.

16 MS. SCHELLIN: Okay. So then if we could
17 have the applicant's submission by 3:00 p.m. on June
18 30th, that would be two weeks. And then the ANC's,
19 which are -- well, actually only ANC 4A gets to
20 provide a response, and DDOT -- because DDOT's actual
21 submission that I believe Commissioner Cohen asked
22 for would be due also on the 30th, because that way
23 if the applicant chooses to respond to it they would
24 have that opportunity too, would be -- and then
25 responses would be due from the ANC 4A and ANC -- I'm

1 sorry. And the DDOT, if they choose to respond to
2 anything that the applicant submits also would be due
3 by 3:00 p.m. on July 7th. And then ANC 4B could
4 provide their report. They asked for July 29th, but
5 we'd give them until June 30th. I'm sorry. They
6 asked for June 29th. They would have until June 30th
7 also.

8 CHAIRPERSON HOOD: Okay. Ms. Jefferson wants
9 to mention something in your ear, and if you can just
10 let me know what the issue is?

11 [Pause.]

12 MS. SCHELLIN: She's telling me that the ANC
13 could not respond because they don't meet again until
14 September. But we have this situation all the time.

15 CHAIRPERSON HOOD: Which ANC?

16 MS. SCHELLIN: 4A.

17 CHAIRPERSON HOOD: Did anybody ask for
18 anything from 4A?

19 MS. SCHELLIN: Just if they choose to
20 respond. They don't have to.

21 CHAIRPERSON HOOD: If they choose to. Yeah,
22 I want you to be able to respond. Okay. But I've
23 opened it up, Ms. Jefferson, for you to respond.

24 MS. SCHELLIN: Right.

25 CHAIRPERSON HOOD: Of how you all are --

1 right.

2 MS. SCHELLIN: Ms. Jefferson, Mr. and Mrs.
3 Jefferson gets to respond regarding their meeting,
4 the outcome of the meeting that they have with the
5 applicant, and that would be due by the 7th, 3:00
6 p.m., July 7th. And then we'll put this on for the
7 11th of July.

8 CHAIRPERSON HOOD: And I think -- let me just
9 give the Jeffersons some guidance, if you can just
10 come back with issues that you all were not able to
11 resolve.

12 MS. SCHELLIN: Right.

13 MR. FREEMAN: Why don't we do this, and I
14 hate to do this to you, Ms. Schellin, why don't --
15 we're fine with waiting until July 25th for proposed
16 action in order to give folks more time.

17 CHAIRPERSON HOOD: Okay. Hold on a second.

18 MS. SCHELLIN: Because you guys need more
19 time to meet? Problem is, Commissioner May will not
20 be here, so we'll have to go to September if that
21 happens.

22 MR. FREEMAN: All right. They're not meeting
23 on the 18th.

24 MS. SCHELLIN: Oh, wait. Wait one second.

25 [Pause.]

1 CHAIRPERSON HOOD: Okay. All right. So
2 yeah, 25th is good, but we need to do it the 25th.
3 We need to do it the 25th.

4 MR. FREEMAN: Okay. July 25th is good.

5 CHAIRPERSON HOOD: Twenty-fifth is good.

6 MR. FREEMAN: Okay.

7 MS. SCHELLIN: Okay. So we're going to
8 change the dates then. So --

9 CHAIRPERSON HOOD: Ms. Jefferson is -- so the
10 person the other night, if you're watching so you
11 won't think that I'm just picking on you, Ms.
12 Jefferson is getting ready to jump out of her seat.
13 So I want her to come back to you before, so we can
14 finish, and find out what the issues are. Ms.
15 Jefferson, please don't go back to your seat. Just
16 stay up here until we finish.

17 So the other person who said I was picking on
18 them about jumping out of their seat, I also did that
19 with Ms. Jefferson.

20 [Discussion off the record.]

21 MS. SCHELLIN: So, Mr. Freeman --

22 CHAIRPERSON HOOD: Hold on a second. Mrs.
23 Jefferson, can you just keep a seat right there?
24 Right there, if you don't mind. Thank you.

25 MS. SCHELLIN: Okay. All right. I'm going

1 to work backwards. Okay. So we're at 7/25. Okay.
2 So, Mr. Freeman, in that case we'll give you until
3 July 5th, 3:00 p.m. for your submissions to be due.
4 And during that time you would meet with the
5 Jeffersons. I'm not saying wait until the 5th, Ms.
6 Jefferson. So if you guys could make yourself
7 available to the applicant prior to that time. Okay.

8 And then the Jeffersons would have until 3:00
9 p.m. on July 11th to provide a response regarding the
10 meeting and what your outstanding issues still are,
11 and that's it. That's all you're responding to.
12 Okay?

13 And the ANC 4A, the ANC in which the property
14 is located, would have until July 11th, 3:00 p.m. to
15 provide their response if they choose to provide one.
16 And drafts, findings of facts, conclusions of law
17 would also be due 3:00 p.m. July 11th. And we will
18 contact ANC 4B and allow them to provide their ANC
19 report on July 5th now, give them extra time. And
20 then place this on the July 25th meeting agenda.

21 CHAIRPERSON HOOD: Okay. Thank you. We all
22 on the same page? Okay. So with that this hearing
23 is adjourned. Thank you everyone.

24 [Hearing adjourned at 9:30 p.m.]

25