

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Special Public Hearing

Case No. 16-17 [EYA Development, LLC - Consolidated
PUD and Related Zoning Map Amendment for 1200 Varnum
Street, N.E. (Square 3917, Lot 800).]

6:12 p.m. to 7:03 p.m.
Thursday, May 18, 2017

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

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

2 CHAIRPERSON HOOD: In Case No. 16-17, I'm
3 going to ask that the opening statement from the
4 previous case be incorporated as part of this case of
5 the continuing on.

6 My name is Anthony Hood. Joining me are Vice
7 Chair Miller, Commissioner Turnbull, Commissioner
8 Shapiro, and Commissioner May, as well as Ms. Sharon
9 Schellin, Office of Zoning, Office of Planning staff,
10 Ms. Steingasser and Mr. Lawson and Mr. Jesick.

11 Again, we're located in the Jerrily R. Kress
12 Memorial Hearing Room.

13 Today, we just have a few more things to
14 cover. We're going to have rebuttal, then we're
15 going to have cross on rebuttal by the parties, and
16 then we'll have a closing.

17 And for those who are here for our Howard
18 University case, which was started -- supposed to
19 start at 6:30, but we're going to get to you as soon
20 as possible, this shouldn't be no more than 45
21 minutes to an hour, hopefully, in this case.

22 So, Mr. Tummonds, if you all want to begin on
23 rebuttal?

24 Hold on for a second. Commissioner Shapiro.

25 MR. SHAPIRO: Thank you, Mr. Chair. I just

1 want to say that I was not physically here for the
2 first part of the hearing, but I did review the
3 record, both the materials that were submitted, as
4 well as watching it, and I will be participating.

5 CHAIRPERSON HOOD: Okay, thank you. Ms.
6 Schellin, do we have any preliminary matters?

7 MS. SCHELLIN: No, sir.

8 CHAIRPERSON HOOD: Okay. All right. Mr.
9 Tummonds, you may begin.

10 MR. TUMMONDS: Wonderful. Thank you. Good
11 evening. My name is Paul Tummonds with the office of
12 Goulston and Storrs, Dave Lewis of Goulston and
13 Storrs is also with me here this evening.

14 The applicant is prepared and submitted an
15 exhaustive written response to the oral and written
16 testimony of the party in opposition to this case, as
17 well as the oral written testimony of other opponents
18 to this application. We filed that in the record
19 earlier this afternoon, and provided copies to the
20 parties in this case.

21 The applicant's testimony this evening will
22 address traffic and fiscal impact issues, as well as
23 highlight information regarding the appropriateness
24 of the dwelling units per acre calculations proposed
25 by the applicant, the relevant FAR calculations for

1 this project, and the applicant's answers to the
2 eight questions that were raised in the party
3 opponent's written submission.

4 In our written and oral testimony, we will
5 also address some of the questions noted by the
6 Zoning Commissioners, and we will note the additional
7 information that we will provide in a post hearing
8 submission after the conclusion of this hearing this
9 evening.

10 With that, I will now have our first witness,
11 Dan VanPelt, present his testimony.

12 MR. VANPELT: Good evening, Commission. For
13 the record again, I'm Dan VanPelt with Gorove Slade.

14 First want to start out, at our last hearing
15 Commissioner Hood asked a question about the
16 operations of the 12th Street. So, here, on this
17 image you can see the aerial and let me point to it,
18 actually, on the screen over here.

19 The hospital is immediately on the opposite
20 side of the street, and I apologize for my shaky
21 hand. But there are two driveways. There is in-
22 bound for the emergency room, and an outbound over on
23 the -- just the other side of that. And then there
24 is a driveway for the service delivery to the
25 hospital. Those have really limited activity. Most

1 of the traffic generated by the hospital is from the
2 parking and all that is accessed off of 12th and
3 Allison, or off driveway from Varnum Street.

4 One of the things we wanted to point out is
5 that EYA received a letter from Providence Hospital
6 that's dated May 16th, and it's on the screen now but
7 I'd like to read just a part of that letter to you.

8 "Providence Hospital decided over a year ago
9 to remain neutral in regards to the potential
10 townhome redevelopment on the rear of the St. Joseph
11 Seminary site at 1,200 Varnum Street. One of the
12 primary reasons why we were able to remain neutral
13 about the proposed development was that we have the
14 opportunity to review the preliminary plans and
15 believe that the project will not have a negative
16 impact on the hospital operations."

17 I think moving on, one of the things I think
18 that DDOT got very clear from the last hearing, was a
19 message that there are many concerns in the community
20 about traffic calming and traffic issues. Our
21 transportation study, our CTR, had some proposed
22 things. I think you can see from the staff report,
23 DDOT wasn't as supportive about some of those. But
24 since the hearing we've been able to go back to DDOT
25 and I guess kind of petition them, if you will,

1 saying that that's not really acceptable. We need to
2 come up with a plan to try to address the commuter
3 traffic and the hospital traffic in the neighborhood.

4 So, we have a verbal signoff on the plan I'm
5 going to walk you through now from DDOT. We
6 understand that they're going to be submitting a
7 supplemental report into the record stating their
8 concurrence with the plan, and so I'm going to show
9 you the highlights of those, of the plan.

10 What we are showing you, though, one thing to
11 keep in mind is this is still a conceptual level.
12 DDOT has agreed that the elements contained here are
13 acceptable but they need to be fully designed and
14 fully vetted. The goal here, though, is to improve
15 pedestrian safety, calm traffic, and improve
16 operations at 12th and Allison.

17 So, starting as highlighted up at 12th and
18 Allison, the missing crosswalk and curb ramps, on the
19 south the approach with 12th Street will be
20 implemented. All of the crosswalks will be updated
21 to DDOT's high visibility striping. There is -- this
22 is true for all of the crosswalks that were proposed,
23 and I'll talk to you about here. So, that upgrade in
24 our very crosswalks.

25 We're also proposing a curb extension on the

1 west side of Allison, north of the hospital driveway
2 to shorten that pedestrian crossing and try to help
3 calm traffic.

4 Since the hospital driveway and the alley
5 adjacent to it create this awkward geometry, we
6 believe one of the things that would be beneficial is
7 to show some lane transition markings through the
8 intersection. These are often referred to as puppy
9 tracks, if you will. You'll often seen them you
10 know, when they have dual left turn lanes. This
11 would help the east-bound and the west-bound traffic
12 understand the respective patterns through the
13 intersection.

14 We also are proposing to extend the no-
15 parking zone for a bit further on the south side of
16 Allison Street, east of the intersection. That would
17 help with the east-bound flow because the hospital
18 driveway really kind of aligns with the back of that
19 parking lane there, where that wants to be. And to
20 give more room for two-way traffic flow on Allison
21 Street in that section.

22 And so, lastly, at this intersection we would
23 suggest that the alley be converted to one-way
24 operations away from the intersection, to eliminate
25 the alley traffic entering the intersection adjacent

1 to the hospital driveway to help with --

2 MR. TURNBULL: Mr. VanPelt, I didn't mean to
3 interrupt you but I, just for clarity, the hatched
4 area that you're showing on Allison is proposed no
5 parking?

6 MR. VANPELT: Correct. That's what we're
7 proposing.

8 MR. TURNBULL: Okay. Thank you.

9 CHAIRPERSON HOOD: As you're doing this, Mr.
10 VanPelt, because I was going to have you repeat it
11 but I might as well not just be redundant because we
12 do have a case after this. Why don't you show me
13 what you're talking about, especially with Allison?
14 Everything you just said, I want you to start all
15 over again, but I want you to use a marker and show
16 me --

17 MR. VANPELT: Sure.

18 CHAIRPERSON HOOD: -- like you're talking
19 about extending the parking. I mean, the no-parking
20 area and that kind of -- just show me the little
21 areas up there.

22 MR. VANPELT: Yeah, okay. Let's walk back
23 through it again.

24 So, make sure I'm not shooting anybody in the
25 eye here. Oh, I'm shooting myself. Thank you. All

1 right. There you go. I can't see anymore.

2 So, high visibility crosswalks at all
3 locations. And I apologize for my shaky hand. So,
4 we have high visibility crosswalks at all locations.
5 We are proposing a curb extension right there at that
6 location to help shorten that crossing and to help
7 try to traffic calm that a bit.

8 Because we have this awkward relationship of
9 the hospital driveway, right next to the alley, one
10 of the things we're proposing is to make that alley
11 one-way away from the intersection. So, keep traffic
12 from coming out from the alley into the intersection.
13 It's a lower volume, but we want to try to eliminate
14 -- just take some more people out of that
15 intersection if we can help it.

16 CHAIRPERSON HOOD: Which alley are we talking
17 about now?

18 MR. VANPELT: So, right there where the
19 pointer is, there is an alley that's immediately
20 adjacent to the hospital driveway. So, that that
21 alley isn't feeding any traffic in to the
22 intersection, we would like to make it, and we're
23 proposing that it's one-way away from the
24 intersection.

25 CHAIRPERSON HOOD: You're talking about the

1 alley on the same side, or the alley across on
2 Allison, on the left-hand side, if I'm leaving out of
3 the hospital driveway, you're talking about that
4 alley to the left?

5 MR. VANPELT: No, it wouldn't be as you're
6 leaving out of the hospital. It's the alley that's
7 adjacent as you enter the hospital. There is an
8 alley that is immediately to the north, adjacent to
9 the hospital driveway.

10 CHAIRPERSON HOOD: Right. Right in this --

11 MR. VANPELT: Yes, that --

12 CHAIRPERSON HOOD: The cars use that alley?

13 MR. VANPELT: Oh, on your left. Sorry. On
14 your left, as you're leaving the hospital.

15 CHAIRPERSON HOOD: Yeah, right there to the
16 left.

17 MR. VANPELT: Yes, correct.

18 CHAIRPERSON HOOD: Do cars, vehicles use that
19 alley?

20 MR. VANPELT: Yes.

21 CHAIRPERSON HOOD: I have never ever --

22 MR. VANPELT: It's a very low volume.

23 CHAIRPERSON HOOD: -- seen --

24 MR. VANPELT: But one of the --

25 CHAIRPERSON HOOD: It's so low that I've

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 never seen it and I've been through there thousand, a
2 million times. Okay. All right. Let's keep going.

3 MR. VANPELT: Yeah, and our counts show that
4 it's very low. But just one thing we're trying to
5 figure out how we can eliminate some conflicts at
6 this intersection with this geometry that we have
7 here.

8 That would have to -- one thing DDOT wanted
9 me to point out, that that would take a -- that would
10 have to be petitioned notice of intent, that they
11 were to do that. It has to go for a public vetting
12 process, so that's something that would need further
13 review and public vetting.

14 But one of the things that we're proposing
15 here is the puppy tracks. As you can see, the
16 hospital driveway as you come out, it really is --
17 it's not aligned with the rest of Allison, so the
18 little striping through the intersection, that little
19 tracks through the intersection are to help the
20 users, both directions, both either coming out of the
21 hospital or going westbound on Allison, understand
22 how they traverse through that intersection.

23 And then we're proposing that hatched area to
24 get rid of the parking on the south side of Allison
25 for a greater distance. DDOT thinks that needs to be

1 all the way up to Private Street A. But the thought
2 there is, is that if you look at the alignment of
3 that hospital driveway, as you come right out, you're
4 basically aligned right -- you know, not right, but
5 you know, you want to be on that southern portion of
6 Allison, and that's a very pinched down kind of
7 constrained area, and we've heard about the
8 community's concerns about that, so the thought was,
9 at least give that a little bit more breathing room
10 for two-way traffic in that portion of Allison.

11 And I think that touches everything there at
12 that location.

13 So, the next one we're moving on to, and
14 we'll talk a little bit about -- or talk about the
15 intersection at -- oh, let's talk about this
16 intersection. One of the things on 12th Street in
17 its entirety from Varnum to Allison that DDOT wants
18 to see us implement is the cross-section that we had
19 proposed in the CTR. That would include parking on
20 the west side as it is today in that location, and I
21 think DDOT is interested in trying to explore it
22 maybe in some other locations. But it is as it is in
23 that location, including, and then include bike lanes
24 northbound and southbound.

25 While those bike lanes don't physically limit

1 the cart way, they visually limit the cart way and we
2 think while it's implementing one of the goals of the
3 Move D.C. Plan to implement more bike infrastructure,
4 the thought was, is it narrows the cart way and helps
5 to traffic calm it.

6 At the intersection of Webster extended and
7 12th Street, we've implemented a new crosswalk,
8 again, high visibility crosswalk, and there would be
9 signage associated with that to reinforce that D.C.
10 is a stop jurisdiction, you need to stop for
11 pedestrians in the crosswalk. We're also proposing
12 other signage associated with that, that gives
13 motorists a warning that there is a pedestrian
14 crosswalk ahead.

15 And there is a bulb out on the western side
16 of the street. That would visually -- or that would
17 limit the crossing -- or shorten the crossing
18 distance and narrow the cart path a bit. And so DDOT
19 actually thought that that was -- they proposed that
20 and thought that that was a good addition.

21 So, moving over to the intersection of
22 Webster and Sergeant 13th, we're proposing curb
23 extensions at that location on the west -- on the
24 east side of the street, I'm sorry. The fact that
25 this plan is turned sideways, that just keeps

1 throwing me off.

2 That would help traffic calm. It would
3 shorten the pedestrian crossings here also. But one
4 of the benefits of the curb extensions is it helps
5 move that stop bar on Webster out to the west a bit,
6 so it helps improve sightlines, that sight triangle,
7 which I think is one of the concerns today, is that
8 as you come out on Webster you really have poor
9 visibility trying to see who's coming up and down.
10 But that would improve your sightlines, and it also
11 removes some of the parking immediately adjacent to
12 the intersection, again helping to improve sight
13 lines.

14 I think the last thing to point out is, is
15 that one of the things we're committing to is a
16 driver feedback to let you know your speed limit as
17 you go on this stretch. The exact location of that,
18 we can kind of work to figure out where that wants to
19 go. But our thought was, this is the southbound
20 direction, this is downhill, there's no adjacent
21 street parking to access friction if you will. So,
22 it seemed like this was the kind of the appropriate
23 place for it.

24 So, with that I think we've touched on all
25 the transportation and so I'll turn it over to Evan.

1 Or Charles.

2 MR. MAY: Did you look at the RPP question
3 that I asked about?

4 MR. HEWLETT: Yeah, I'll handle that.

5 MR. MAY: Okay. Thanks.

6 MR. TUMMONDS: Mr. Hewlett.

7 MR. HEWLETT: Yes. Good evening. My name is
8 Charles Hewlett. I'm a managing director with RCLCO.
9 We have prepared a report regarding the potential
10 land value destabilization and displacement aspects
11 of this application, as well as the fiscal impact of
12 this application. It's my understanding that this
13 report has been filed with you all here in the case
14 earlier today. I'd like to provide just some brief
15 highlights of that report if I may.

16 First, as it's true with many of
17 neighborhoods in the District, the neighborhoods
18 surrounding this development are already experiencing
19 increases in property values and rents. And that's
20 likely to continue, whether or not the development
21 occurs. The development will not set price and rent
22 increases in motion, but rather this is already
23 occurring without any impetus from the development.

24 So, there's no reason to conclude that the
25 plans for the development have either caused this

1 trend, or that they're going to have a significant
2 impact on this established trend of home prices and
3 rent increases.

4 So, a number of the studies around the
5 country have found, actually, that new housing in all
6 price ranges, and specifically new affordable
7 housing, are some of the best ways to mitigate
8 increased prices in rents. And these are going to be
9 provided by the development and will be provided
10 without the demolition or conversion of any existing
11 housing, as this is a vacant property for the most
12 part.

13 So, the main cause of price increases that we
14 see from these studies and our own observations, is
15 an imbalance between demand and supply. So,
16 actually, the creation of new housing in all price
17 ranges is critical.

18 We talked about displacement. The
19 development is not going to result in any direct
20 displacement of neighborhood residences or
21 businesses.

22 And then, I think it's important to recognize
23 that approximate 75 percent of the households within
24 the census tract surrounding the development are
25 actually owners, owner/occupied housing units. And

1 so, the existing homeowners in the surrounding
2 neighborhoods have actually been benefitting from
3 increases in home values that have been occurring and
4 will likely to continue with or without the
5 development. There's always the risk then, of
6 households being forced to sell to pay property
7 taxes. But that's going to be greatly mitigated by a
8 number of the District policies that are in place in
9 terms of homestead exemptions, senior, and other low
10 income tax abatements and deferral programs.

11 Together, with the applicant's commitment to
12 assist seniors and their homeowners in the area on
13 restricted incomes via the Housing Council Services,
14 Inc., or HCS.

15 The development and the applicant have
16 committed to providing a number of other benefits to
17 both local business and the young people in the
18 surrounding neighborhoods. They're going to add
19 patrons, retail patrons. They're going to provide
20 employment opportunities. They're going to provide
21 educational opportunities for youth in the market
22 place.

23 Finally, the development based on our
24 analysis, is very fiscally positive for the District
25 budget. Our analysis indicates that over the next 30

1 years the development will result in approximate 55
2 million in tax revenues. The operating expenditures
3 to the District are going to be approximate 20
4 million, and so that net fiscal impact over that 30-
5 year period is going to be 35 million, attributed
6 directly to this development.

7 So, overall, not only with the development
8 not add, in any significant way, to price and rent
9 increases that have already been occurring in the
10 surrounding neighborhoods. It will in fact mitigate
11 many of the negative impacts that these increases
12 have experienced and actually deliver some of the
13 positive impacts by increasing the supply. And these
14 are exactly the types of benefits that are vital to
15 offsetting some of the negative impacts of home
16 prices and rent increase that are already well
17 underway in this neighborhood and the surrounding
18 area. Thank you.

19 CHAIRPERSON HOOD: Okay.

20 MR. TUMMONDS: Thank you, Charlie. Mr.
21 Goldman.

22 MR. GOLDMAN: Good evening. For the record,
23 my name is Evan Goldman. At the request of
24 Commissioner Hood, we will present a few existing
25 condition photos, including our project so you can

1 see a realistic depiction of how our proposed project
2 fits within the future environments in the area.

3 This first photo is looking east at the
4 hospital exit, at that intersection of 12th and
5 Allison. This is an existing photo today, and then
6 you can see what it would look like in the future
7 with the project dropped in it, and you can see the
8 scale and the setback of the homes in the
9 neighborhood are similar to the homes across the
10 street.

11 This next slide is --

12 CHAIRPERSON HOOD: Okay, help me understand.
13 I want you to walk me through what did we do? I
14 just, you know --

15 MR. GOLDMAN: Sure.

16 CHAIRPERSON HOOD: You can do a whole lot of
17 tricks with photographs.

18 MR. GOLDMAN: Yeah.

19 CHAIRPERSON HOOD: Trust me.

20 MR. GOLDMAN: Okay. So, this is the existing
21 photo today looking, you know, directly at that
22 intersection if you're coming out of the hospital.
23 And then what you'll see is on the right side we've
24 added the new townhomes that will be built there.
25 Here, I can use the pointer too.

1 CHAIRPERSON HOOD: So, what do we do to do
2 away with that traffic? What do we do?

3 MR. GOLDMAN: So, these houses right here is
4 the addition to the photo. This is the exactly same
5 photo that you were just looking at.

6 CHAIRPERSON HOOD: Okay, but I'm looking at
7 the street. Let's go back to the first photo.

8 MR. GOLDMAN: Oh, sorry, sorry.

9 CHAIRPERSON HOOD: So, for me though, it
10 makes it looks like now we've relieved the issue on
11 Allison Street, when I go from one photo to the next.

12 MR. GOLDMAN: Got it.

13 CHAIRPERSON HOOD: No, you see what I'm
14 saying?

15 MR. GOLDMAN: Got it. Yeah, no. That's --

16 CHAIRPERSON HOOD: Let me just reference it.
17 I had a case in front of us one time where there were
18 no cars at church parking.

19 MR. GOLDMAN: Uh-huh.

20 CHAIRPERSON HOOD: At 1:00. Somebody else
21 took some pictures at 1:00 another Sunday and there
22 were plenty of cars.

23 MR. GOLDMAN: Right.

24 CHAIRPERSON HOOD: So, that reminded me of
25 that. So, I mean, what did we do? I mean, I

1 understand what you were trying to do, but it looks
2 like you made it -- my perception is you made it so
3 much more accessible and egress and going up and down
4 the street in one picture to the next. And I know
5 that's not what I've asked for, but I'm just --

6 MR. GOLDMAN: No, I know what it is. Yeah,
7 we've asked our renderer to add the crosswalks. So,
8 this is an area where we're adding -- it's hard to
9 see because of the light on the screen, but we're
10 adding crosswalks here and crosswalks here. And so,
11 when he did that I think he probably just rendered
12 out the car in the middle because he's drawing the
13 crosswalk right over where that car was. But we can
14 also update as we submit for the final submission, we
15 can change that back into the old photograph.

16 CHAIRPERSON HOOD: So, the traffic is still
17 the --

18 MR. GOLDMAN: Traffic is still there, but the
19 benefit --

20 CHAIRPERSON HOOD: It's still the issue.
21 Okay. That's all I'm trying to say. I thought we
22 did something to clear that.

23 MR. GOLDMAN: This photo actually really
24 shows the issue that we're trying to solve. So,
25 you've got a car parked right here, and the way the

1 hospital exits, you actually line up directly behind
2 that car. And so, cars have to scoot over here in
3 order to go straight. And what happens at this
4 intersection often is a car waiting to make a left
5 turn will actually sit in this location, because
6 these cars then go to the right. And you end up with
7 a situation where the cars coming across can't get
8 through and it backs up the intersection.

9 CHAIRPERSON HOOD: So, what -- let me just
10 stop you.

11 Mr. VanPelt, I thought we were going to have
12 a no-parking area somewhere.

13 MR. GOLDMAN: Right.

14 CHAIRPERSON HOOD: Which side of the street
15 is it on?

16 MR. GOLDMAN: Rig there.

17 CHAIRPERSON HOOD: Which side of the street
18 is it on?

19 MR. GOLDMAN: Right there.

20 CHAIRPERSON HOOD: Have we talked to the
21 residents that live in the existing home about doing
22 that, because I think through the city you have to --
23 don't we have to get approval or 50 percent, or --

24 MR. VANPELT: Well, this is something that
25 since the last hearing we've been talking to DDOT

1 about, but there has not been -- that would have to
2 be further vetted with the community to determine --
3 and the curbside management folks at DDOT. But the
4 policy and planning folks who have went around and
5 talked to the curbside management folks believe that
6 this is something that can be done.

7 CHAIRPERSON HOOD: Okay.

8 MR. VANPELT: But as far as I know, there has
9 been no conversation with the community about it yet.

10 CHAIRPERSON HOOD: Well, let me not hem and
11 haw. I'm going to very hard on Allison Street.
12 Right now, until we get that resolved, you don't have
13 my vote. Oka. I can just tell you. I don't know
14 about anybody else, but that to me is an adverse
15 impact that we're adding onto a neighborhood. We've
16 got to do something.

17 Okay, but let me let you finish.

18 MR. GOLDMAN: Okay. Appreciate that. Okay.

19 So, this is an image looking northbound on
20 12th Street towards the intersection of Allison, 12th
21 and Allison as well, and so that's the existing photo
22 today with the hospital entrance on the left, and
23 then you can see on the right we've added in the new
24 townhomes with the 30-foot setback across from the
25 hospital there.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 And actually, the tree save provisions really
2 is highlighted here because you can see how those
3 houses kind of disappear behind the trees.

4 Looking, this is a new rendering, this is a
5 new rendering, or a new photo that we haven't shown
6 last time, looking south now on 12th Street towards
7 the intersection of Allison and 12th. The site that
8 we're talking about is off here in the distance on
9 the other side of the intersection. And then when
10 the houses get built it's hard to see, but you can
11 see the side of the home right there.

12 And once again, because of the street -- the
13 tree preservation measures that we're doing here, a
14 lot of that gets hidden behind the actual trees
15 themselves.

16 This is an image looking westbound towards
17 the intersection of Allison and 12th. And so, we've
18 really hit that intersection from all four sides.
19 Sorry, let me get back to my place here. And since
20 this is the existing image today with our site on the
21 left, and then the image of our townhomes right here,
22 similar scale, similar setback to the houses directly
23 across the street on this side.

24 And then this image is looking from Varnum,
25 looking north, further south along 12th Street, so

1 you see the hospital now fully to the left. And this
2 now shows the new houses on the right. Webster
3 Street comes out here. It's hard to see up on the
4 screen but hopefully you can -- we'll submit
5 printouts of this. But the crosswalk coming across
6 that will be added from Webster is right here, and
7 the entrance to the hospital is right here, so you
8 can kind of get a sense for that offset between the
9 two.

10 This is the new homes we're adding along
11 Webster Street, and you can see the backyards and the
12 fences behind it.

13 This is looking at Sargent -- I just wanted
14 one thing to point out. Obviously, the renderings we
15 showed last time were, you know, we had spent a lot
16 of time creating those renderings. These were done
17 more quickly, so the architecture may not show up as
18 well as it did in the other renderings, but it's
19 really more for scale and location.

20 This is an image looking at Sargent Road,
21 directly across from existing homes that sit on the
22 block. And then you can see the new homes here next
23 to it, that's 42 feet between the existing homes and
24 the new homes.

25 And then this image is looking to the north

1 as well, from 13th Street and near Varnum. And so,
2 this is kind of the side of the seminary building
3 here. And once again, as you look, because of all
4 the trees that we have on the site that we're
5 preserving, the new buildings are kind of the brown
6 that you can see through the trees a little bit here,
7 but it's very hard to see. And I think this just,
8 you know, kind of emphasizes the point that from the
9 south of the property, the residents who are within
10 ANC 5B, which is really south of Varnum Street,
11 looking at the map here, get the benefits of the
12 development, the historic preservation, the open
13 space public parks, the playground, the Bikeshare.
14 But visually there's no home in ANC 5B that's closer
15 than 450 feet from any development. They really get
16 all the public benefit and they get -- the visual
17 impacts are pretty hidden from those houses.

18 Let's talk about density a little bit. So,
19 we have a few slides which describe our methodology
20 for calculating dwelling units per acre. This first
21 slide shows two things. First, we've broken out the
22 six existing homes on the north side of the parcels,
23 so that they have their own designation now. And
24 those houses are at a density of approximate 12.7
25 units per acre. And then you can note that our

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 density is 10.4 units per acre, and that's after
2 removing the land under the seminary building.

3 Second, giving the zoning regulations provide
4 for an IZ bonus for PUD projects, we felt a true
5 apples to apples comparison should focus on the
6 number of market rate units, or market rate homes per
7 block, since the IZ units are a public benefit and
8 warrants additional density.

9 So, the proposed project is at 9.1 market
10 rate homes per acre. This next slide takes it a step
11 further. And while we believe that the methodology
12 in slide 1 was actually more accurate, we wanted to
13 look at this as well, and so we've removed all of the
14 open spaces that will not be protected by the public
15 access easement. They will be protected by the
16 historic preservation.

17 So, for example, the driveway going into the
18 seminary building, the seminary itself, the
19 contemplation of garden behind the seminary, and a
20 little bit of the land around the seminary, we didn't
21 include that in the public easement, but it will be
22 open space. So, if you take that out of the
23 calculation, now we're at 12.7 units per acre. And
24 as I noted before, the houses on the north side of
25 the parcel had the exact same dwelling units per

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 acre. The number of market rate homes per acre in
2 this case would be 11.1.

3 At our last hearing, we were asked to provide
4 the density of just the northern portion of the site,
5 and that would result in 20 homes per acre, or 17.5
6 market rate homes per acre. And it's also important
7 to note that the real measure of density in this case
8 is FAR, because we're in the RA-1 Zone, and we're
9 proposing .95, which is well below the RA-1 PUD
10 threshold of 1.296.

11 The units per acre metric is simply used as a
12 proxy to show that the project's net new impacts of a
13 similar scale to the impacts of the homes of the
14 neighborhood create.

15 MR. MAY: That FAR number was based on what
16 use of land?

17 MR. TUMMONDS: No, we did -- specific
18 reference to your question.

19 MR. MAY: Yeah.

20 MR. TUMMONDS: When you looked at the
21 effective FAR calculation for just the northern
22 portion of the property --

23 MR. MAY: Yes.

24 MR. TUMMONDS: -- 1.29.

25 MR. GOLDMAN: Yes, sorry.

1 MR. MAY: That was 1.29.

2 MR. GOLDMAN: I have another slide that shows
3 it. I'm sorry.

4 We also want to note that when presenting
5 this project to the ANC on multiple occasions, our
6 presentation included a note, and we always
7 highlighted, this is the quote, "Clustering the homes
8 at a higher density of approximate 20 homes per acre,
9 including affordable units, preserves nearly three
10 acres of open space." So, we've always been very
11 clear with the community that that was the concept.

12 The next slide is all the data and the
13 calculations that back up the FAR calcs and the
14 dwelling units so we can get into this if you have
15 questions, or we can bring it back up at the end when
16 you have questions.

17 But for Commissioner May, to your question,
18 this shows the 1.29 FAR right there, calculated on
19 just the north parcel.

20 I'll hit a few of the responses to the
21 residents group questions. At our last Zoning
22 Commission hearing you asked us to address those.
23 And so, as you can see on this slide we've agreed on
24 six of the requests. We disagree on reduction in
25 unit counts, obviously, and restrictions on rooftop

1 decks and the claim that we've double-counted open
2 space. So, I have some exhibits that will show that.

3 In addition, we disagree about restricting
4 RPP as we believe, just like the existing residents
5 or tax paying residents, you know, that did get the
6 benefit of RPP, the new residents or tax paying
7 residents should get that benefit as well.

8 I do have a plan that shows where RPP is in
9 the neighborhood, and so I can pull that up to show
10 you most of the streets of the neighborhood don't
11 have RPP restriction. But if they were to become
12 restricted with RPP, we would agree to allow the
13 visitor parking on our private streets to be publicly
14 accessible as well, so that there's not a
15 (simultaneous speech) for that.

16 MR. SHAPIRO: Can you pull that up now?

17 MR. GOLDMAN: Yeah, I can pull that up right
18 now.

19 MR. MAY: Was that in what you submitted?

20 MR. GOLDMAN: Yes. Well, we've changed that.
21 It's not what we initial submitted. We've changed
22 that since our initial submission. That's in our
23 submission. Here, I'll show you. It will be in our
24 post hearing submission.

25 MR. MAY: Do I have it or not? That's all

1 I'm asking.

2 MR. SHAPIRO: You have it because I saw it.

3 MR. MAY: Because I looked for that and I
4 didn't see it, but I could have missed it.

5 MR. GOLDMAN: Here we go. So, this slide
6 shows the -- oh, sorry. There we go. Okay.

7 So, this is showing the site is right in the
8 center. The red areas are where there is -- where
9 RPP is not allowed, essentially. Where there's no
10 parking, I should say. So, the west side of Sergeant
11 and 13th has no parking, in front of the hospital has
12 no parking. There is some parking here that would
13 remain.

14 The yellow are the areas that have RPP. And
15 then the green is all the streets that don't have RPP
16 today, which is most of the neighborhood. And so,
17 what we would agree to is if, you know, the street
18 surrounding the neighborhood here were to go RPP, as
19 has been -- was testified to by some of the
20 residents, we would allow the visitor space on our
21 site to have the similar two-hour you know --
22 whatever the same posting of RPP is as well. To be
23 fair and to allow, you know, them to use our road
24 system as much as we're using their road system.

25 MR. MAY: But your road system is not going

1 to be restricted to your resident parking only?

2 MR. GOLDMAN: The 20 spaces that are assigned
3 to the homes --

4 MR. MAY: Yeah.

5 MR. GOLDMAN: -- you know, they would have
6 their own space. But the rest, the visitor parking,
7 which is approximately 20 spaces as well, would be
8 open to the community.

9 MR. MAY: Okay. And, I'm sorry.

10 MR. GOLDMAN: Uh-huh.

11 MR. MAY: What's the exhibit number for that?

12 MR. TUMMONDS: Exhibit 22, page 13.

13 MR. MAY: Thank you.

14 MR. GOLDMAN: Okay. So, continuing on,
15 sorry. As to the construction plan, we agree on six
16 of the seven requests. We can't commit -- the only
17 one we don't agree with is we can't commit to
18 constructing the entire project in one phase, because
19 that's now how townhomes are built or how lenders
20 lend for townhomes. They're funded in sticks. You
21 know, you build them sticks at a time, as you've
22 probably seen throughout the city, and with required
23 presales in each building.

24 Our intention is to continuously construct
25 the homes, and we hope to be completed in about two

1 to three years.

2 This slide is our open space slide. It shows
3 the open space that we're preserving. And so, the
4 residents assert that we are double-counting the open
5 space provided onsite by using it to transfer density
6 on the northern portion of the site, and at the same
7 time counting it as a public benefit, and we disagree
8 with this.

9 Our position, the residents are correct that
10 it is customary in D.C. Zoning cases that you include
11 the open space as part of your FAR calculation, which
12 we are doing. But the public benefit is that we are
13 placing a public access easement on 2.4 of the more
14 than three and a half acres of open space, making
15 this land publicly accessible from dawn until dusk,
16 which it is not today. And those are really two
17 separate and distinct features of the plan.

18 Next is rooftop decks. And so, this is
19 responding to some of the questions that were raised
20 by the Zoning Commission, as well as some of the
21 residents. This shows the changes we've made to the
22 rooftop decks to help them blend in better. We've
23 shifted the stair penthouse back 10 inches further
24 towards the roofline, up here. And so, this used to
25 be 10 inches closer to the edge of the house, and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 that helps hide that penthouse even more. We also
2 centered the rooftop deck and created this continuous
3 roofline that then hides a good portion of that
4 penthouse as well. And then we've added some trim at
5 the top, we've modified some of the colors, and so
6 you can see from the pedestrian level, the rooftop
7 decks are fairly well hidden at this point.
8 Obviously when you're up in the air you do see them,
9 but they really poke out very little.

10 The residents had requested that we limit the
11 locations where these roof decks occur, and we place
12 use restrictions on them. And we disagree with this
13 request. Just as the residents have the right to
14 build rooftop decks and to utilize their outdoor rear
15 yard, and their deck and outdoor spaces in accordance
16 with D.C. Law, and noise laws and noise ordinances,
17 we believe the new residents should be afforded that
18 same right.

19 This is a slide just showing some fence
20 changes we've made, and so there was -- this was the
21 old fence on the left that we had proposed, the Home
22 Depot special. And this is a newer kind of nicer
23 fence that we're proposing for the backs of the
24 houses.

25 MR. MAY: Probably also available at Home

1 Depot, but --

2 MR. GOLDMAN: But nicer.

3 MR. MAY: But that's okay, yes. Much nicer.
4 Okay.

5 MR. GOLDMAN: And then the last slide, in the
6 interest of time, to respect all of your time, there
7 are various issues which we will handle in our post
8 hearing submission. Most of these issues are changes
9 which we've agreed to, based upon the Commission's
10 comments, or additional details that you requested,
11 and we'd be happy to discuss these if you have time
12 during questions. But for example, the dormer
13 change, the window widths, questions about the tax
14 fund and IZ bedroom locations. All of that has been
15 handled and will be handled in our post-submission,
16 but we're also prepared to answer questions.

17 MR. TURNBULL: And that concludes our
18 rebuttal testimony. We're available to answer any
19 additional questions you have.

20 CHAIRPERSON HOOD: Okay. Thank you all very
21 much for your rebuttal, and let's see if we have any
22 questions. But before that, I want to again
23 apologize to the Howard University case that we have
24 coming forward. I see we have the President. We
25 don't take that very lightly when we have the

1 president of a university come down. So, we're going
2 to try to move through this as expeditiously as
3 possible so we can hear from Howard, because they
4 were the scheduled case.

5 We thought this was only going to take 30
6 minutes, but I guess you know, sometimes we don't do
7 things correctly as far as timing.

8 Okay. Let's see if we have any questions.
9 And I say that for my colleagues, so some of this is
10 probably stuff we can read. We might not have to ask
11 a lot of questions, but I know we have a few. Any?
12 Any questions?

13 Okay. Maybe I need to start all the hearings
14 off -- okay, let's go to ANC 5A. I don't see
15 Chairperson Edwards here. I saw Mr. Feeley. You
16 have any cross?

17 Come forward and you can identify yourself.

18 MR. FEELEY: Yeah. I'm Commissioner John
19 Feeley from 5B-05, and one of the reasons that 5B is
20 concerned about the project is because of the project
21 as a whole, and I did have a question about the
22 submission of your historic landmark nomination. Has
23 it been submitted to the landmark -- to the Historic
24 Preservation Review Board? Is it going forward?
25 What's going on?

1 MR. TUMMONDS: It has not been submitted.
2 That is, they would be submitted as a condition of
3 approval of this Zoning Commission application.

4 MR. FEELEY: So, that -- and it still makes
5 my commission and my residents concerned about the
6 project. If that was not approved, if the landmark
7 request that you're hypothesizing are not going
8 through, that could change the character of the
9 project a great deal. So --

10 MR. TUMMONDS: I think in our preliminary
11 discussions with the Historic Preservation office
12 staff they were comfortable that this is a
13 application that is worthy of designation and would
14 be -- they would most likely support such an
15 application.

16 MR. FEELEY: And then in your presentation
17 this evening, I wanted to take a look at the setback
18 slide you had for Allison Street, and also the
19 setback slide on Sargent Road again. The implant.
20 The renderings you're just showing us today.

21 We could start with Sargent, yeah. Okay.
22 When I look at this setback picture you -- they don't
23 look the same. And I think you said 30 feet was the
24 setback for both the existing homes and the homes
25 that you plan to build.

1 MR. GOLDMAN: Thank you for the question.
2 So, the vast majority of the homes in the
3 neighborhood are set back 30 feet. That's pretty
4 standard, and that's the zoning setback if somebody
5 were to go by-right here. All our houses are 30 feet
6 setback. These six homes happen to be set back
7 almost double what's typical in the neighborhood, so
8 they're about almost 70 feet setback. And that's why
9 even though they are approximately the same height,
10 the rooflines, if you were to look in elevation, and
11 I have that elevation, are about the same height.
12 Because of the perspective that our houses are closer
13 to the street than the houses next to them, our
14 houses look much bigger.

15 MR. FEELEY: And then the Allison Street
16 rendering.

17 MR. GOLDMAN: I'm sorry, this one, or the
18 other one?

19 MR. FEELEY: Yeah. That's the one. You
20 know, once again, when I look at the setback for the
21 existing homes on Allison, and I look at the new
22 homes proposed for construction, I once again see it
23 appears that they are setback far less from the
24 street. And of course, the other thing that's of
25 concern to any residents around this proposed project

1 is the RA-1 Zoning, which gives you, really leeway to
2 have some houses with no backyards and yeah.

3 So, but I -- that finishes my questions.

4 Yeah.

5 CHAIRPERSON HOOD: Thank you. Mr. Brown, you
6 have any cross?

7 MR. BROWN: Mr. Chairman, I have very little
8 because this material was provided to me just a few
9 minutes before the hearing began. So, I've got a
10 couple of things I want to go through very quickly.

11 First of all, for Mr. VanPelt, your drawing
12 on here says that the plan is conceptual in nature,
13 and not intended as a fully designed pedestrian and
14 traffic calming plan. My question is, what degree
15 from final do you mean when you use conceptual here?
16 Sometimes conceptual is used to mean we could change
17 it completely and sometimes it could mean, very
18 marginally. Where are you on that?

19 MR. VANPELT: Well, the reason why we're
20 saying it's conceptual is that there's -- we've come,
21 after working through this with DDOT, the elements
22 that are here, DDOT is agreeing to the elements that
23 are here. But things like the curb extensions need
24 to be fully designed to take into account, turning
25 radii, trucks turning, things like that.

1 We have not had the opportunity to fully
2 design it, so there's every intent to include all of
3 the elements that you see here in the plan, but I
4 think one of the things that we wanted to make sure
5 was understood, because these are on a civil drawing,
6 they look like they've been engineered, but they
7 haven't been fully engineered yet. But the intent is
8 to include all of these elements.

9 MR. BROWN: Thank you. Mr. Hewlett. Just
10 take, glancing through your -- the memorandum that
11 was dated May 11th, but not filed until today, to
12 what extent does this document contain opinion
13 evidence rather than fact evidence?

14 MR. HEWLETT: Well, they're opinions based on
15 the facts. So, we've done analysis of peer reviewed
16 academic studies, literature search, articles, our
17 own analysis, et cetera.

18 MR. BROWN: Yes. Now, Mr. Chairman, I would
19 object to the Board's reliance on any part of this
20 document that reflects opinion testimony, because Mr.
21 Hewlett has not been qualified as an expert witness.

22 I do want to ask you one question about --

23 CHAIRPERSON HOOD: Let me deal with that, Mr.
24 Brown.

25 MR. BROWN: All right.

1 CHAIRPERSON HOOD: Did you all proffer Mr.
2 Hewlett as an expert?

3 MR. TUMMONDS: We did not proffer Mr. Hewlett
4 as an expert, but we did include his resume in the
5 materials that we filed.

6 CHAIRPERSON HOOD: Okay. So, you didn't
7 proffer him as an expert.

8 MR. TUMMONDS: That's correct.

9 CHAIRPERSON HOOD: We'll use it as regular
10 testimony as we normally do. Okay, Mr. Brown? Just
11 like any testimony we take into consideration.

12 MR. BROWN: I understand.

13 CHAIRPERSON HOOD: Okay.

14 MR. BROWN: Mr. Hewlett, I just want to ask
15 you about one statement in here, because I haven't
16 had a chance to read all of it. This is on page 7,
17 at the top. Quote, "We understand that the existing
18 homes in the neighborhood are almost exclusively 18
19 to 20-foot wide homes, and 34 feet deep." And that's
20 your support for the statement that the applicant is
21 designing the homes to be consistent with those that
22 are in the neighborhood, with respect to size,
23 design, and bedroom count.

24 The homes in the neighborhood are generally
25 two-story, rather than three-story, aren't they?

1 MR. HEWLETT: I'd have to go back and review
2 the record to know whether that's the case. My
3 statement here was really about the footprint of the
4 homes and the number of bedrooms and baths that they
5 contained, as opposed to the number of stories.

6 MR. BROWN: In fact, this project is almost
7 entirely three-stories, isn't it?

8 MR. HEWLETT: I would have to defer to the
9 architects on that, but that's my understanding, yes.

10 MR. BROWN: All right. Mr. Chairman, I have
11 nothing further, except a request that to the extent
12 that the applicant is filing materials now that the
13 record was declared officially closed, we would like
14 the opportunity to file responsive materials within
15 an orderly amount of time.

16 CHAIRPERSON HOOD: I think that everything
17 was filed, and my colleagues can help me with this,
18 were things that we asked for, which I'm still not
19 happy with Allison Street. And I think that
20 typically you can give us your rebuttal. And in the
21 process, I don't believe that you can respond to --
22 can the party respond to rebuttal?

23 [No audible response.]

24 CHAIRPERSON HOOD: Okay. Okay. So, you
25 can't -- well, he can respond to rebuttal. I'm

1 trying to think. I can't remember. It changes so
2 much around here.

3 MR. TUMMONDS: So, I think, I mean, this is a
4 little different than we normally have because
5 obviously, typically the rebuttal occurs during the
6 course of the hearing, right? And so, this is not a
7 post hearing submission where it's usually limited to
8 specific things. The rebuttal testimony is basically
9 whatever the applicant believes he needs to present
10 to address questions that came up during the course
11 of the hearing. That's what we've done this evening.
12 The vast majority of the information that we
13 presented this evening is in direct response to
14 requests for information from the Zoning
15 Commissioners, or responsive to the party opponents'
16 testimony, oral and written, and the people in
17 opposition.

18 That being said, if the applicant has no
19 problem with the Commission allowing Mr. Brown to
20 respond to anything and everything that we've
21 provided today.

22 CHAIRPERSON HOOD: Well, I appreciate that.
23 I want to make sure I'm careful.

24 MR. TUMMONDS: Yeah.

25 CHAIRPERSON HOOD: Because if I start doing

1 something different, and I'm trying to think of how
2 it has been done, and I'm trying to think, did we
3 change that in our ZR-16? As I tell everybody, we're
4 still learning some of our own rules that we wrote
5 for nine years. So, we're still trying to figure it
6 out.

7 I think I don't have a problem in this case,
8 because of the way this is handled. And I appreciate
9 the applicant being -- giving the courtesy of being
10 able to respond. But typically, this is not going to
11 be precedent setting because in typically, in our
12 normal case, you do rebuttal and the applicant asks
13 questions on rebuttal. But because of the way this
14 happened, Mr. Brown, unless my colleagues object, I
15 think you can ask -- because you don't have a whole
16 lot of questions, even tonight. At least right now
17 you do.

18 MR. BROWN: Right. What happened here with
19 this hiatus is that as able as Mr. Tummonds is, I
20 don't think he could have put a 10-page single-spaced
21 rebuttal paper together in the 10-minute recess
22 between the close of the opposition and the start of
23 the rebuttal case. And so, there's a lot here that
24 I'm just reading for the first time and I'd like to
25 respond to it.

1 CHAIRPERSON HOOD: So, I think that's a fair
2 request, and I appreciate the applicant not -- so,
3 Mr. Brown, we will allow you that.

4 MR. BROWN: Thank you.

5 CHAIRPERSON HOOD: Okay? But I want to make
6 sure on the record, for those who are going to come
7 back later and try it in another case, that is not
8 precedent setting. Okay?

9 Vice Chair Miller.

10 MR. MILLER: So, I just has a question. I
11 don't want to do anything that's precedent setting
12 either. But, so then normally the applicant has the
13 last word in closing. Are you going to give the
14 applicant the last word in closing? He's not asked
15 for it, and I probably shouldn't have brought it up,
16 but that's kind of what the normal procedure is.

17 CHAIRPERSON HOOD: So, I thank you, Vice
18 Chair. So, you're going to ask questions of what was
19 presented, since you haven't had a chance to go
20 through it. You were going to do your closing
21 tonight, unless you want to wait and do it in
22 writing.

23 MR. TUMMONDS: Well, I think that -- we know
24 that there are -- we're going to have a post hearing
25 submission in this case. And typically, what

1 happens, right, is that the applicant has the date
2 for their post hearing submission and then the
3 parties have such and such date to respond. I think
4 it probably makes perfect sense here so that now that
5 Mr. Brown has seen the information we have, the same
6 date that we submit our post hearing submission, Mr.
7 Brown can submit his response to the rebuttal. Then
8 on the date when which Mr. Brown response to our post
9 hearing submission, we'll respond to his rebuttal
10 response, and then we're in the same period, in the
11 same time frame for having this case for proposed
12 action.

13 CHAIRPERSON HOOD: Okay. Mr. Brown, what is
14 your view on that?

15 MR. BROWN: That sounds fair to me.

16 CHAIRPERSON HOOD: Okay. You said it. I
17 didn't say it. So, you said it. Okay. All right.
18 So, that's the order.

19 And, do you want to do a closing now?

20 MR. TUMMONDS: A very, very brief closing.

21 CHAIRPERSON HOOD: Let me first ask Mr.
22 Brown, are you finished for now?

23 MR. BROWN: Yes, I am.

24 CHAIRPERSON HOOD: Okay.

25 MR. TURNBULL: Mr. Chair, I just had one

1 question.

2 CHAIRPERSON HOOD: I'm sorry.

3 MR. TURNBULL: The HPRB issue came up, but I
4 think from in the testimony in the hearing, it's your
5 intent, the applicant's intent, to proffer the HPRB
6 if the case is approved and goes forward.

7 MR. TUMMONDS: Absolutely. It would be a
8 condition of Zoning Commission approval.

9 MR. TURNBULL: Of the order. Okay. Thank
10 you.

11 CHAIRPERSON HOOD: Mr. VanPelt, the strategic
12 of the moving space on Allison and whatever else you
13 all are going to do to help me really feel for
14 Allison, is that in -- did you show something how far
15 it's going to set back? Do we have a sheet like that
16 already in this submission?

17 MR. VANPELT: You mean --

18 CHAIRPERSON HOOD: Other than this --

19 MR. VANPELT: -- the distance of the no --

20 CHAIRPERSON HOOD: Yeah, the distance of
21 something you were talking about, the no-parking.

22 MR. VANPELT: Correct. In what we've
23 submitted it shows that --

24 CHAIRPERSON HOOD: So --

25 MR. VANPELT: -- it would go all the way to

1 Private Street A.

2 CHAIRPERSON HOOD: So everything, I can --
3 everything there is -- and when I looked through it I
4 probably didn't recognize what you -- so, when I look
5 through this again, I will be able to recognize all
6 that without a problem? Okay. Okay.

7 But I will ask, let's continue to look at
8 Allison Street. I don't know if you work with DDOT.
9 I don't know if it needs to be a one-way with the
10 residents, I don't know. But we've got to do
11 something with Allison Street. Allison Street, for
12 me, is a showstopper.

13 MR. VANPELT: Yeah.

14 CHAIRPERSON HOOD: Okay? Because my job is
15 not to increase adverse impacts. I can work out the
16 rest, but Allison Street, we've got to do something
17 with Allison Street. I'll even give on 13th Street,
18 which some other things I need to look at as we
19 deliberate. So, okay.

20 Mr. Tummonds, you want to close?

21 MR. TUMMONDS: Sure. The applicant
22 appreciates the support that this project has
23 received from District agencies, ANC 5A, the Ward 5
24 Councilmember, and the hundreds of people that have
25 submitted letters of support or presented testimony

1 in support of this application.

2 Throughout this process, the applicant has
3 listened to concerns and issues raised by members of
4 the community, the Zoning Commission, the Office of
5 Planning and Historic Preservation Office, and the
6 Department of Transportation. In response, the
7 applicant has made appropriate modifications to the
8 application, and the ultimate project that we have
9 presented is better as a result.

10 As detailed in the applicant's written
11 submission and oral testimony, this project satisfies
12 the standards for PUD and zoning map amendment
13 approval, and is entirely consistent with the
14 Comprehensive Plan. We will promptly submit the
15 additional information requested at the April 27th
16 hearing, and we look forward to your approval of this
17 application. Thank you.

18 CHAIRPERSON HOOD: Okay. Thank you, Mr.
19 Tummonds.

20 Commissioners, anything else? Okay, Ms.
21 Schellin, do we have dates?

22 MS. SCHELLIN: Yes. Mr. Tummonds, two weeks
23 enough time to get everything in? I know that you've
24 submitted some of the responses already.

25 MR. TUMMONDS: Yes, two weeks is fine.

1 MS. SCHELLIN: Okay. So, that being said,
2 then what I am seeing is that on June 1st, and this
3 will be for Mr. Brown also. So, on June 1st the
4 applicant would provide their post hearing
5 submission. That would be any additional information
6 that was requested that has not been provided yet.
7 And the resident's party, Mr. Brown, that would be
8 the same date for you to provide your response to the
9 rebuttal documents that you received this evening,
10 and those responses would be due by 3:00 p.m.

11 Mr. Tummonds, your post hearing submission
12 will be due by 3:00 p.m. Then on June 8th, the
13 parties that would include the resident's party, the
14 ANCs, and also would include OP and DDOT if they
15 choose to do so, I know that DDOT has already
16 requested to do so, would provide their response to
17 the applicant's post hearing submission by 3:00 p.m.
18 Again, that's June 8th.

19 And also, the applicant would have an
20 opportunity to respond to the -- or reply to the
21 resident's response to rebuttal.

22 And then draft findings of fact, conclusions
23 of law would also be due by 3:00 p.m. on June 8th.
24 And then we can put this on for the June 26th public
25 meeting at 6:30 p.m. That's it.

1 CHAIRPERSON HOOD: Okay. Thank you. Are we
2 all on the same page, Mr. Brown?

3 MR. BROWN: I have just one question. When
4 will the transcript be available?

5 MS. SCHELLIN: It's usually about 14 days.

6 MR. BROWN: Not --

7 MS. SCHELLIN: I'm sorry. The 31st of May?

8 MR. MAY: May 31st.

9 MS. SCHELLIN: 31st of May.

10 MR. BROWN: Thank you.

11 CHAIRPERSON HOOD: We okay, Mr. Brown?
12 Everything? We straight? Mr. Brown, we straight?

13 [No audible response.]

14 CHAIRPERSON HOOD: Okay. Mr. Tummonds?

15 MR. TUMMONDS: We're good.

16 MS. SCHELLIN: Thank you.

17 CHAIRPERSON HOOD: And we're going to work on
18 Allison Street, right? Okay, I keep saying it.
19 Okay. All right.

20 Anything else, Ms. Schellin?

21 MS. SCHELLIN: No, sir.

22 CHAIRPERSON HOOD: All right. I want to
23 thank everyone for their participation and we're
24 going to take about three minutes and we'll get
25 started with what they used to call a real HU case.

1 Thank you.

2 [Whereupon, the special public meeting
3 adjourned at 7:03 p.m.]

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376