

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION

\* \* \* \* \*

Z.C. CASE NO.: 03-28  
PUBLIC HEARING  
(APPLICATION OF DEPARTMENT OF PUBLIC WORKS - FORT  
TOTTEN SOLID WASTE TRANSFER FACILITY)

\* \* \* \* \*

Thursday

February 3, 2005

\* \* \* \* \*

The Public Hearing of the District of Columbia  
Zoning Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room, 441 4th Street, N.W.,  
Washington, D.C., Anthony Hood, presiding.

ZONING COMMISSION MEMBERS PRESENT:

|                     |              |
|---------------------|--------------|
| ANTHONY J. HOOD     | Chairman     |
| JOHN G. PARSONS     | Commissioner |
| KEVIN L. HILDEBRAND | Commissioner |
| GREGORY JEFFRIES    | Commissioner |

OFFICE OF ZONING STAFF PRESENT:

|                 |                             |
|-----------------|-----------------------------|
| CLIFFORD MOY    | Zoning Commission Secretary |
| SHARON SCHELLIN | Zoning Specialist           |

OFFICE OF PLANNING STAFF PRESENT:

|                 |                    |
|-----------------|--------------------|
| STEPHEN MORDFIN | Office of Planning |
|-----------------|--------------------|

This transcript contains the complete minutes  
of the Public Hearing held on Thursday, February 3,  
2005.

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## APPLICATION OF LUCY WEBB HAYES

Z.C. CASE NO.: 02-29

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

6:38 p.m.

CHAIRPERSON HOOD: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, February 3, 2005. My name is Anthony J. Hood. Joining me this evening are Commissioner Parsons and Commissioner Hildebrand. We expect to be joined by Commissioner Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 03-28. This is a request by SCS Engineers on behalf of the District of Columbia Public Works Solid Waste Administration for approval of a consolidated planned unit development and related map amendment for part of the property zoned R-5-A to Fort Totten Overlay/M for property located at 4900 Bates Street. It's known as parcels 123/57, 123/56, 124/174 and 124/175.

Notice of today's hearing was published in the D.C. Register on November 19, 2004. Copies of today's hearing announcement are available to you and are located to my left in the wall bin near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR 3022.

The order of procedure will be as follows.

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1 Preliminary matters, Applicant's case, report of the  
2 Office of Planning, report of other Government  
3 agencies, report of Advisory Neighborhood Commission  
4 5-A, organizations and persons in support,  
5 organizations and persons in opposition.

6 The following time constraints will be  
7 maintained in this meeting. The Applicant, 30  
8 minutes; organizations, five minutes; individuals,  
9 three minutes. The Commission intends to adhere to  
10 the time limits as strictly as possible in order to  
11 hear the case in a reasonable period of time. The  
12 Commission reserves the right to change the time  
13 limits for presentations if necessary and notes that  
14 no time shall be ceded.

15 All persons appearing before the  
16 Commission are to fill out two witness cards. These  
17 cards are located to my left on the wall bin near the  
18 door. Upon coming forward to speak to the Commission,  
19 please give both cards to the reporter sitting to my  
20 right.

21 Please be advised that this proceeding is being  
22 recorded by a court reporter and is also web cast  
23 live. Accordingly, we must ask you to refrain from  
24 any disruptive noises or actions in the hearing room.  
25 When presenting information to the Commission, please

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

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

14 Please turn off all beepers and cell  
15 phones at this time so not to disrupt these  
16 proceedings.

17 At this time, the Commission will consider  
18 any preliminary matters. Does the staff have any  
19 preliminary matters?

20 MS. SCHELLIN: No, sir.

21 CHAIRPERSON HOOD: Thank you, Ms.  
22 Schellin. Would all individuals wishing to testify,  
23 please rise to take the oath?

24 Ms. Schellin, would you please administer  
25 the oath?

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1 MS. SCHELLIN: Do you have any witnesses  
2 that are going to be testifying?

3 MS. MURRAY: Not everyone's here, but I  
4 will.

5 MS. SCHELLIN: Okay. Raise your right  
6 hand.

7 (The witness was sworn.)

8 CHAIRPERSON HOOD: Okay. I said all that  
9 to say this. We had had a previous hearing on this.  
10 Colleagues, we had some questions that were out there.  
11 I am inclined to ask that whoever is going to  
12 represent the Applicant come forward and answer some  
13 of those questions that we had. And I would like to  
14 do a sound byte of everything because we basically had  
15 a full hearing. We know where we stand and any  
16 questions that we had had, some of the issues that  
17 have been I guess answered to a certain point in some  
18 of the last submittal that we received. So, that's  
19 the fashion that I would like to proceed. You can  
20 identify yourself for the record, your name and who  
21 you're representing and we'll probably just -- if  
22 everybody's in accordance, Mr. Parsons and Mr.  
23 Hildebrand?

24 UNIDENTIFIED SPEAKER: Yes.

25 CHAIRPERSON HOOD: We'll proceed in that

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1 fashion. We'll just ask you questions from our  
2 previous hearing if we have any questions for you from  
3 your latest submittal. I notice a number of my  
4 colleagues' and my questions were answered, but they  
5 may want to expound upon that. So, we'll move in that  
6 fashion and when we get to the Office of Planning's  
7 report, if you just want to give us a sound byte, I  
8 don't think we need a full blown OP report, if you  
9 don't mind. I know you all are set and ready to go.  
10 But we'll do everything in sound bytes. Okay.

11 MS. MURRAY: Okay. My name is Dana Murray  
12 with SCS Engineers and my colleague is Paul Mandeville  
13 with SCS Engineers.

14 CHAIRPERSON HOOD: Did you want to say  
15 something, or are you waiting for our questions?

16 MS. MURRAY: I can go over all the  
17 questions from the last time, if you want me to do  
18 that and just go through this whole addendum 3.

19 CHAIRPERSON HOOD: No, I think what we'll  
20 do, if everybody's in agreement, we'll just ask our  
21 questions.

22 MS. MURRAY: Okay.

23 CHAIRPERSON HOOD: No offense.

24 MS. MURRAY: No, no.

25 CHAIRPERSON HOOD: And your name again is?

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1 MS. MURRAY: Dana Murray.

2 CHAIRPERSON HOOD: Ms. Murray? Okay. And  
3 who's that joining you at the table again? Forgive  
4 me.

5 MS. MURRAY: Paul Mandeville.

6 CHAIRPERSON HOOD: Okay. Vanderbilt?

7 MS. MURRAY: Mandeville.

8 CHAIRPERSON HOOD: Mandeville?

9 MS. MURRAY: Yes.

10 CHAIRPERSON HOOD: Okay. Any questions,  
11 colleagues? Yes?

12 COMMISSIONER HILDEBRAND: I just have one,  
13 and it's more of a clarification than a real question.  
14 In your diagram on how the bypass lane works and your  
15 discussion of that, I want to make sure that I  
16 understand. You're still entering from the right hand  
17 side of the diagram going through the trash dropping  
18 area as parking and then pulling out in the left exit.  
19 Is that correct?

20 MS. MURRAY: Correct.

21 COMMISSIONER HILDEBRAND: Are you pulling  
22 forward in the driving lanes and then backing into the  
23 parking spaces? Would you check your diagram? I just  
24 want to make sure that I'm reading this correctly,  
25 because that seems like a little bit of an awkward

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1 arrangement.

2 MS. MURRAY: Those slanted lines?

3 COMMISSIONER HILDEBRAND: Yes.

4 MS. MURRAY: Those are where the dumpsters  
5 will be.

6 COMMISSIONER HILDEBRAND: Oh, the  
7 dumpsters are there?

8 MS. MURRAY: Yes.

9 COMMISSIONER HILDEBRAND: So you don't  
10 actually pull off and park. You stay in the driving  
11 lane.

12 MS. MURRAY: Right.

13 COMMISSIONER HILDEBRAND: I understand.

14 MS. MURRAY: And it would probably be that  
15 if the facility were being heavily used, there may be  
16 some parallel parking-type of arrangement where you  
17 would back a little bit into a parallel parked space.

18 COMMISSIONER HILDEBRAND: I see.

19 MS. MURRAY: But no, you are not backing  
20 into those diagonal spaces.

21 COMMISSIONER HILDEBRAND: Thank you. That  
22 makes perfect sense now.

23 CHAIRPERSON HOOD: Are you finished?  
24 Commissioner Parsons?

25 COMMISSIONER PARSONS: Well, I'm obviously

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1 disappointed in the trail, but again, the Department  
2 of Public Works has concurred that the trail will  
3 recline over a box culvert. But I want to try to feel  
4 what that's going to feel like. That is, the  
5 regulations require that a fence, opaque, be erected  
6 around the facility. And I'm trying to imagine what  
7 this is going to feel like between the trail and the  
8 roadway, I'll call it. So the opaque fence, and I  
9 think we might have talked about this last time, is  
10 what in your mind? Chain link fence with slats in it?

11 MS. MURRAY: That's what we have planned  
12 right now.

13 COMMISSIONER PARSONS: Right. So frankly,  
14 to me, that's not the most aesthetic solution adjacent  
15 to this trail. And there's an image in the booklet.  
16 Exhibit B. You probably have, and photograph 1 in  
17 Exhibit B shows the situation.

18 MS. MURRAY: I actually have a color blown  
19 up here.

20 COMMISSIONER PARSONS: In color. So  
21 existing there now is a very large fence to the right  
22 of the photograph behind the diamond sign there. I'm  
23 not sure why it's that high; maybe you don't either,  
24 but that is the alignment of this future opaque fence.  
25 Is that correct?

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1 MS. MURRAY: For the most part this is the  
2 opaque fence. It will just be repaired where it needs  
3 to be.

4 COMMISSIONER PARSONS: Oh. So this looks  
5 to me like it's maybe 15 feet high. I mean, it's  
6 maybe there to collect debris or something from wind,  
7 or what do you think?

8 MS. MURRAY: Correct.

9 COMMISSIONER PARSONS: So you imagine  
10 stringing opacity, opaqueness, through this chain link  
11 fence? Is that what's imagined?

12 MS. MURRAY: That's correct.

13 COMMISSIONER PARSONS: And just to the  
14 other side of that would be a trail?

15 MS. MURRAY: Just on the other side of  
16 this, yes.

17 COMMISSIONER PARSONS: So this fence would  
18 be dissimilar, if you will, from the other fences that  
19 are to be erected around the rest of the facility?  
20 It's much taller?

21 MS. MURRAY: Correct. There's an existing  
22 fence around the entire facility. And where we can  
23 use the existing fence that's there, we plan to do  
24 that. So where the Zoning Commission wishes us to  
25 increase the height, then we will, you know, change

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1 that section of fence.

2 COMMISSIONER PARSONS: But certainly that  
3 would not be required here.

4 MS. MURRAY: Right.

5 COMMISSIONER PARSONS: Because it's taller  
6 than the --

7 MS. MURRAY: Correct.

8 COMMISSIONER PARSONS: And I correct that  
9 the trees shown in this photograph would all have to  
10 be cut down to build the trail?

11 MS. MURRAY: Correct. They would have to  
12 remove the trees to make their trail.

13 COMMISSIONER PARSONS: Well, so I'm  
14 wondering if we can't erect a more attractive  
15 separation between the two and I'm not sure what that  
16 is.

17 MS. MURRAY: I'm afraid that any other  
18 type of structure would be thicker and even be more  
19 confining in both directions.

20 COMMISSIONER PARSONS: Yes, a concrete  
21 wall for instance comes to mind as something that  
22 would be, you know, somehow architecturally  
23 embellished.

24 MS. MURRAY: Right. Yes, we don't really  
25 even have the six inches or eight inches that that

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1 would take. That's the unfortunate part.

2 COMMISSIONER PARSONS: Well, I guess  
3 that's the best we can do, which is kind of too bad.

4 The lighting, which is in the previous  
5 exhibit. I grasped there are three or four of these.  
6 Is that correct?

7 MS. MURRAY: Pardon?

8 COMMISSIONER PARSONS: "These," being the  
9 overhead cobra lamps, I'll call them, shown on drawing  
10 E-8.

11 MS. MURRAY: Okay. Getting a bigger  
12 picture of lights here. This light right here would  
13 be the only high mast, the 45-foot high one and there  
14 would be three fixtures on that. Was that the  
15 question?

16 COMMISSIONER PARSONS: Yes. I'm trying to  
17 determine the amount of spillage light. Are these  
18 true down lights?

19 MS. MURRAY: True down lights and they're  
20 just to light this area.

21 COMMISSIONER PARSONS: All right. Let me  
22 think more about the separation between the trail. I  
23 just find that unacceptable, but I don't have a  
24 solution. You say you don't even have six inches to  
25 erect something?

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1 MS. MURRAY: Correct.

2 COMMISSIONER HILDEBRAND: Can I ask a  
3 follow-up question on that same subject?

4 I notice in some of the text I was reading  
5 there was testimony in written form that said the  
6 closest tire tracks to the existing concrete wall were  
7 five feet away. Now that would lead you to think that  
8 there's some play there, that there's still  
9 maneuverability within the existing concrete wall. If  
10 that wall alignment that separates the island from  
11 this new drive aisle could be shifted over even a  
12 foot, would that give you the space you need to do  
13 something to improve along the trail dividing line?

14 MS. MURRAY: I guess it would.

15 COMMISSIONER HILDEBRAND: Am I misreading  
16 your testimony?

17 MS. MURRAY: No. No, that's where we saw  
18 the tire marks. We stayed out there for a while to  
19 try and see some vehicles maneuvering, but I think the  
20 middle of the day it's not really used. So we didn't  
21 really see an vehicles trying to use the facility. So  
22 we just went by the tire marks and that was what we  
23 saw.

24 COMMISSIONER HILDEBRAND: Yes.

25 MS. MURRAY: Yes.

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1 CHAIRPERSON HOOD: Let me just say for the  
2 record we've been joined by Commissioner Jeffries and  
3 also if Mr. Henderson's going to testify, we need to  
4 swear him in or whoever else is going to testify.

5 Can we do that, Ms. Schellin, at this  
6 time?

7 MS. SCHELLIN: Yes.

8 CHAIRPERSON HOOD: Thank you.

9 (The witness was sworn.)

10 CHAIRPERSON HOOD: While Commissioner  
11 Parsons is working on his solution, I'll just ask  
12 first, Commissioner Jeffries, did you have any -- what  
13 we did, we didn't exactly go into the whole shebang.  
14 Let me state this correctly for the record. We didn't  
15 go back over the whole case. There were some issues  
16 that we had raised at the last hearing and we kind of  
17 took an abbreviated version and we basically  
18 elaborated on the questions in which we asked. So did  
19 you have a question right now? You need some time?  
20 Okay.

21 I want to still talk about the citizens  
22 drop off. And by the way, I don't go up there  
23 everyday, but Tonya Bejett is the kind of customer  
24 service person I would encourage Ms. Hanley and Mr.  
25 Henderson that you all keep out there because I will

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1 tell you that it's nice to get a good comment from  
2 somebody when you go up there. But let me just ask  
3 about this citizens drop off, and this may have been  
4 covered the last time, and I see where we talked about  
5 the middle lane and I believe the response was that if  
6 there's a problem and it becomes a traffic problem,  
7 then the exact words which are in the submittal says,  
8 "If this bypass lane does present a safety hazard for  
9 vehicles parking or exiting the area, DPW will make  
10 adjustments and use traffic barriers to block this  
11 lane."

12 To me, I mean, I understand sometimes you  
13 have to stop to see where you are, but to block that  
14 lane, then we go back to the statement that you all  
15 had mentioned to me previously is that if somebody's  
16 behind someone, then they can't move. So we really  
17 haven't solved any problems here. I take it under the  
18 condition that obviously there's no win/win here. I  
19 mean, you want to try and you want to see what's going  
20 to happen, but I can tell you that this remedy here is  
21 not going to work either. So I guess the best thing  
22 to do is just try it. I'm not going to keep pursuing  
23 the issue, but I was concerned about that middle lane,  
24 people pulling out and I can tell you for the record  
25 I'm still concerned. But I'm just hoping that DPW

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1 will do exactly what they said they're going to do,  
2 you know, whatever it takes to fix that and maybe we  
3 need to make sure that that's in the order. I don't  
4 know if that's how we're going to put it, but I just  
5 don't think that's a solution. I was looking for  
6 something a little more than that. And if you're  
7 going to comment, you can turn your mike on if you  
8 wanted to state something.

9 MS. MURRAY: The citizen area, in SCS'  
10 experience, citizen areas are always kind of  
11 complicated and traffic is always an issue. And we  
12 find that the best solution is to try and get people  
13 in and out. Because otherwise, tempers get kind of  
14 heated and that presents a safety issue and some  
15 facilities even have, you know, police officers on  
16 Saturday that they're paying extra that we know of.  
17 You know, "They took my spot," and so there's fights.

18 CHAIRPERSON HOOD: So either way you got  
19 a safety issue?

20 MS. MURRAY: It really is.

21 CHAIRPERSON HOOD: Okay.

22 MS. MURRAY: So the best thing is a  
23 staffing on a busy day and to keep, you know,  
24 everybody moving and to assist people who need  
25 assistance unloading and that's really the key.

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1 CHAIRPERSON HOOD: Now let me ask another  
2 question. It looks like there's going to be a series  
3 of dumpsters. What happens though when those  
4 dumpsters get full? Will they be exchanged  
5 immediately, or how is that going to work?

6 MR. HENDERSON: It really depends on the  
7 day of the week. On a Saturday, they'll probably be  
8 emptied a couple of times. On a week day, on a  
9 Monday, they probably will be emptied once. The other  
10 times, probably wouldn't be emptied until morning or  
11 late in the afternoon. So it would really depend on  
12 how much traffic's there.

13 COMMISSIONER PARSONS: Okay.

14 MR. HENDERSON: But the capacity compared  
15 to what we have now is significantly more than we have  
16 right now.

17 CHAIRPERSON HOOD: Oh, yes. Right.

18 Okay. And again, I see that the hours  
19 are, if I read correctly, in the latest submittal it  
20 says seven hours. Seven hours, what, from 6:00 to  
21 11:00? Or I mean, 11:00 to 6:00 or what are the seven  
22 hours?

23 MR. HENDERSON: Well, we were purposely  
24 vague. It will probably be starting at either 8:00 or  
25 9:00 in the morning.

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1 CHAIRPERSON HOOD: And that's every day of  
2 the week? That's six days a week now?

3 MR. HENDERSON: Yes.

4 CHAIRPERSON HOOD: Okay. All right.  
5 That's all the questions I have. Any other comments?  
6 We're still working on the trail.

7 COMMISSIONER HILDEBRAND: Just to follow  
8 through on Anthony's too, I guess perhaps the false  
9 impression that's given by your site plan is that  
10 there's a significant amount of space in the heart of  
11 the site that's being used I guess for truck turn  
12 around and negotiation and navigation into the parking  
13 spaces. So what you're saying though is that you  
14 couldn't dedicate another eight to 10-foot drive aisle  
15 for a fourth lane between the residents' traffic  
16 dumpsters and still have adequate --

17 MR. HENDERSON: No, we could.

18 COMMISSIONER HILDEBRAND: Because I think  
19 that would answer his question.

20 MR. HENDERSON: I mean, I think that's  
21 probably one of the alternatives that we'd look at.

22 COMMISSIONER HILDEBRAND: Yes. Because if  
23 you started off that way, then you'd be guaranteed,  
24 almost guaranteed of not having much of a problem.

25 MS. MURRAY: I believe we can definitely

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1 do that.

2 COMMISSIONER HILDEBRAND: Would that be  
3 acceptable to you?

4 CHAIRPERSON HOOD: Mr. Hildebrand, you had  
5 the solution. I was running my mouth.

6 COMMISSIONER HILDEBRAND: Well, if they  
7 added another lane in here. Just basically push this  
8 row of dumpsters up and had two bypassing lanes, one  
9 for each drive aisle, then you wouldn't be crossing  
10 into another person's traffic line.

11 CHAIRPERSON HOOD: That's good. It has  
12 space for that?

13 MR. HENDERSON: Yes, sir.

14 MS. MURRAY: Yes.

15 CHAIRPERSON HOOD: That will do it. Thank  
16 you.

17 MR. HENDERSON: Yes, we can easily do  
18 that.

19 CHAIRPERSON HOOD: Yes.

20 MR. HENDERSON: We just need to move that  
21 concrete pavement back like 10 feet.

22 COMMISSIONER PARSONS: Well, Mr. Chairman,  
23 I think our regulations, and I don't have them in  
24 front of me, I should, but say that there will be an  
25 opaque fence or a wall and I'm not sure the words "or

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1 wall" are in there, but to me, to have a chain link  
2 fence between this trail and the trucks lined up and  
3 queuing to get in just is not a good response.

4 So I'm going to suggest, and I don't know  
5 how they're going to do it, but that's a 10-foot high  
6 masonry wall with a brick face facing the trail, I  
7 don't know as I care what's inside, be erected on the  
8 eastern boundary of the site. I had hoped that we  
9 could set it back and do it with landscaping, but  
10 somehow these aluminum strips in the chain link fence  
11 just don't do it, for me at least. I say that to  
12 stimulate discussion amongst the members here.

13 CHAIRPERSON HOOD: Commissioner Parsons,  
14 let me say what our regulations say. The facility  
15 shall be enclosed on all sides by an opaque fence or  
16 wall at least 10 feet high. The facility shall be  
17 secured from unauthorized deposit and removal of solid  
18 waste or other materials when attendants are not  
19 present.

20 COMMISSIONER PARSONS: Right. So I want  
21 to take the privilege of saying in this case it should  
22 be a wall. And I'm not talking about the whole  
23 property. Matter of fact, I think we talked about  
24 last time that the area fronting the park didn't need  
25 to be opaque and it should just be the open chain link

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1 fence. It does not need the opaque quality. Didn't  
2 we talk about that last time?

3 MS. MURRAY: Correct.

4 COMMISSIONER PARSONS: So see, they don't  
5 have to buy all that expensive aluminum along the  
6 park. Maybe we could do a first rate quality job  
7 along the trail, is what I'm proposing.

8 COMMISSIONER HILDEBRAND: Would something  
9 like one of the sound walls, the precast walls --

10 COMMISSIONER PARSONS: Well, sure. Yes.

11 COMMISSIONER HILDEBRAND: -- that are put  
12 between supports that could be perhaps thinner than a  
13 masonry wall --

14 COMMISSIONER PARSONS: Right. But at the  
15 same time --

16 COMMISSIONER HILDEBRAND: -- and much more  
17 cost effective?

18 COMMISSIONER PARSONS: -- I don't want to  
19 delay the project for another submission.

20 COMMISSIONER HILDEBRAND: Right.

21 COMMISSIONER PARSONS: This is not the  
22 place to do chain link fence with the strips through  
23 it. At the same time, a raw concrete wall or cinder  
24 block wall is not what I have in mind. Something of  
25 the upgrade to a sound wall-type device or something

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1 of the quality of a brick-line wall along that future  
2 trail. I know it's not there now.

3 MR. HENDERSON: Because of the problems we  
4 have on this red line, what we call a red line  
5 corridor, with graffiti, we would prefer not to put a  
6 brick wall in there. I mean, I think, you know,  
7 something closer to a sound wall that we can put a  
8 graffiti-resistant surface on would certainly be our  
9 preference, not as opposed to a brick because that is  
10 one of our biggest problems in that area, is graffiti.

11 COMMISSIONER PARSONS: Well, let's go with  
12 a sound wall then, if that is a term of art. It's not  
13 in our zoning regulations for sure.

14 MR. HENDERSON: Well, I think if you just  
15 say masonry wall, I think that that probably would be  
16 our preference to putting something like -- I  
17 definitely want a graffiti-resistant --

18 COMMISSIONER PARSONS: Oh, absolutely.  
19 Sure.

20 CHAIRPERSON HOOD: I think Mr. Henderson  
21 brings up a good point. Riding the red line  
22 constantly, we don't want to create some of what we  
23 see already, especially when you go down past Rhode  
24 Island Avenue. This sound wall, is it graffiti-proof?  
25 I mean, I don't know what a sound wall is.

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1 MR. HENDERSON: Well, we can put a  
2 graffiti-resistant coating on a wall like that. I'm  
3 particularly mindful about it because graffiti's  
4 gotten thrown into our bailiwick within the last few  
5 months, so one of the things we're going to be trying  
6 to clean up is that red line corridor and I don't want  
7 to do anything to make it any worse.

8 CHAIRPERSON HOOD: Okay.

9 MR. HENDERSON: And I think if the primary  
10 purpose is to provide an aesthetic environment for the  
11 bike trail and the other people passing by, we want to  
12 keep that in mind.

13 COMMISSIONER JEFFRIES: I'm sorry,  
14 Commissioner Parsons, I guess I don't know quite what  
15 a sound wall is, what the material is.

16 MR. HENDERSON: It's a masonry surface,  
17 but you can put a textured surface on it with a  
18 textured paint.

19 COMMISSIONER JEFFRIES: Okay.

20 MR. HENDERSON: That allows you to be more  
21 readily cleaned if it does get spray painted.

22 COMMISSIONER JEFFRIES: Okay.

23 MR. HENDERSON: As opposed to a brick  
24 surface, which is almost impossible to clean.

25 COMMISSIONER JEFFRIES: Okay. Thank you.

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1 MR. HENDERSON: But conceptually what  
2 we're talking about is using precast panels, concrete  
3 panels like you see along some of the interstate  
4 highways.

5 COMMISSIONER JEFFRIES: But I mean these  
6 panels could be scored and there could be some level  
7 of articulation?

8 MR. HENDERSON: Yes, exactly.

9 COMMISSIONER JEFFRIES: Yes. Okay.  
10 Great.

11 COMMISSIONER PARSONS: Well, why don't we  
12 ask you to produce the language that we would put in  
13 our order that would accomplish that?

14 MR. HENDERSON: We'd be happy to do that.

15 COMMISSIONER PARSONS: Rather than us  
16 trying to craft that here tonight.

17 MR. HENDERSON: Okay.

18 CHAIRPERSON HOOD: Are there any other  
19 questions?

20 (No audible response.)

21 CHAIRPERSON HOOD: All right. Thank you.  
22 Anything else you wanted to add? Anybody?

23 (No audible response.)

24 CHAIRPERSON HOOD: Okay. Let's move to  
25 Office of Planning's report. Mr. Mordfin?

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1 MR. MORDFIN: Good evening, Chair and  
2 Members of the Commission. I'm Stephen Mordfin with  
3 the Office of Planning and the Office of Planning has  
4 reviewed the additional information that has been  
5 submitted since the last public hearing. And the  
6 Office of Planning continues to recommend approval of  
7 the application, but now without the conditions that  
8 are contained within the staff report. And that  
9 concludes the Office of Planning's report.

10 CHAIRPERSON HOOD: I mean, brief. That's  
11 really brief. Thank you.

12 Any questions to the Office of Planning?  
13 (No audible response.)

14 CHAIRPERSON HOOD: Okay. Okay. Thank  
15 you.

16 You have a question? Okay.

17 COMMISSIONER HILDEBRAND: One of your  
18 earlier recommendations, I think it was Condition 1,  
19 was that the Applicant submit a certified statement  
20 for an architect or engineer license in the District  
21 of Columbia about the solid waste aspect of the work.  
22 Is that required of a public facility, or is that only  
23 required of a private solid waste facility?

24 MR. MORDFIN: No, that is a requirement of  
25 the zoning regulations.

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1 COMMISSIONER HILDEBRAND: For a public  
2 waste facility or for a private waste facility?

3 MR. MORDFIN: I think for any solid waste  
4 handling facility.

5 COMMISSIONER HILDEBRAND: And then perhaps  
6 is that something we need to get into the record?

7 MR. MORDFIN: Unless I'm mistaken, I  
8 believe the Applicant already submitted that.

9 MS. MURRAY: We submitted that as Addendum  
10 1.

11 COMMISSIONER HILDEBRAND: Perhaps I just  
12 misread it. Hold on. Oh, I'm sorry. I didn't get  
13 that. No wonder. I had Addendum 3, but I didn't have  
14 Addendum 1 or 2.

15 MS. MURRAY: It's on the last page of  
16 Addendum 1.

17 COMMISSIONER HILDEBRAND: Thank you very  
18 much. That's exactly what it was.

19 CHAIRPERSON HOOD: Okay. Let's move right  
20 along. Thank you again, Mr. Mordfin.

21 Now we had a DDOT report, Department of  
22 Transportation report. Do we have anything else? Mr.  
23 Mordfin, maybe you can help me. Any other reports?  
24 I have a few addenda up here. I know we had  
25 Department of Transportation.

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1 MR. MORDFIN: There is a Department of  
2 Transportation report. It's contained within the  
3 addendum that was given out for tonight's hearing  
4 that's dated February 3rd and their report is in there  
5 and it also includes the report that had been done  
6 earlier for the environmental impact statement.

7 CHAIRPERSON HOOD: Okay. And I think that  
8 was all the reports we had, that I can remember.

9 Is anywhere here from ANC 5-A? Anyone  
10 here from ANC 5-A?

11 (No audible response.)

12 CHAIRPERSON HOOD: We have a letter here,  
13 and I'm going to ask that we leave the record open  
14 because they did not exactly fulfill the requirement  
15 to give them great weight. They are in support. The  
16 problem is they didn't put what the vote count was and  
17 that's the only thing missing from this letter, is  
18 that. And hopefully we can leave the record open  
19 before we -- how we meet and move today we take  
20 proposed action. If we were to do a bench decision,  
21 even if we were to do a bench decision tonight, we  
22 could -- and I'm not saying that's what's going to  
23 happen, but if we were, then we can leave it open for  
24 them to straighten out their count and they can give  
25 it to us before we do final action. Okay? Okay.

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1 Okay.

2 All right. We have any organizations here  
3 that would like to testify in support?

4 (No audible response.)

5 CHAIRPERSON HOOD: Any persons in support?

6 (No audible response.)

7 CHAIRPERSON HOOD: Any organizations in  
8 opposition?

9 (No audible response.)

10 CHAIRPERSON HOOD: Any persons in  
11 opposition?

12 (No audible response.)

13 CHAIRPERSON HOOD: With that, Ms. Murray,  
14 if you have any closing remarks, or Mr. Henderson?

15 MR. HENDERSON: No, I don't think so. I  
16 think we've answered your questions. Obviously the  
17 record needs to be open to get that in there, but I  
18 would point out that the vote of the ANC was  
19 unanimous.

20 CHAIRPERSON HOOD: Okay. We're still  
21 asking for that, but I mean, I think we still probably  
22 better get it for the record.

23 MS. SCHELLIN: Yes, in order for them to  
24 be given great weight, they have to tell us what the  
25 vote is regardless of whether it was unanimous or not.

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1 They actually have to say, you know, 4-0-1, whatever.

2 CHAIRPERSON HOOD: Yes, we'll make sure  
3 you get that great weight in there.

4 Let me just do a recap. Are we finished?  
5 Any other closing comments?

6 (No audible response.)

7 CHAIRPERSON HOOD: Okay. We're going to  
8 amend to do a sound wall. Okay.

9 COMMISSIONER PARSONS: On the east  
10 boundary?

11 CHAIRPERSON HOOD: On the east boundary.  
12 We're going to add a lane and we don't need to waive  
13 anything. Okay.

14 COMMISSIONER JEFFRIES: They're going to  
15 provide language that deals with the aesthetic  
16 aspects.

17 CHAIRPERSON HOOD: Yes, for the sound  
18 wall.

19 COMMISSIONER JEFFRIES: Okay.

20 COMMISSIONER PARSONS: On that basis, I'd  
21 move we approve this application.

22 CHAIRPERSON HOOD: Can I get a second?

23 CHAIRPERSON HOOD: Second. Move and  
24 properly seconded. All those in favor? Aye.

25 COMMISSIONER HILDEBRAND: Aye.

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1 COMMISSIONER PARSONS: Aye.

2 COMMISSIONER JEFFRIES: Aye.

3 CHAIRPERSON HOOD: Any opposition?

4 (No audible response.)

5 CHAIRPERSON HOOD: So ordered. Staff  
6 would you record the vote?

7 MS. SCHELLIN: Yes. Staff would record  
8 the vote 4-0-1 to approve proposed action in Case No.  
9 03-28 with the amendment mentioned regarding the  
10 eastern boundary. Commissioner Parsons moving,  
11 Commissioner Hood seconding, Commissioners Jeffries  
12 and Hildebrand in favor, Commissioner Mitten not  
13 present, not voting.

14 CHAIRPERSON HOOD: Okay. Thank you. Let  
15 me thank everybody for coming out this evening.

16 If any individual is interested in  
17 following this case further, please contact staff to  
18 determine whether this case is on the agenda for final  
19 action.

20 This hearing is adjourned.

21 (The hearing was adjourned at 7:12 p.m.)  
22

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