

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:

SECOND-STAGE PUD -

St. Elizabeths Hospital

Case No. 04
08/02-45

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Thursday
September 30, 2004

Hearing Room 220-South
441 4th Street, N.W. Washington, D.C.

The Public Hearing of Case No. 04-08 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Anthony J. Hood, Vice-Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice-Chairperson
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner
JOHN G. PARSONS	Commissioner

OFFICE OF ZONING STAFF PRESENT:

ALBERTO P. BASTIDA,	Secretary, ZC
SHARON SCHELLIN,	Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

MAXINE BROWN-ROBERTS,	Office of Planning
DAVE McGETTIGAN,	Office of Planning

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This transcript constitutes the minutes from the public hearing held on September 30, 2004.

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Page

CALL TO ORDER:

Anthony J. Hood 3

DISCUSSION OF PRELIMINARY MATTERS. 6

PRESENTATION OF APPLICANT'S CASE:

Cynthia Giordano 9

Martha B. Knisley 10

Marc Shaw 15

REPORT OF OFFICE OF PLANNING:

Maxine Brown-Roberts 29

REPORT OF OTHER GOVERNMENT AGENCIES. N/A

REPORT OF ANC 8C:

Rosalind Stiles 36

ORGANIZATIONS AND PERSONS IN SUPPORT N/A

ORGANIZATIONS AND PERSONS IN OPPOSITION N/A

ADJOURN:

Anthony J. Hood 42

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

6:32 p.m.

VICE CHAIRPERSON HOOD: Good evening. We're ready to get started. This is a public hearing of the Zoning Commission of District of Columbia for Thursday, September 30th, 2004. My name is Anthony Hood. Joining me this evening are Commissioners John Parsons, Kevin Hildebrand, and Greg Jeffries. Chairman Carol Mitten has recused herself from this case.

The subject of this evening's hearing is Zoning Commission Case Number 04-08. This is a request by St. Elizabeth Hospital for approval of a Second-Stage Planned Unit Development for property located in East Campus of St. Elizabeths.

Notice of today's hearing was published in the D.C. Register on August 6th, 2004. The hearing will be conducted in accordance with the provisions of 11 DCMR 3022. Copies of today's hearing announcement are located to my left on the wall near the door.

Please be advised that this proceeding is being recorded by a court reporter and is also web cast live. Accordingly, we must ask you to refrain from any disruptive noises and actions in the hearing room. 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 order of procedure will be as follows:
7 preliminary matters; applicant's case; report of the
8 Office of Planning; report of other government
9 agencies; report of Advisory Neighborhood Commission,
10 in this case it's 8C; organizations and persons in
11 support; organizations and persons in opposition.

12 The following time constraints will be
13 maintained in this meeting: the applicant ten minutes;
14 organizations five minutes; individuals three minutes.
15 The Commission intends to adhere to the time limits as
16 strictly as possible in order to hear the case in a
17 reasonable period of time. The Commission reserves
18 the right to change the time limits for presentations,
19 if necessary, and notes that no time shall be ceded.

20 All persons appearing before the
21 Commission are to fill out two witness cards. These
22 cards are located to my left on the table near the
23 door. Upon coming forward to speak to the Commission,
24 please give both cards to the reporter sitting to my
25 right.

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

7 The staff will be available throughout the
8 hearing to discuss procedural questions. Please turn
9 off all beepers and cell phones at this time so not to
10 disrupt these proceedings.

11 At this time, the Commission will consider
12 any preliminary matters. Does the staff have any
13 preliminary matters?

14 MR. BASTIDA: Yes, Mr. Chairman, the staff
15 has two preliminary matters. First, the staff has not
16 received the maintenance of posting. I would like to
17 hear from the applicant regarding that matter.

18 MS. GIORDANO: Good evening, members of
19 the Commission. Cynthia Giordano from Arnold and
20 Porter, for the record. Mr. Warsh is going to certify
21 orally to the maintenance of posting, and we will
22 submit a written certification, as well. I'll just
23 ask Mr. Warsh if he's been to the site frequently
24 since the signs were posted and whether they remained
25 in place and on the poles.

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1 MR. WARSH: Yes, Richard Warsh, Director
2 of Facility Planning, D.C. Department of Mental
3 Health. I'm going to certify that I'm at this hospital
4 twice a week, maybe three times a week, and I check
5 the signs. They've been up, and there's photos.

6 VICE CHAIRPERSON HOOD: Thank you, Mr.
7 Warsh. Mr. Bastida, is that, do we still need
8 something for the record, or is that suitable?

9 MR. BASTIDA: I think that it would be
10 wise to have a write-in for the record. We could
11 leave the record open to receive it.

12 VICE CHAIRPERSON HOOD: Okay.

13 MR. BASTIDA: If that's okay with you, Mr.
14 Vice Chairman.

15 VICE CHAIRPERSON HOOD: We will leave the
16 record open so we can receive it.

17 MR. BASTIDA: The staff has another
18 preliminary matter.

19 VICE CHAIRPERSON HOOD: Oh, okay.

20 MR. BASTIDA: Staff has just circulated a
21 report from the Advisory Neighborhood Commission 8C
22 that I have provided to the Commissioners, and it's a
23 positive report, and it concludes by saying that the
24 community or the ANC is looking forward to working
25 with the Department of Health to develop the proper

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1 MOU, and it has a satisfactory relationship with the
2 proposal and the applicant. I checked with the
3 office, and they told me they have been working
4 diligently with the applicant, and they expect that
5 they will have a signed MOU in the next week or two,
6 and then they will submit it for the record.

7 VICE CHAIRPERSON HOOD: Okay. Thank you,
8 Mr. Bastida. When we get that point, I may ask you to
9 repeat some of that at that time. Any more
10 preliminary matters?

11 MR. BASTIDA: That will complete the
12 preliminary matters.

13 VICE CHAIRPERSON HOOD: Okay, thank you.
14 I hope the recorder picked you up on that. I didn't
15 see a signal, so I think we're okay. Now, at this
16 time, the Commission will consider ?- okay. Would all
17 individuals wishing to testify please rise to take the
18 oath? Ms. Schellin, would you administer the oath?

19 (Whereupon, the witnesses were sworn in.)

20 VICE CHAIRPERSON HOOD: Let me ask first
21 is there anyone in the audience that is here in
22 opposition of this particular case? I'm going to ask
23 that again. Is there anyone here in the audience that
24 is in opposition of this particular case? I don't
25 believe we have anything in the record. I would ask

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1 Ms. Giordano if she would come forward, taking note
2 that we have read Second-Stage PUD, and we would ask
3 that you govern yourself accordingly.

4 MS. GIORDANO: Good evening, again. Since
5 we only have ten minutes, we're just going to jump
6 right to the architectural presentation, and I'm going
7 to ask Mr. Shaw to just highlight the changes since
8 the first-stage submission, talk about the fencing
9 detail and the materials. And then if there are any
10 other issues the Commission wants to cover, we can do
11 that.

12 MR. SHAW: My name is Marc Shaw. I'm an
13 architect with Einhorn Yaffee Prescott. My address is
14 1000 Potomac Street, Washington, D.C. 20007. In the
15 interest of brevity, this is the older model, but we
16 want to focus our attention on the new one. It's
17 easier if I stand. Will you be able to pick me up?

18 VICE CHAIRPERSON HOOD: Do we have the
19 handheld mike tonight?

20 MR. SHAW: Oh, wait a minute.

21 MS. GIORDANO: I'm sorry. The Director of
22 the department just walked in, so I'm going to ask
23 Marty Knisley to give her comments because I know she
24 has to go somewhere else.

25 VICE CHAIRPERSON HOOD: Does Ms. Knisley

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1 need to take, she needs to take that off.

2 (Whereupon, the witness was sworn in.)

3 VICE CHAIRPERSON HOOD: Good evening, Ms.
4 Knisley.

5 MS. KNISLEY: Good evening, Mr. Hood.

6 VICE CHAIRPERSON HOOD: You may begin.

7 MS. KNISLEY: Thank you very much. I
8 appreciate the time this evening from the board, and I
9 want to begin by apologizing for being late this
10 evening. For some reason today, this has been hearing
11 today for me, so I've been in City Council and several
12 hearings and things have backed up, as well as being
13 in the Federal Court for a progress hearing in our
14 case in Dixon. So I'm sort of racing. The good news
15 is I'm not finishing in the courthouse, I'm finishing
16 at 441 in front of the Board of Zoning this evening.

17 I just want to very, very briefly report,
18 and I believe that you will be hearing shortly with
19 respect to some of the specifics on the design from
20 our staff and architects here this evening, and I just
21 want to briefly restate, if I can, for the board some
22 of the major milestones in this project and a summary
23 of the project.

24 St. Elizabeths Hospital, as we came before
25 you earlier in the year as part of the planned

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1 development process, we are moving along, I think,
2 very well in the planning. And our design has
3 obviously been enhanced and improved through these
4 discussions and the work that we've done with other
5 commissions, as well as the discussions that we've had
6 with our construction manager, obviously; individuals
7 in the community; and our own staff at the hospital;
8 as well as consumers who are actually going to use
9 this hospital. So we feel very positive about the
10 process. We've gotten a lot of input, and I think you
11 will hear and see this evening that the design is
12 moving along very well and in keeping with the desires
13 of this Commission.

14 As I said earlier, just to bring you back
15 to the use of this hospital, this new St. Elizabeths
16 facility will be primarily used as a forensic
17 hospital, forensics psychiatry hospital, meaning
18 people will be sent there who have a criminal
19 proceeding underway either for a competency evaluation
20 or for longer-term commitment as a result of a finding
21 of not able, not guilty by reason of insanity. That's
22 175 beds in the hospital. It's every jurisdiction in
23 the United States. States I should add and, in this
24 case, the District have such a facility or facilities.
25 We are very pleased that this will be the newest, most

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1 state-of-the-art facility and has included in the
2 design all of the requirements for security at the
3 same time meeting requirements as a hospital and, as
4 we believe, a very desirable building within this
5 community.

6 The second part of the hospital, the
7 additional 113 beds will be for the civil population,
8 meaning people who are either committed or go to the
9 hospital voluntary because of their psychiatric
10 illness. Again, we're using a state-of-the-art
11 design, meaning that people may be there for a long-
12 term commitment; therefore, the hospital is designed
13 with that in mind, meaning that it has some of the
14 amenities, if you will, of a long-term care facility,
15 not just as a hospital facility.

16 For the first time in 150 years, we will
17 be able to efficiently and effectively serve this
18 population by having administrative offices and
19 educational offices sort of between this civil and
20 criminal side of the house, if you will, and the
21 design in one location. That will improve our
22 ability, as the District of Columbia and as the
23 Department of Mental Health, to actually serve this
24 population.

25 When I got here three years ago, we were

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1 in 43 buildings on two campuses. And, today, we're
2 down to 15 buildings on one campus, but we still have
3 to get in the car to deliver meals, to deliver
4 medicines, to deliver lab work, and to sometimes help
5 the patients get from building to building for
6 activities. So there's a sense of urgency because of
7 that type of movement and how much resource is drained
8 and time is drained away from patient care. So,
9 obviously, we want to move as quickly as we can.

10 The other problem we have today, of
11 course, is that we are in buildings that were built,
12 in some cases, over a hundred years ago, and the
13 physical plant is in serious, has serious problems;
14 let's just say that. So, obviously, we want to move
15 as quickly as we can.

16 Jurisdiction does not state or the
17 District of Columbia does not build a psychiatric
18 hospital very often. As a matter of fact, there's
19 probably not been more than five or six hospitals
20 built in the last decade. So we are very fortunate, I
21 think, to have the work that's been done by EYP, our
22 architects, and our construction manager Gilbane, here
23 to help us, to help guide us on the construction and
24 the design of the facility for which there aren't many
25 examples around the country or around the world, when

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1 you're an architect or construction manager, to choose
2 from, so we believe that they've done an outstanding
3 job.

4 And we look forward to approval to move
5 forward with the zoning from this body. We will be
6 the largest employer still in Ward Eight. We take
7 that very seriously. This is a great opportunity for
8 us. We want to have a great place for people to come
9 to work. We believe we'll have opportunities for
10 several years for a great place to come to work to
11 build a hospital and then a great place to come to
12 work after we've built the hospital.

13 Obviously, being close to the Metro is a
14 plus for us with our employees and with families, many
15 of them who do not own their own vehicles to come and
16 visit their family members at the hospital. This is
17 extremely important.

18 And we believe that we have a design that
19 helps reduce the stigma associated with being in a
20 psychiatric hospital. In other words, a facility and
21 a building that we can all be proud of in the District
22 and that people can feel very positive about, whether
23 they work there or they come there for treatment.
24 Thank you very much.

25 VICE CHAIRPERSON HOOD: Thank you, Ms.

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1 Knisley. Since I know she has to leave, I believe,
2 Commissioners, let's ask her any questions at this
3 point. Any questions of Ms. Knisley?

4 (No response.)

5 VICE CHAIRPERSON HOOD: Well, thank you,
6 Ms. Knisley. You're always informative when you come
7 down and testify in front of us.

8 MS. KNISLEY: Well, thank you very much.
9 And I'll be more than happy, I hope I don't have to
10 come too many times, although it's always great to
11 come here, but if you ever want to talk about mental
12 health, you know where you can find me. I'll be more
13 than gracious about that. Thank you very much.

14 VICE CHAIRPERSON HOOD: Thank you.

15 MR. SHAW: Can everybody see the larger
16 model here, more or less, okay?

17 VICE CHAIRPERSON HOOD: We'll stand.

18 MR. SHAW: Okay. As Cynthia said, what we
19 want to do is focus on the things that have changed,
20 and we've really responded to comments that we got
21 from you folks and also feedback. I should point out
22 for the record we've been through both NCPC and CFA,
23 Commission of Fine Arts, and have been passed by both
24 of those. We'll obviously go back to CFA at the end
25 of construction documents, but things were very

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1 positive.

2 There are about four or five changes that
3 have happened, which have allowed us to do some things
4 which we think improve the building significantly.
5 The first doesn't really show in the model, but what
6 we did was to lift the entire building two feet. What
7 that meant was we didn't move nearly as much dirt, and
8 we were able to eliminate a significant amount of
9 retaining walls and impact the site. It also helped
10 save some money for the District of Columbia, plus for
11 us.

12 We've reconfigured the penthouses. You
13 can see in the older places that they were larger,
14 they were much more linear, and we've integrated them
15 into the building here, so we've reduced the square
16 footage and integrated, I think much more nicely, into
17 the architecture that supports that. So what you see
18 here, before we had a large open area, and you may
19 recall people were concerned about buffering this
20 visually. So what we took was the mechanical that was
21 underneath the building, put it out here. It works
22 from a security standpoint, because on all of our
23 facilities people are on the outside, but it also
24 means that the mass of that building, which now has an
25 earth berm on the front of it to sort of even lessen

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1 its impact, serves to visually buffer all of this
2 that's going on back here, deliveries and trash and
3 loading and mechanical rooms and so on. So we think
4 that's been a big plus. It also makes sort of the
5 architecture, again, it flows, flows better across the
6 front of the building.

7 As a corollary to that, it let us put on a
8 green roof. Again, issues of water treatment, storm
9 water. We can talk in detail if you want, but I'm
10 trying to be brief. The area here, which is sort of
11 the lighter gray, this is a green roof, which reduces
12 both the quantity and quality of water that we have to
13 deal with from a storm water management area.

14 And, finally, we stacked two additional
15 units. You may recall, again, we have a very long
16 corridor here, and we stacked these final two units
17 here. That let us do two things: one, obviously, we
18 shortened the corridor, which was nice; but it also
19 let us rotate this a little bit. And so, if you know
20 the site, that 200 and some odd foot tall tower here,
21 which was inside our secure perimeter and was causing
22 us, obviously, some difficulties and some concerns
23 about the access, is now outside of that perimeter.
24 So, again, the architecture is a little more nice, but
25 it has a functional plus to it.

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1 Any questions? We think it's made it a
2 better building, both more efficient and a better
3 piece of architecture.

4 You had asked about the fencing. In the
5 material that we submitted, there is a description of
6 the fencing. We had a three-piece fencing, security
7 fencing arrangement that addresses the forensics side.
8 We have a secure perimeter, something that does not
9 exist currently, as three pieces. One is a warning
10 fence. It's simply a low-barb fence. If you go
11 beyond here, as far as we're concerned, you've gone
12 too far. The second is a flop-top fence with fine
13 mesh, meaning that you cannot ?-

14 MS. SCHELLIN: Excuse me.

15 MR. SHAW: Yes, ma'am?

16 MS. SCHELLIN: The court reporter is not
17 picking you up. You may need to hold that closer.

18 MR. SHAW: Closer? Oh, my gosh.

19 MS. SCHELLIN: It's fading in and out.

20 MR. SHAW: Here we go. Okay. A flop-top
21 fence, and, in the middle, what is called a taut-wire
22 fence, which is very tight wire stretched between
23 posts that, if you touch, it vibrates and we know
24 where it's been touched back at a central place, so we
25 can react very quickly. It is normally done with barb

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1 wire. We are not going to use barb wire. As Marty
2 talked about, reducing the stigma, and we thought it
3 was absolutely inappropriate. We want to keep people
4 safe, we want to keep them inside, but we're not here
5 to hurt people or make it look scary.

6 So that's the way the fencing -? the
7 fencing runs across the roof because it has to make a
8 complete circle, but we run it behind the penthouse
9 here, and then it comes back at the back of the site
10 and loops around. Because this site is slightly lower
11 than the adjacent graveyards and then, again, even
12 slightly lower than the housing that's behind that,
13 most of the fence is down, if you will. You're not
14 looking at the fence. You'd be looking at the top,
15 and it's going to be 70 or 80 yards away. So it's
16 like looking at any chain-link fence from a couple of
17 hundred feet. It's not a highly-intrusive fence. And
18 unlike a lot of prison scenarios where you would have
19 razor wire or something at the top, we don't have
20 that. So we're hoping that it will not be visually
21 obtrusive.

22 There are some other places that we have
23 fence around the entire society, and it's around the
24 entire site, and they're decorative fences where they
25 are visible. If you know the embassy fence, which is

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1 all vertical so it can't be climbed, that's what we
2 have up at Van Ness, around a lot of the embassy
3 facilities, and that's our public fence, again.

4 In terms of materials, it is essentially a
5 masonry building, and we have brought, if I can get
6 this up one-handed ?- thank you. Within the
7 limitations of this being a government job and you
8 have to, you know, by an open bid, this is the brick
9 that we're looking at. The primary field of the
10 building is the red brick at the bottom. We do have
11 some darker brick that we'll be using in a decorative
12 fashion in places. It's consistent, though not
13 slavishly so, with the decorative brick that's used
14 throughout St. Elizabeths on the older, more historic
15 buildings. But this is, you know, it's a red brick,
16 Washington traditional and sort of understandable
17 palette.

18 There is a very limited amount -- and I'll
19 put that down unless folks want to see it. There's a
20 very limited amount in a couple of decorative places
21 of this dark stone, primarily at entries, so this is
22 sort of disproportionate, but there will be some stone
23 at high-traffic areas. And then we have, and Eric,
24 you'll have to help me, but in some places there's a
25 weathered copper that we want to use at some of the

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1 entry areas and down at the gatehouse and things like
2 that. Again, this is something that will last a long
3 time. It's consistent with the kind of materials that
4 are used in a much different way on the existing
5 campus, so we want to make some references back to the
6 150 years of history at St. Elizabeths without
7 slavishly following what's there.

8 The only other major material would be the
9 windows, and we didn't bring a sample because I'm
10 assuming that you all know what dark bronze anodized
11 aluminum looks like; it's dark brown aluminum. And
12 that's, essentially, the exterior palette for the
13 facility.

14 I think that answers what you folks had
15 asked. Is there anything else you would like to know?

16 VICE CHAIRPERSON HOOD: Is this going to
17 be the only witnesses?

18 MS. GIORDANO: Yes.

19 VICE CHAIRPERSON HOOD: Okay. Well, we
20 can just open it right up. Since you have the mike,
21 you can just open it right up. Mr. Parsons?

22 COMMISSIONER PARSONS: This is the diagram
23 that --

24 MR. SHAW: Yes.

25 COMMISSIONER PARSONS: It's the red lines.

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1 And I saw your hand go behind the penthouse, but it's
2 the bridging across the roof --

3 MR. SHAW: Yes, it does.

4 COMMISSIONER PARSONS: -- at the entrance.

5 Come around the corner and go over the front of the
6 building right there.

7 MR. SHAW: Right here.

8 COMMISSIONER PARSONS: Right over your
9 entrance, right?

10 MR. SHAW: Well, no. There are two main
11 entries to the building. This is the, if you will,
12 the hospital entrance.

13 COMMISSIONER PARSONS: Yes.

14 MR. SHAW: This is the forensic entrance.

15 It is the place where people would come to visit
16 folks on the forensic side or where their staff would
17 go. But, in fact, any place where ?- first of all,
18 none of the fencing comes any farther forward, if you
19 will, than here. And to the extent possible, we've
20 used the building to buffer it. It does, in fact,
21 come through here, but, remember, this is about 15
22 feet tall so . . . I'm trying to think of something
23 that has a good scale.

24 COMMISSIONER PARSONS: All right. So we
25 come out beyond ?-

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1 MR. SHAW: It's pretty far back.

2 COMMISSIONER PARSONS: So we come out
3 beyond the penthouse by your forensic entrance.

4 MR. SHAW: Here.

5 COMMISSIONER PARSONS: And how does that
6 get to grade then?

7 MR. SHAW: And it comes down, and, in
8 fact, I think you can see it, it comes down two grade
9 over the side of the building, again, tucked back
10 here, and this wall, it runs across the ground here
11 because there is, in fact, an enclosed connection to
12 the existing John Howard yard, exercise yard --

13 COMMISSIONER PARSONS: Okay.

14 MR. SHAW: -- that we're going to keep.
15 And we realized that when we had done this that you'd
16 be able to see that fence on grade. And both because
17 we didn't want to look at the fence and because we
18 want to respect the privacy of the people who are in
19 the John Howard pavilion, because they're entitled to
20 that, we have placed a fence on grade that will
21 visually buffer that from the public side.

22 COMMISSIONER PARSONS: Okay. Thank you
23 very much. That's very good. I'm clear now.

24 VICE CHAIRPERSON HOOD: Commissioner
25 Hildebrand?

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1 COMMISSIONER HILDEBRAND: I just wanted to
2 make sure. I had seen some notes to reference
3 alternates in the drawings for building materials.
4 There were some metal panel versus architectural pre-
5 cast. Have those gone away now and you're just using
6 the granite and the copper?

7 MR. SHAW: Yes. As we're moving forward
8 with this, we're looking at some alternatives, but
9 we've set on a material palette.

10 COMMISSIONER HILDEBRAND: So if I'm
11 looking at this elevation, could you be a little more
12 specific about which is the metal and which is
13 granite?

14 MR. SHAW: That which is red ? the granite
15 is really used -? the brick is, pretty clearly, the
16 red. The granite is really used at the bases. It's a
17 very minimal use, but we wanted to bring all the
18 materials. So near the entries, and that's sort of
19 the white recessed piece, we have a base inside the
20 building, and wanted to bring it out through the
21 entry, but you need to change materials from an inside
22 sort of material to an outside. So at the base of
23 that sort of white recess, you would have some of the
24 stone. But what is showing as white there,
25 essentially, is going to be all copper.

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1 COMMISSIONER HILDEBRAND: Okay. The
2 drawings, and these may be an earlier set here that
3 were also attached that weren't part of this package,
4 indicate this entire wall as being granite with
5 painted stucco, sloped canopy structure, and then that
6 this would have been either architectural pre-cast or
7 metal panel. So this is the, this side wall of your
8 penthouse piece, the projection becomes the entrance,
9 that's the ?-

10 MR. SHAW: That which is metal panel is
11 now copper sheet, yes.

12 COMMISSIONER HILDEBRAND: And is this
13 entire wall granite?

14 VICE CHAIRPERSON HOOD: Let me do this:
15 he's going to have to come to the table and identify
16 himself, and you need to be on the record. Let's do
17 that.

18 MR. KERN: Okay. My name is Eric Kern,
19 Einhorn Yaffee Prescott, 1000 Potomac Street also. I
20 think you're talking about -? there's been a few minor
21 changes since probably that was submitted, so this
22 entire exterior wall here is copper, and this wall is
23 a plaster finish; it looks like stucco. So it's just
24 white painted.

25 COMMISSIONER HILDEBRAND: Okay. And how

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1 high is the granite base there?

2 MR. KERN: I believe it's about 12 inches.
3 It's just low base.

4 COMMISSIONER HILDEBRAND: Okay. Just a
5 small thing.

6 MR. KERN: That's right.

7 COMMISSIONER HILDEBRAND: Okay.

8 MR. SHAW: Any other questions?

9 VICE CHAIRPERSON HOOD: Any other
10 questions, Commissioners? I did have one about the
11 fence, and I know it's down on the site. It's
12 probably down in the campus. You mentioned the fence
13 giving some kind of shock or --

14 MR. SHAW: No. The fence is, there are at
15 the secure perimeter a mix of fences and cameras, and
16 the cameras are automated. Without getting into too
17 much detail, the fence is what they call a taut-wire
18 fence. It very specifically doesn't give off a shock.
19 This is not, there are states where that would be
20 acceptable. It is not acceptable in the District. It
21 places a piece of wire, which is held, and when that
22 wire vibrates, a signal goes back to a central place,
23 and we know that wire X between post Y and Z vibrated,
24 and we can send people out to look at it.

25 VICE CHAIRPERSON HOOD: Okay. I think

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1 I'll save the other question for the Office of
2 Planning. Any other questions? You have another?

3 COMMISSIONER HILDEBRAND: Well, I was just
4 going to ask if you could, I know you mentioned that
5 you were using a fence similar to an embassy-style
6 fence for the friendly public face at the Metro
7 entrance and the perimeter that is on, I guess, the
8 southern edge. If you could submit a sketch for that
9 for the record --

10 MR. SHAW: Very simple. We'll send you a
11 cut-sheet of that.

12 COMMISSIONER HILDEBRAND: And I know that
13 the Office of Planning mentioned the elevations of the
14 gatehouse, so if you're submitting those as well that
15 we would --

16 MR. SHAW: We actually have some sketches
17 of that, if you would like to see them. They're sort
18 of internal sketches. Again, in the interest of
19 speed, I didn't know how much people wanted to look at
20 today.

21 VICE CHAIRPERSON HOOD: I don't want
22 anybody to think we're rushing through.

23 MR. SHAW: No, no.

24 VICE CHAIRPERSON HOOD: We think it's
25 clear-cut to a point. We just want to make sure the

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1 issues that the Commission raised are being addressed.

2 MR. SHAW: Okay. The gatehouse -? let's
3 back up a second ?- occurs, and I keep calling it a
4 gatehouse instead of a guardhouse, right down here,
5 okay? And so we wanted something that, you know,
6 could let us know when people are going in and out,
7 but we're not out here locking anybody up. It is, if
8 you know the site, right before you cross the ravine.

9 It is one of the reasons that we've added a small
10 amount to the PUD. It is a relatively small space,
11 but we did not want to do sort of a pre-fab, you know,
12 thing, and so we wanted something that picked up on
13 the materials. You see here in plan it sits up on a
14 pod. It has a planter in the front, a small counter
15 inside, bathroom and so on, and things you would
16 expect if you're to spend eight hours a day out there,
17 and is clad in the same copper that we'll use at the
18 other entrances. So, again, the material that we're
19 using to sort of mark the entry we've used for the
20 gatehouse. It should be a very handsome little piece.

21 And as Marty said, you know, it sort of
22 conveys the idea of the importance of the building to
23 the city and the quality of what's going on here. You
24 don't want this to be the scary thing you see when you
25 first get here.

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1 VICE CHAIRPERSON HOOD: Okay, thank you.
2 Commissioners, any other questions?

3 COMMISSIONER HILDEBRAND: It's good to see
4 those. Do you have something you can submit for the
5 record for those? A smaller copy, perhaps?

6 MR. SHAW: We can get a small version of
7 this to you.

8 COMMISSIONER HILDEBRAND: Thank you.

9 VICE CHAIRPERSON HOOD: Okay, all right,
10 good. Thank you. Thank you, Ms. Giordano. Next,
11 moving right along, the report of the Office of
12 Planning.

13 MS. BROWN-ROBERTS: Thank you, Mr.
14 Chairman. I am Maxine Brown-Roberts representing the
15 Office of Planning. Just to review a few things that
16 the Office of Planning has some concerns about, and I
17 think most of them have been resolved today.
18 Regarding the Stage-One PUD, as stated in the report,
19 we think that the stage two is consistent with the
20 recommendations that was submitted by the board. And
21 we think also that the changes that have been made to
22 the plan has been a great improvement.

23 Concerning landscaping, grading, and
24 storm-water management, I think the Office of Planning
25 has also been pleased with the improvement of the

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1 plans that were submitted to us. There is a large
2 storm-water management pond there also by retention
3 areas and, in addition to that, there is 27 square-
4 feet of green roof space.

5 The parking and vehicular circulation.
6 One of the major things about this development is that
7 the existing hospital will continue to operate while
8 the new building is being constructed and, therefore,
9 parking was of great concern to us. However, the
10 applicant sent us information. There was a parking
11 plan, and there will also be a shuttle bus going
12 between the Metro station, the hospital, and the
13 parking areas, and we do think that that will be
14 sufficient. We would also like to encourage the
15 applicant to continue, after the hospital is
16 constructed, to continue with the policies to
17 encourage transit use.

18 Concerning the MOU with the D.C. Office of
19 Local Business Development, I did speak to the officer
20 there today, and there is a draft that was signed on
21 September 18th, and they have stated that they will
22 continue to work with the Department of Mental Health
23 to have that submitted. And we're hoping that
24 sometime between now and this order that it will be
25 available.

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1 I think one of the great things about the
2 hospital is that it is of great benefit to the
3 District of Columbia, and they have also been working
4 with the community to supply additional facilities.
5 They have the auditorium, I remember, in the first
6 stage. That was something that we had a great
7 conversation on in that they will be allowing members
8 of the community and I think organizations to come in
9 and use the facility. At the current time, there is
10 no agreement set, but I think, from the letter from
11 the ANC and also from talking with the applicant, that
12 is something that they'll continue to work on.

13 In our report, we have stated that we
14 would like to see, we had asked for the elevations for
15 the guardhouse, and I think that was supplied to us,
16 and I think that was okay. The site and landscape
17 plan, which included lot two, three, four that was
18 included, we did not receive that, but I saw it on the
19 illustrative plan tonight, so I think that should also
20 be submitted into the record.

21 And the Office of Planning recommends
22 approval of the application and would submit that we
23 could have two conditions, one regarding the memo of
24 understanding with the Local Business Development and
25 also the agreement between the community for the use

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1 of the space. Thank you, Mr. Chairman, and I will
2 entertain any questions.

3 VICE CHAIRPERSON HOOD: Okay. Thank you,
4 Ms. Brown-Roberts. Colleagues, any questions for the
5 Office of Planning? I will just say one. I'm just
6 wondering, this auditorium and gym phase, if,
7 unfortunately, the negotiations or discussions between
8 the community and the applicant, this piece of it is
9 not able to move forward, is there a contingency plan?
10 Because I know when you deal with the community and
11 they expect something, sometimes it doesn't work out.
12 And if it's not able to work out, is there a
13 contingency plan, something to fall back on?

14 MS. BROWN-ROBERTS: I hadn't thought of
15 that. But usually, I think in other PUDs, what we've
16 done is that it is usually, we usually have a
17 condition that that agreement be submitted before the
18 building permit or something like that is granted. So
19 I think that maybe we could do the same thing here
20 just to make sure that that does come in.

21 VICE CHAIRPERSON HOOD: I'm pretty sure
22 the leadership will make sure that something happens.
23 I just wanted to make sure that, you know, before we
24 deal with it, it's something that's going to either be
25 in place or a contingency plan to fall back on. But I

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1 think your point is very valid, so I won't pursue
2 that.

3 MS. BROWN-ROBERTS: And I think that the,
4 I think I have some confidence that it's going to
5 happen, and I know what you're talking about, but, you
6 know, the hospital and the community has been working
7 for a very long time, so, hopefully, it won't come to
8 that.

9 VICE CHAIRPERSON HOOD: Ms. Knisley, I
10 have the uttermost faith that you will make sure that
11 happens. You don't really need to come to the table,
12 unless you just wanted to respond.

13 MS. KNISLEY: Right. It is in process,
14 and I think the real question here is, for us, is to
15 get some of the specifics that we needed to have in
16 that memorandum of agreement; that's all. And so I
17 don't, you know, I'm not sure if there needs to be a
18 contingency or not. There's clearly going to happen.
19 It's a matter of having the building to this point,
20 and maybe it's the chicken and egg a little bit, you
21 know, in terms of making certain that we had, in fact,
22 an approvable design and a building that we were going
23 to advance with. And we're, obviously, definitely in
24 discussions. We've already had our architects, I mean
25 our construction manager in discussion with respect to

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1 the hiring and the contracts, as I said earlier.

2 VICE CHAIRPERSON HOOD: Thank you.

3 MS. BROWN-ROBERTS: Mr. Chairman, I think
4 that if you want to put a condition, maybe we could
5 put it all the way to occupancy permit. You know, at
6 least it gives them a longer time.

7 VICE CHAIRPERSON HOOD: I just wanted to
8 make sure that the community, I just didn't want any
9 problems. Actually, I have the uttermost confidence.
10 The other thing -- Ms. Knisley, did you want to say
11 something?

12 MS. KNISLEY: No.

13 VICE CHAIRPERSON HOOD: You're more than
14 ?-

15 MS. KNISLEY: No, I think occupancy
16 permits sounds like a good idea.

17 VICE CHAIRPERSON HOOD: Okay. Any other
18 questions of the Office of Planning? Thank you. I
19 notice that, well, I do notice in the report that it
20 mentioned that we were getting something from the
21 Department of Transportation, comments. Did we get
22 those?

23 MS. BROWN-ROBERTS: No. Actually, I had
24 spoken to them about a week ago, and they hadn't
25 received the application. The applicant was supposed

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1 to be in contact with them, so I don't know; I haven't
2 heard anything. But, at the same time, just from
3 conversations with them, they didn't, you know, sort
4 of give me anything to be concerned about.

5 VICE CHAIRPERSON HOOD: Okay, good. I'm
6 sure if they did, we would have had something here in
7 writing. So we'll move forward. Do we have any other
8 -? thank you, Ms. Brown-Roberts. Do we have any other
9 reports of any other government agencies?

10 MR. BASTIDA: Ms. Stiles has received, as
11 I mentioned before, the report from the ANC 8C, in
12 which they put a lot of emphasis on the MOU and that
13 they anticipate that they will be working with the
14 Department of Mental Health and conclude that MOU in
15 the near future, and that is an ongoing situation,
16 which I check with the office upstairs, and they feel
17 very confident that that will be wrapped shortly.

18 VICE CHAIRPERSON HOOD: Okay.

19 MR. BASTIDA: Thank you.

20 VICE CHAIRPERSON HOOD: Thank you, Mr.
21 Bastida. Let me do this, though. Let me ask do we
22 have anyone representing the ANC 8C? Good. Ms.
23 Stiles, if you can come forward. Are you going to
24 speak? Can you come to the mike and identify
25 yourself, and are you representing ?- you might want

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1 to wait until you come to the mike because I have to
2 make sure that we have you recorded.

3 MS. STILES: Good evening.

4 VICE CHAIRPERSON HOOD: Can you turn your
5 mike on?

6 MS. STILES: Okay. I have the same letter
7 that you have reviewed that has been submitted. I
8 have been a technical consultant for ANC 8C. And Ms.
9 Cuthbert asked that I come just to make sure that her
10 letter, number one, was read into the record and to
11 respond to any questions that you may have in terms of
12 the negotiations with the Department of Mental Health.

13 VICE CHAIRPERSON HOOD: Oh, did you state
14 your name?

15 MS. STILES: Oh, I'm sorry. My name is
16 Rosalind Stiles. I'm the President of Capital City
17 Associates, and my business is in Ward Eight.

18 VICE CHAIRPERSON HOOD: Okay. Ms. Stiles,
19 you are a consultant for ANC 8C, and Ms. Cuthbert had
20 you come down.

21 MS. STILES: Yes. I have been in
22 negotiations, I've been facilitating negotiations
23 between the Department of Mental Health and ANC 8C.
24 That's correct.

25 VICE CHAIRPERSON HOOD: Okay. Let me do

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1 this, Ms. Stiles. When we get down to organizations
2 and persons in support, if you wanted to come up and
3 comment on this, you could. But this time is for the
4 ANC, and I haven't been in that position before.

5 MS. STILES: All right. Well, I guess my
6 main thing, in terms of her letter, was to make sure,
7 because she wasn't clear, she didn't get a response
8 back that you had, in fact, received. But then after
9 I got the confirmation, but she said that I didn't
10 know whether I could respond to any questions that you
11 may have, or should I just wait.

12 VICE CHAIRPERSON HOOD: Let's do this, Ms.
13 Stiles, since you're at the table. Commissioners, we
14 have the ANC letter in front of us. There's some
15 ongoing negotiations that are taking place, and I'm
16 sure if it was to the point where it looks like it was
17 getting cloudy, Ms. Cuthbert would have been here.
18 But I will tell you, and I don't mean that being
19 derogatory ?-

20 MS. STILES: No. We understand each
21 other.

22 VICE CHAIRPERSON HOOD: I know her so . .
23 . Commissioners, are there any questions about the
24 letter? If not, you can let her know we do have the
25 letter in the record.

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1 MS. STILES: The only thing, she just
2 wanted to make sure that the record stay open until
3 the negotiated agreement has been signed and
4 submitted.

5 VICE CHAIRPERSON HOOD: Is that addressed
6 here?

7 MS. STILES: That is addressed. When he
8 did a summary, he did not point that out.

9 VICE CHAIRPERSON HOOD: Okay. Let me ask
10 you about that, Ms. Stiles. How long will that take?
11 How long is she expecting us to keep the record open?

12 MS. STILES: In the letter, it states that
13 she would move expeditiously to finish the
14 negotiations, and she would convene a special meeting,
15 if necessary, by her commission. I know that, in the
16 past, you've had the record open for two weeks to 30
17 days. I don't know whether that's a timely, whether
18 that's a time factor here.

19 VICE CHAIRPERSON HOOD: I think that, as
20 we know, they have a mandate that they need to meet.

21 MS. STILES: Yes.

22 VICE CHAIRPERSON HOOD: But would two
23 weeks, is that suitable?

24 MS. STILES: Two weeks is the minimum.

25 VICE CHAIRPERSON HOOD: Two weeks is the

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1 minimum. What's the maximum? And I'll also confer
2 with Ms. Knisley.

3 MS. STILES: Okay. The maximum would be
4 30 days.

5 VICE CHAIRPERSON HOOD: Okay. What I'm
6 going to do is when Ms. Giordano, who is already
7 coming back to the table, let's try to work this out
8 right now, and we won't have to come back to it. Ms.
9 Giordano, she's asking for two weeks minimum.

10 MS. GIORDANO: Right. We were actually
11 going to be asking for a bench decision this evening.

12 MR. BASTIDA: Well, you need to submit a
13 few things to the record. They cannot make a decision
14 until those things have been submitted for the record
15 because the record is not complete, so they cannot
16 vote until the record is complete.

17 MS. GIORDANO: Well, the only thing is the
18 maintenance of posting.

19 MR. BASTIDA: No, the renovations to the
20 gatehouse.

21 VICE CHAIRPERSON HOOD: Yes.

22 MS. GIORDANO: Yes, we could submit those
23 this evening.

24 MR. BASTIDA: Do you have it in a size
25 that can be submitted for the record? Because we

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1 cannot accept that large drawing.

2 VICE CHAIRPERSON HOOD: Well, why don't we
3 do this? Let's get everything submitted. We'll give
4 two weeks to do that. Let's try to leave it open for
5 two weeks. Can we do the minimum?

6 MS. STILES: Yes. Under those
7 circumstances, we would definitely ?-

8 VICE CHAIRPERSON HOOD: Yes, because I do
9 have a mandate. Is that okay, colleagues? All right.
10 Any other questions for Ms. Stiles?

11 (No response.)

12 VICE CHAIRPERSON HOOD: All right. Thank
13 you for coming down, and let Ms. Cuthbert know we're
14 going to be expecting her to have an emergency
15 meeting. Okay. And hopefully fine-tune everything.

16 MS. STILES: Okay.

17 VICE CHAIRPERSON HOOD: Thank you. Okay.
18 Now, let me do organizations in support. Any
19 organizations in support? Seeing none, persons in
20 support? Seeing none, organizations in opposition?
21 Organizations in opposition? Seeing none, persons in
22 opposition? Persons in opposition?

23 Ms. Giordano, if you want to, closing
24 statements.

25 MS. GIORDANO: No closing statement, only

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1 that we will get the additional materials in, and we
2 would hope that the Commission could make a decision
3 on this case as shortly after the record closes as
4 possible.

5 VICE CHAIRPERSON HOOD: Okay.

6 MS. GIORDANO: Thank you.

7 VICE CHAIRPERSON HOOD: Okay, thank you.
8 Mr. Bastida, we will leave the record open for two
9 weeks, and could you give us a list of things that we
10 need to complete the record?

11 MR. BASTIDA: Yes, Mr. Chairman. The
12 maintenance of posting, elevation of a gatehouse, the
13 landscape plan, and the MOB.

14 VICE CHAIRPERSON HOOD: Okay.

15 COMMISSIONER HILDEBRAND: I think there
16 was a revised elevations with the final material
17 selections noted on them, as well.

18 MS. SCHELLIN: And also a sketch of the
19 embassy-style fence.

20 VICE CHAIRPERSON HOOD: Okay. Does
21 everybody have all that? Because I don't. Carol is
22 usually good about writing that down. Okay. All
23 right. So everybody is on the same page? If not, Ms.
24 Giordano, you can confer with staff. And Ms. Stiles,
25 you can also confer with staff.

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1 MR. BASTIDA: Do you want me to give you a
2 date by which --

3 VICE CHAIRPERSON HOOD: Yes, if you can do
4 that.

5 MR. BASTIDA: Okay. It would be, you need
6 to submit everything by Thursday, October the 14th by
7 3:00.

8 VICE CHAIRPERSON HOOD: Is this possible
9 that it's going to make the October meeting?

10 MR. BASTIDA: Yes.

11 MS. GIORDANO: Do you need the proposed
12 order at that time, as well?

13 MR. BASTIDA: Please.

14 MS. GIORDANO: Okay.

15 VICE CHAIRPERSON HOOD: Okay. Ladies and
16 gentlemen, the other members of the Commission, I wish
17 to thank you for your testimony and assistance in this
18 hearing. The Commission will make a decision in this
19 case at one of its regular monthly meetings following
20 the closing of the record. These meetings are held at
21 6:30 p.m. on the second Monday of each month. I now
22 declare this hearing closed.

23 (Whereupon, the hearing was concluded at
24 7:21 p.m.)

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