

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
ZONING COMMISSION
PUBLIC HEARING

IN THE MATTER OF:

Case No. 98-20M/97-3C

PUD MODIFICATIONS AT
828 BELLEVUE STREET, S.E.

Monday,
March 22, 1999

Room 220
441 4th Street, N.W.
Washington, D.C. 20001

The hearing in the above-entitled matter was convened,
pursuant to notice, at 7:30 p.m.

ZONING COMMISSION MEMBERS PRESENT:

JERRILY R. KRESS	Chairperson
ANGEL F. CLARENS	Commissioner
HERBERT M. FRANKLIN	Commissioner
ANTHONY HOOD	Commissioner
JOHN F. PARSONS	Commissioner

STAFF PRESENT:

Alberto Bastida, Acting Interim Director, Office of
Zoning and Office Planning Staff Member
Vincent T. Erondy, Office of Zoning

On Behalf of the Applicant, Cemi-Ridgecrest, Inc.:

of: CYNTHIA A. GIORDANO, ESQ.
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P-R-O-C-E-E-D-I-N-G-S

(7:06 p.m.)

CHAIRPERSON KRESS: Good evening, ladies and gentlemen. I'm Jerrily Kress, Chairperson of the Zoning Commission for the District of Columbia.

Joining me this evening are Commissioners Franklin, Hood, Clarens and Parsons.

I declare this hearing open.

The case that is the subject of this hearing is an application from Cemi-Ridgecrest, Inc., a nonprofit corporation. The application requests modification to a previously approved planned unit development for Lot 125 in Square 6159, located at 828 Bellevue Circle, S.E.

The entire site is zoned R-5-A. The 5-5-A district permits matter-of-right single-family detached dwellings, and with approval of the Board of Adjustment, low-density development of general residential uses including rowhouses, flats and apartments to a maximum floor area ratio of .9, and a maximum height of three stores/40 feet.

The PUD standards for an R-5-A zone district establish a maximum FAR of 1.0, a maximum height of 60 feet, and a lot occupancy of 40%.

By Zoning Commission Order No. 829, the Zoning Commission granted approval for the construction of 141 townhouses, as well as a community center on the site. Most of the approved site is currently under construction and is

1 being developed in accordance with the PUD order.

2 The instant application seeks to modify the PUD
3 and to expand the project by incorporating Lots 123, 1265 and
4 812, also in Square 6159, into the PUD project. The applicant
5 also seeks to relocate the community center building to the
6 newly acquired lot and added lots, and develop 11 additional
7 three-story townhouse units on the original portion of the
8 community center.

9 The public alley which currently separates the
10 original PUD site from the newly incorporated lots would be
11 closed.

12 The applicant also seeks flexibility to add
13 decks to the townhouses (approved and proposed) and change the
14 shape of the approved swimming pool. Upon completion, the
15 project would have a floor area ratio of .68, a height of
16 structures ranging from 30 feet to 40 feet, a lot occupancy of
17 22%, and provide a total of 228 parking spaces.

18 Notice of today's public hearing was published
19 in the *D.C. Register* on January 28, 1999, and the *Washington*
20 *Times* on February 4, 1998. This hearing will be conducted in
21 accordance with the provisions of 11 DCMR 3022.

22 The order of procedure will be as follows: (1)
23 preliminary matters, (2) the applicants case, (3) the report
24 of the Office of Planning, (4) report of other agencies, (5)
25 report of the Advisory Neighborhood Commission 4A, (6) parties
26 and persons in support, (7) parties and persons in opposition.

1 The Zoning Commission intends to establish time
2 limits for oral presentations of both parties and persons.
3 Accordingly, the following time limits apply: applicant, 60
4 minutes; other parties, 15 minutes; organizations, five
5 minutes; individuals, three minutes.

6 The Commission intends to adhere to these time
7 limits as strictly as possible in order to hear the case
8 within a reasonable period of time. However, the Commission
9 reserves the right to change the time limits if necessary. No
10 time shall be seeded.

11 The Zoning Commission requests that all
12 witnesses prepare their testimony in writing, submit the
13 written testimony prior to giving statements, and limit oral
14 presentations to summaries of the most important points.

15 Those presenting testimony should be brief and
16 non-repetitive. If you have a prepared statement, you should
17 give copies to staff and orally summarize the highlights only.
18 Please provide copies of your statements before summarizing.

19 Each individual appearing before the Commission
20 must complete two identification cards and submit them to the
21 reporter at the time you make your statement. If these
22 guidelines are followed, an adequate record can be developed
23 in a reasonable length of time.

24 The decision of the Commission in this case must
25 be based exclusively on the record. To avoid any appearance
26 to the contrary, the Commission requests that parties, counsel

1 and witnesses not engage the members of the Commission in
2 conversation during any recess or at the conclusion of the
3 hearing session.

4 While the intended conversation may be entirely
5 unrelated to the case that is before the Commission, other
6 persons may not recognize that the discussion is not about the
7 case. The staff will be available to discuss procedural
8 questions.

9 All individuals who wish to testify, please rise
10 to take the oath.

11 (Whereupon, the witnesses were sworn.)

12 CHAIRPERSON KRESS: Thank you.

13 First, preliminary matters.

14 MR. BASTIDA: Madame Chair, the staff has three
15 preliminary matters. First, you have the reminder schedule in
16 front of you. I would like to point out that the hearing of
17 last Thursday has been rescheduled for Monday the 29th.
18 That's the 8th Street overlay.

19 Mr. Franklin will not be able to be here, and I
20 just would like to make sure that we have a quorum for that
21 hearing.

22 The second preliminary matter is there is not a
23 certificate of maintenance of the posting.

24 CHAIRPERSON KRESS: I'm sorry, what did you say
25 again?

26 MR. BASTIDA: There is not a certificate of

1 maintenance of the posting.

2 CHAIRPERSON KRESS: Could we hear from the
3 applicant on that, please?

4 MR. BASTIDA: And the third --

5 CHAIRPERSON KRESS: Well, before you go on,
6 let's deal with this certificate.

7 MR. BASTIDA: Okay, fine.

8 MS. GIORDANO: We are prepared to certify orally
9 that the property has been posted. You have the affidavit of
10 posting, and that posting has been maintained.

11 To my right is Elliott Johnson. He's the
12 construction manager on site, and he will so certify.

13 MR. JOHNSON: Yes, it is.

14 CHAIRPERSON KRESS: All right, thank you. I
15 find that acceptable.

16 Fellow commissioners?

17 MS. GIORDANO: It is customary, I believe, to
18 certify at the hearing because the posting has to be
19 maintained up until the hearing. Done that in numerous cases
20 that we've certified with the onsite construction person and
21 it has been maintained at the hearing.

22 COMMISSIONER CLARENS: Well, with all due
23 respect, it could have been customary. Why would we ask for a
24 posting, a certificate of posting, if it has not been filed as
25 a document? And so --

26 MS. GIORDANO: In the future we will do that.

1 MR. BASTIDA: Third, Madame Chairperson, the
2 Office of Planning submitted reports, and not in a timely
3 fashion, and requested the waiver of the rules so the report
4 can be accepted into the record.

5 CHAIRPERSON KRESS: I have no problems.

6 Fellow commissioners, no objections?

7 It will be so accepted.

8 MR. BASTIDA: Thank you, Madame Chairperson.

9 And fourth point is I want to remind the public
10 of the dual office that I am representing in this case.

11 CHAIRPERSON KRESS: Why don't you go ahead and
12 just let -- you are serving in a dual role.

13 MR. BASTIDA: Yeah, I am serving in an Acting
14 Director of the Office of Zoning, and I am also Office of
15 Planning Staff, and I will be presenting the report this
16 evening.

17 Thank you.

18 CHAIRPERSON KRESS: I would like to ask you --
19 the next item is the identification of parties.

20 Has anyone identified themselves?

21 MR. BASTIDA: There has not been request for
22 private status.

23 CHAIRPERSON KRESS: I'm sorry, you cannot be
24 heard. If you wish to identify yourself as a potential party,
25 would you please come forward and speak into the mic?

26 MR. BASTIDA: The microphone over there.

1 CHAIRPERSON KRESS: Why don't you turn that on.
2 MR. BASTIDA: Turn that on.
3 MR. STROZIER: My name is Parrish Strozier.
4 CHAIRPERSON KRESS: Strozier?
5 MR. STROZIER: Strozier, yes. I understand that
6 we -- I was supposed to give a 14 day notice before -- I'm on
7 812 Chesapeake Street. But whoever sent the notice out, sent
8 it to the wrong owner and I got the notice late.
9 CHAIRPERSON KRESS: Do you wish to be a party --
10 MR. STROZIER: Yes.
11 CHAIRPERSON KRESS: -- and cross examine, or do
12 you just wish to testify as a person?
13 MR. STROZIER: I wish to testify as a person. I
14 just didn't want this to go on without me being --
15 CHAIRPERSON KRESS: You wish to testify as a
16 person?
17 MR. STROZIER: Yes, yes.
18 CHAIRPERSON KRESS: All right, we certainly will
19 recognize you to testify as a person a little later.
20 Thank you, Mr. Strozier.
21 Okay, with that then, we will turn to the
22 applicant's case.
23 MS. GIORDANO: Good evening, Madame Chairperson,
24 members of the Commission.
25 The case before you is a modification this
26 evening. The modifications are relatively simple, and we hope

1 to do this in a very straightforward, timely fashion. We have
2 a few witnesses though, because there are a number of areas of
3 expertise, to touch on the modifications.

4 What I'd like to do first is ask for a waiver to
5 submit some additional plans. They are basically plans that
6 have already been submitted but have been refined since the
7 previous submission, and I'd like to submit those at this time
8 so the commissioners will have those in front of them as we go
9 forward.

10 CHAIRPERSON KRESS: All right.

11 MS. GIORDANO: We have a number of expert
12 witnesses this evening, but all of the experts were qualified
13 in the previous case. And the witnesses are the same as in
14 the previous case, with the exception of one.

15 The architectural firm CHK, which designed the
16 clubhouse, has a new person on staff that's handling that.
17 And his name is Maurice Walters and, when he comes up, I'll
18 ask him to state his qualifications.

19 But, for the record, as we go forward, I'd just
20 like to mention that we have Randy Marshall from Navy Marshall
21 Architects, which has done -- that firm has done the site
22 planning and the townhouse designs. And he was qualified as
23 an expert last time and I'd ask you to qualify him again.

24 CHAIRPERSON KRESS: Do we need to requalify? Is
25 that -- I'm sorry, I shouldn't be asking you.

26 MS. GIORDANO: I guess the record of the

1 previous case is incorporated in this case, so that's probably
2 not necessary. Let me just note for the record though that
3 they've been qualified.

4 CHAIRPERSON KRESS: And I would agree with --
5 since we have before, obviously we would continue to agree.
6 And I would just ask, as you have recommended, that when the
7 gentlemen from CHK testifies, to give a little bit of his
8 background.

9 MS. GIORDANO: All right. With that, why don't
10 we just go forward with the case then.

11 Our first witness is Mr. H.R. Crawford. He's
12 president of Cemi-Ridgecrest, which is the applicant, the
13 owner of the property, the developer of the property. And he
14 will be assisted by Mr. Johnson, who I just previously
15 introduced.

16 Mr. Crawford's just going to give a status
17 update of the project since its previous approval and briefly
18 state what the reasons for the modifications are.

19 Mr. Crawford.

20 MR. CRAWFORD: Thank you.

21 Good evening, Madame Chair and members of the
22 Commission.

23 Today we're here before you because we -- well,
24 first of all, the property is going extremely well. The
25 marketing effort is going extremely well. The accolades we
26 are receiving from both the region and local officials has

1 been very positive and very cooperative.

2 It truly has been an enhancement to the
3 neighborhood. And as a result of that, it appears as though
4 the entire area is going through a renaissance that we hope is
5 going to continue.

6 We experienced a bit of difficulty with the site
7 that was continuous to our site, which was also owned by the
8 Federal Government. It took a while processing it through
9 HUD, but the building is one that was on television some time
10 ago and was closed down by the Emergency Preparedness because
11 there was a major crack in the foundation.

12 We acquired this property from the Federal
13 Government for one dollar with the intent of razing it and
14 expanding our site. On that site will be located a tennis
15 court.

16 We decided that the community building, which we
17 negotiated with HUD, would have to be relocated from the site
18 that we had proposed before you originally to a different
19 site, which is on 9th Street, S.E.

20 That's 9th and Southern Avenue, S.E., which will
21 further enhance the property and the neighborhood. And that's
22 why we're, of course, here before you today. That community
23 center will take -- will compose a day care center, a computer
24 center, an outreach facility, small office buildings, and also
25 business opportunities for the community.

26 Thus far, it's an integral part of what we had

1 proposed before. It simply must be a part of it because it
2 provides a day care and other kinds of facilities that we had
3 mentioned in our previous discussions with you. Of course, it
4 will provide additional parking in the lot.

5 With that, if there are any questions or
6 concerns?

7 CHAIRPERSON KRESS: I think we'd like to hold
8 our questions, if that's all right.

9 MS. GIORDANO: Do you have anything you'd like
10 to add, Mr. Johnson?

11 MR. JOHNSON: No, I'm going to go ahead and
12 point it out.

13 CHAIRPERSON KRESS: If you want to speak, you
14 might want to try holding the mic if it doesn't do a lot of
15 back feed on you. You have to turn it on.

16 MR. JOHNSON: The original community building
17 was located right in this site right here. And with the
18 addition of the purchase, --

19 CHAIRPERSON KRESS: Excuse me, you might want to
20 move up so you can see and pull some chairs around.

21 I'm sorry, just thought I'd --

22 MR. JOHNSON: That's all right.

23 CHAIRPERSON KRESS: You've tilted it nicely for
24 us to see; but for other people who aren't familiar with it,
25 it might be a little difficult.

26 I'm sorry, please continue.

1 MR. JOHNSON: Okay, initially this project --
2 this piece right here was not included in the ownership.
3 Since the beginning of construction, Mr. Crawford has acquired
4 this piece. This is 9th Street right here and Southern
5 Avenue.

6 This building, as he talked about, was
7 designated as being structurally unsound. And you can kind
8 see the faint remnants of the breakers that are presently
9 holding the building up and keeping it from falling into the
10 street.

11 What we propose to do is demolish this building
12 and relocate the community building in here, which will allow
13 us to have a more balanced site and also to frame this
14 community a lot better. Plus it will take a building that is
15 presently inhabited by vagrants and is a big source of a
16 blight and move it and make a nice, viable piece for the
17 community.

18 This view right here shows the Barnaby Street
19 along here with Southern Avenue going up, and this is the
20 piece right here that's going to come down. And this is the
21 remainder of an existing building under the old Ridgecrest,
22 which will be demolished where the new 11 townhouses will be
23 located.

24 Again, here's some other aerials. This aerial
25 right here is a good shot of -- thank you, William. This
26 aerial right here is a good shot of Barnaby Street and it

1 shows the courtyards. Again, Southern Avenue would be off on
2 that side over there.

3 MS. GIORDANO: Thank you very much.

4 So the proposal is to relocate the community
5 center to a new portion -- a newly incorporated portion of the
6 site where the old community center was previously. That site
7 is going to be redeveloped with 11 additional townhouses --
8 11, in addition to the 141 that were approved previously.

9 These changes do not affect the overall density
10 of the project because land area is being added as well. In
11 fact, the density remains almost exactly the same in terms of
12 lot occupancy and FAR.

13 At this point, Mr. Marshall will review the
14 design and the siting of the 11 new townhouses and compare the
15 previously approved site plan with the new site plan.

16 MR. MARSHALL: Thank you, Cynthia.

17 I'm Randall Marshall, architect for the last 40
18 or 50 years or so, plus or minus ten, president of Navy
19 Marshall and Associates, one of the architects on this
20 project.

21 My job is to show you where we were in the
22 beginning and where we are now. What you see here in yellow
23 at the top of the left of the sheet is Barnaby Street. This
24 is H.R. Drive here. And what you see in yellow has been,
25 along Barnaby Street, completed.

26 And what you see in yellow along H.R. Lane or

1 H.R. Drive is about 90% complete. And the magnificent walls,
2 I call them -- you should see them. They're actually
3 beautiful, even without landscaping.

4 Pardon me, Larry.

5 They are really nice. They blend in so well
6 with the terrain and the earth-like color, that I think
7 they're really magnificent. They don't look like something
8 that we had to have. They really look like something that we
9 would want to have to enhance the project.

10 This is the clubhouse. That's completed. We
11 tore down that pool because it had so many problems. It had
12 problems with slope and so forth. And so Joe Seidel here, who
13 is our civil engineer, has been able to work out the grades
14 around that pool so that they're now about 2%, which I think
15 is wonderful.

16 The white buildings you see here are in what we
17 call Phase II. This area over here where the community center
18 is, is the only area that we really have done any changing,
19 and there are several reasons for that.

20 The slope here was so great that getting
21 handicap was extremely difficult. You see how we tried to
22 snake a walk in there. It just didn't work. And so we had to
23 do something to make that better, so the owner acquired a
24 little land to the north of that, and my associate from CHK is
25 going to explain that situation.

26 Along Barnaby, since we don't have any actual

1 photos, we've got a nice rendering here that shows the facade
2 treatment along Barnaby and -- I think it's the Potomac in
3 Southeast. It's really a classy -- for those of you who have
4 seen it, it's really a classy development with a lot of
5 quality put into it.

6 I think I've pretty much pointed out where we
7 were and where we are now.

8 Did I miss something, Elliott?

9 MR. JOHNSON: Yes, there was one other
10 consideration, and that's that the site where the original --
11 that was originally designated for the community building to
12 go there had a serious fatty clay condition.

13 And because of that, he was never really
14 comfortable with whether or not the building would be feasible
15 over the long term. In order to mitigate that, we located it
16 to the 9th Street side, which is a much flatter site and
17 doesn't have as much of an impact potentially on the community
18 in the future.

19 And we're trying to make some -- make sure that
20 we've made some long term considerations so that, you know,
21 looking at the existing structure that was there, it's
22 approximately about the same square footage as the one we were
23 putting up.

24 And rather than trying to engineer a way to hope
25 that we were going to mitigate the problems that were there,
26 we decided to move it to the 9th Street side, which gave us a

1 better -- it meant two things.

2 It made the community have better access to it.
3 It took the -- along the 9th Street side. And it also allowed
4 us to do some treatment along that slope and not have to worry
5 about having to deal with that bad existing soil condition.

6 MR. MARSHALL: Thanks, Elliott.

7 As you may remember, from approximately here to
8 here is about a 67 foot drop. That's a mountain. And to be
9 able to put those many houses on a mountain is quite an
10 achievement.

11 I want to talk about parking. We've acquired
12 some -- would you help me with this? We've acquired some
13 additional parking around the periphery to, of course, add
14 parking to the development.

15 The owner has acquired a site here which will
16 accommodate 13 units. And of course here he's developing a
17 site where he can -- where there are 23 units adjacent to the
18 alley. This is adjacent to Barnaby Street and these are
19 adjacent to the alley.

20 And while I'm up here, I might as well talk
21 about the 11 houses along the court here. We have created a
22 court here. And we're giving these houses -- there are 11
23 houses that look like this in planning, along here in
24 planning, and we're treating two facades, the court facade and
25 the facade along Southern Avenue, as primary facades.

26 In other words, we're giving the houses two

1 fronts. So people get two fronts for their money.

2 CHAIRPERSON KRESS: I'm sorry, could you go back
3 and -- you were talking about this parking. Do we have this
4 additional parking on any of our drawings?

5 MS. GIORDANO: No, we do not. These are very
6 recent developments. I think Mr. Crawford acquired the lot.
7 There is a garden apartment on it right now that Mr. Marshall
8 referred to as being the 13 parking spaces.

9 I think you just acquired it this week or --

10 MR. CRAWFORD: Just recently. We acquired the
11 property. We have --

12 MR. JOHNSON: This is the center which Mr.
13 Crawford is also developing. There's some parking here where
14 this -- where, during the day, the uses will be such that, at
15 the end of the evenings, it can be used for additional parking
16 because the service to the public is over and the people
17 coming home can use this as ancillary parking.

18 COMMISSIONER HOOD: How many spaces do we have
19 on that additional piece?

20 MR. CRAWFORD: We should also mention that 50%
21 of the buildings in Phase I have garages.

22 COMMISSIONER HOOD: I'm sorry, I didn't follow
23 you.

24 MR. CRAWFORD: Fifty-percent of the houses in
25 Phase I have their own separate garage, individual garage.

26 CHAIRPERSON KRESS: I had said we were going to

1 wait, but the parking issue is a major one.

2 MR. CRAWFORD: Yes, yes.

3 CHAIRPERSON KRESS: So you might want to address

4 that. And I'm seeing some new things that weren't in our

5 package.

6 MR. JOHNSON: This is the second building that's

7 going to be -- was acquired. It will be demolished for

8 parking spaces. I think you've got 27 spaces on one site and

9 13 on the other, which is a total of 40.

10 Was that what --

11 MR. CRAWFORD: It's a total of 27, but I thought

12 that -- 23 accessible to the development.

13 MR. JOHNSON: Okay, there's 23 along here.

14 MR. CRAWFORD: That's 23.

15 CHAIRPERSON KRESS: Accessible or designated to

16 be --

17 MR. JOHNSON: Designated.

18 CHAIRPERSON KRESS: That's 23 designated?

19 MR. JOHNSON: It's 23. It's a total of 23 on

20 one side and --

21 MR. CRAWFORD: Thirteen on the other.

22 MR. JOHNSON: -- 13 on the other.

23 CHAIRPERSON KRESS: And then the other parking

24 that was in our proposal -- I mean in our package is shared --

25 is possible for use in the evening?

26 MR. JOHNSON: Yes. What will happen is this one

1 -- this parking space -- looking at the site, there's a piece
2 of property that's just off site there if you look in there on
3 your package. The property that's over here was purchased and
4 will be demolished and will serve as a parking space, a
5 parking lot.

6 Along this alley, --

7 CHAIRPERSON KRESS: But not shared?

8 MR. JOHNSON: Not shared.

9 CHAIRPERSON KRESS: That's not shared?

10 MR. JOHNSON: Not shared.

11 CHAIRPERSON KRESS: Just for this?

12 MR. JOHNSON: Just for this.

13 CHAIRPERSON KRESS: And the one that -- the
14 lower one is just --

15 MR. JOHNSON: The lower one is --

16 CHAIRPERSON KRESS: -- the 23?

17 MR. JOHNSON: -- the 23 spaces. During the day
18 it serves from roughly 9:00 to 5:00 as a veterans' center.
19 And in the evenings, it shuts down, so you have a completely
20 vacant -- a mixture of uses.

21 CHAIRPERSON KRESS: I'm sorry, so there's 13
22 that are designated and 23 that are shared, but available, in
23 the evening?

24 MR. JOHNSON: Yes.

25 COMMISSIONER HOOD: Let me just ask a question.
26 What happens on that site in the morning if people don't go to

1 work like you anticipate they would go to work? Say if you
2 have ten or 15 people stay off the next day.

3 Maybe this may not be the right time to ask
4 that, Madame Chair.

5 MR. JOHNSON: Well, if people don't go to work
6 during the day, they can move off of the lot and there's
7 plenty of street parking available during the course of the
8 day.

9 COMMISSIONER HOOD: That's in theory. But in
10 the real world, we know that doesn't happen.

11 MR. JOHNSON: Well, actually, in this community
12 the streets empty out.

13 MR. CRAWFORD: There were 333 units there
14 before. They were deplorable units. They were awful.

15 COMMISSIONER HOOD: I understand, but --

16 MR. CRAWFORD: And we've taken those units out
17 now. We've actually reduced the requirement for the
18 additional parking with the exception of we have provided for
19 the persons who will be living in these units by acquiring the
20 adjacent property and also acquiring another piece of property
21 that's contiguous to the land we're going to use.

22 Because the veterans that will use that facility
23 will have no cars. We have already made arrangements for any
24 overlap to be able to use the parking lot that's continuous to
25 this project.

26 MR. JOHNSON: And in addition, there's parking

1 along -- people can park along this street right here which
2 runs through the center of the property. So the folks in here
3 have garages through here. These folks, if everybody does
4 except for 15, this is a place where people can still park
5 inside of here.

6 The additional parking is just for if, say,
7 somebody's having a family gathering or their mother-in-law's
8 coming over or something like that and you run out of parking
9 space, you have a place to place the car.

10 And then the -- what would likely happen, as
11 where I live, I move my car out and leave the parking space
12 available for my mother-in-law. When she goes, I go out and
13 walk her out to her car and then go get my -- walk around the
14 corner and go get my car and move it back.

15 If someone were to take off during the course of
16 the day and decide to stay at home, they would have to come
17 over in this particular case and move their car out of that
18 lot. But in that particular case, they'd be walking around
19 and moving it to someplace along H.R. Way or along Barnaby
20 where there's ample parking in both -- I mean along this road
21 right here and through here.

22 And roughly 30% of these over here and all of
23 these have garages.

24 MS. GIORDANO: What we're trying to do is, the
25 project as approved, the Commission found the parking to be
26 tight. The Commission has preferred a two to one ratio

1 parking spaces to --

2 CHAIRPERSON KRESS: Would you mind saying what
3 you have done --

4 MS. GIORDANO: -- housing units.

5 CHAIRPERSON KRESS: What has Zoning --

6 MS. GIORDANO: Yes.

7 CHAIRPERSON KRESS: -- before you go on to what
8 we prefer?

9 MS. GIORDANO: Right. We meet the zoning
10 requirements. It's a one to one ratio. We did a little bit
11 better, but not much better, than that on the first PUD
12 approval. It was about 1.26. With the 11 townhouses, almost
13 ten of those 11 new townhouses are providing two spaces for
14 each townhouse.

15 So we've improved the ratio significantly for
16 the 11 new townhouses. The community center also provides
17 additional parking, which is available to residents in the
18 evenings and when there aren't community events.

19 There we have increased the size of the
20 community center slightly and we've decreased the parking
21 slightly. So we're trying to compensate for that and improve
22 the overall parking ratio with these offsite parking lots that
23 are under common ownership with the PUD.

24 But this has been a bit of an evolving process.
25 One of the lots just became available and has just recently
26 been added to this portfolio, so we will need to, I think,

1 provide a supplemental submission to the Commission with the
2 covenant.

3 We have discussed the possibility of a covenant
4 which would provide a legal means to restrict the use of the
5 13 space lot exclusively for parking so that the Commission
6 could be guaranteed that it would not be developed in the
7 future and would be devoted exclusively to parking, and we're
8 prepared to do that.

9 But that situation is a situation of shared
10 parking. And clearly, there will have to be an enforcement
11 mechanism to make sure that the situation that you're talking
12 about doesn't occur. And that will be up to the management,
13 which is going to be common management with the property.

14 Mr. Crawford's company will be involved in that
15 project and managing that property.

16 CHAIRPERSON KRESS: Does anyone else have -- you
17 had a question, Commissioner Clarens?

18 COMMISSIONER CLARENS: Yeah, I have a brief
19 question. It's more in the form of assistance. I need
20 somebody to tell me where to find, among the documents -- and
21 I reviewed and I thought I had reviewed the entire previous
22 document, but I don't have a plan of the approved PUD.

23 Is it part of your submission?

24 MS. GIORDANO: I think that probably our
25 submission has -- probably doesn't show the approved -- it
26 doesn't show where the community center was located last time.

1 Probably not. The modification plans didn't.

2 COMMISSIONER CLARENS: So the pool house stays

3 where it is?

4 MS. GIORDANO: Yes.

5 COMMISSIONER CLARENS: The community center

6 moves, I guess, to the north -- right there. No, no, I

7 understand what you're doing now. I just didn't -- okay, and

8 we're looking at the March '99, because I have a September

9 '98, a January '99 and a March '99, and they're minor changes.

10 MS. GIORDANO: Yes.

11 COMMISSIONER CLARENS: And it is the March '99

12 one that we're looking at?

13 MS. GIORDANO: Right.

14 MR. BASTIDA: Excuse me, Mr. Clarens. I have

15 requested the file of the original PUD so you can see the

16 original PUD as approved, and then you can compare it to the

17 proposed modification.

18 COMMISSIONER CLARENS: Well, no, I think they

19 are showing that.

20 CHAIRPERSON KRESS: There it is right there.

21 COMMISSIONER CLARENS: That's right. And then

22 now -- and then on top of that, we're adding or are these new

23 houses that have been acquired -- well, no, I understand those

24 are the 11 townhouses. Those are part of the community.

25 Are the other houses that are across Barnaby

26 Street and -- what would be the other street? But you've

1 acquired some property -- are those going to be part of it?

2 MR. CRAWFORD: No, not at all.

3 COMMISSIONER CLARENS: Those are --

4 MR. CRAWFORD: No, sir. The intent was -- in

5 order to develop an area, you have to take the whole

6 neighborhood into consideration, otherwise it won't work.

7 COMMISSIONER CLARENS: I understand that.

8 MR. CRAWFORD: So what we did was acquire

9 everything around it. And everything that looks bad, we told

10 the city you do your job, because we can't buy everything, and

11 we'll do ours. But certainly this will not work unless we

12 addressed everything around it.

13 So we acquired everything we possibly could

14 around it to improve it. But it's not a part of the PUD, with

15 the exception of the two areas that we mentioned today.

16 CHAIRPERSON KRESS: The one which you're going

17 to put as a covenant for the 13 spaces?

18 COMMISSIONER CLARENS: Okay, but those are not

19 shown in any plans.

20 MR. CRAWFORD: I have some drawings I'm going to

21 leave with you to show you those.

22 MS. GIORDANO: They had not previously been

23 submitted.

24 COMMISSIONER CLARENS: Oh, okay.

25 CHAIRPERSON KRESS: Next time we're going to

26 have to get another stand.

1 Any other questions? Okay, --

2 MS. GIORDANO: Mr. Marshall, you were going to
3 go just review the 11 townhouses.

4 MR. MARSHALL: Oh, yeah. The 11 townhouses are
5 sited as such, as you can see here, with a court appearance,
6 with parking here along the court here and with two front
7 facades, a facade facing Southern Avenue and a facade facing
8 the court -- a primary facade, I should call it, and these are
9 they.

10 This is the one that faces Southern Avenue, and
11 this is the one -- the facade that faces the court. The units
12 are in plane or exactly identical to the units here along H.R.
13 Drive. The modules are 18 foot by 34 foot.

14 CHAIRPERSON KRESS: Thank you.

15 MS. GIORDANO: Our next witness is the other
16 part of the architectural team. Maurice Walters will review
17 the design of the community center.

18 Yes, and he was going to present his
19 qualifications since he is a new witness to this Commission.

20 MR. WALTERS: My name is Maurice Walters. I'm
21 an Associate Principal with the firm of Tordy Gallows and
22 Partners, CHK. The firm has had a name change since the last
23 time, so that's why -- our new name is Tordy Gallows CHK.

24 I have over 11 years of experience as a licensed
25 architect in D.C. and 15 years experience as an architect.

26 CHAIRPERSON KRESS: I believe that's

1 acceptable.

2 Fellow commissioners?

3 Yes, please proceed.

4 MR. WALTERS: I am going to speak about two
5 issues on the plan tonight. One is the consideration of some
6 decks off of the rear of the townhouses, and then the other is
7 to continue on about the community center and the relocation
8 of that and the current design of it.

9 It has changed slightly to fit its new site and
10 the program is basically the same at the lower levels with the
11 addition of some community-based office space at the top
12 floor.

13 As you've previously heard, the community center
14 has moved to the corner of 9th Street and Southern Avenue
15 here. And there will be a tennis court at the lower level
16 approximately where the building that you saw that's being
17 shored up with the breakers -- there will be large retaining
18 walls to stabilize that.

19 And the tennis court will be down to the lower
20 level. And then, as you move up 9th Street, there will be a
21 play area at the lower level and the children's day care area
22 will be on the lower area of that building.

23 So you can walk in here and then directly access
24 the area where the children's day care will be. Or you
25 continue up 9th Street and you can enter either off of 9th
26 Street onto a porch or there will be access from a parking lot

1 around the backside into the back of the building.

2 So basically the building has two doors, a front
3 and a back door; one to respond to the community, and one to
4 respond to people who would be parking back here, and
5 pedestrian traffic that could continue through into the
6 parking lot. So it ties into Walter Washington Estates.

7 Over here we have some elevations of the
8 building as it appears. This is the elevation along 9th
9 Street. As you see at the lower end here, you are -- the
10 child care area will be down here. You continue up 9th
11 Street. There will be an entry through a porch.

12 There will be a handicap ramp over to the side.
13 And then there is a clock tower as a larger civic gesture to
14 the community denoting the front door place of entry and also
15 kind of calling attention to the large meeting room.

16 There will be a large community meeting room on
17 the south side of the building that will be up high, and it
18 will have glazing on the south side looking out getting nice,
19 long views. And you can see that's the -- that would be this
20 elevation here.

21 So you've got windows on the 9th Street side and
22 on the south looking towards Southern Avenue. So when there's
23 community functions, there will be the opportunity to gather
24 on a terrace out in front of the room and kind of look out
25 over the street also.

26 Continuing around the building, we have the

1 north elevation that you would see here, and the west
2 elevation from the parking lot with a -- again, a formal entry
3 just like the front. So again, the building is conceived as a
4 two-fronted building, one side towards the community and one
5 side towards Walter Washington Estates.

6 I think Mr. Coffin will speak about some of the
7 landscaping issues here after I, so I'm going to skip over
8 that and go into some of the issues of the decks.

9 MS. GIORDANO: Yes, if I can interject. The
10 applicant is requesting the flexibility to add decks. They
11 won't necessarily be added, but the flexibility to add decks
12 if the individual homeowners desire them on some of the units.

13 And the units have been preselected -- they are
14 the shaded units -- based upon the applicants and the
15 architects' judgement that adding decks at these locations
16 would not impinge upon the privacy of other units in the
17 development.

18 They are the units that are located furthestest
19 way either on the perimeter of the site or furthestest away
20 from adjacent townhouses. And in the previous case,
21 flexibility was granted to add patios to the rears of the
22 units, but decks were not permitted.

23 So we would like the opportunity tonight to come
24 back and make a case for the decks and see if we couldn't get
25 it.

26 CHAIRPERSON KRESS: Certain locations --

1 MS. GIORDANO: Yes.

2 CHAIRPERSON KRESS: This exhibit?

3 MS. GIORDANO: And Mr. Walters will go through
4 that, indicate what the location of those units would be and
5 why we consider this to be such an important amenity for the
6 residents of this project.

7 MR. WALTERS: As Cynthia mentioned, the shaded
8 areas indicate where we're considering the decks. And the
9 determining factor on these locations was lots that we have
10 what we call "walk out basement."

11 The living level is accessed up high, and then
12 the basement is down low. And it's approximately nine feet
13 below the first floor level. So the kitchen and the living
14 areas will be on this floor, and the reason for the decks
15 being proposed is to give a continuity to the living space to
16 be able to go outside.

17 If we had the patios down here, you have to then
18 go down and walk through the basement. And it really depends
19 on the lifestyle of the individual whether they'll have that
20 as a formal room. Many people will have it as an informal
21 room as it's more storage.

22 So it's much more advantageous to have some
23 exterior living space at the main living level of the house.
24 So during parties, it gives you -- parties or just normal life
25 -- the opportunity to expand your living out onto the deck and
26 enjoy the views.

1 The other thing this diagram is showing is the
2 degrees of privacy or sight lines that would occur. You can
3 see in these upper level, up hill locations, this diagram is
4 representative of the relationship between these houses and
5 these houses below, or also between these houses and these
6 houses below.

7 And you can see that that person is
8 approximately 20 feet above the level of the eave of the lower
9 house, and this dimension is approximately 80 feet. So
10 there's a significant separation for privacy there.

11 And then there will also be landscaping
12 occurring within the retaining wall area, so that should be a
13 very comfortable relationship.

14 I've included some representative images of two
15 of my firm's projects and then another project that we weren't
16 affiliated with just to give some ideas of the characters
17 these decks can take on.

18 This is a project called Harriston Mews in Old
19 Town Alexandria that we did; a very dense, urban infill, much
20 denser than the diagram I showed before of this.

21 The relationship across here approximately 50
22 feet, but you can see the nature of the trees starting to
23 soften that streetscape. And everybody's existing quite
24 comfortably within that environment.

25 And it's the same -- the plan of the unit is
26 very similar to here where the living levels all occur at this

1 level, the lower level being garage, so there's not an
2 opportunity to enjoy a terrace out there.

3 And the decks at these level allow the people to
4 continue their space out to the exterior and just get a little
5 bit of outside living space and it makes the units much more
6 enjoyable.

7 Here another project that follows on the same
8 thought. Just a little earlier in construction. But again,
9 you can see the relationships of the decks at the second floor
10 at the main living level.

11 And then a picture from a project in Dallas.
12 Again, very tight relationship, but decks existing side by
13 side and landscaping helping to soften that relationship a
14 little.

15 CHAIRPERSON KRESS: Well, as you're aware, we
16 are concerned about the closeness. Would you go to your base
17 -- no, the other way. And then go to your floor plan and tell
18 us which side of the townhouses the decks are going to be --
19 you're proposing them.

20 MR. WALTERS: Okay, this would be the downhill
21 side. Generally this is the highest point on the site and
22 grades falling down to Southern and down to Barnaby. So this
23 would be high. This would be the front right here where the
24 front door would be.

25 That would be the main living level, and then
26 grade down here would be at the basement. So grade falling

1 down. And as I mentioned, these units would be that much
2 lower.

3 CHAIRPERSON KRESS: Without proposed decks. And
4 then continue on down. Which site --

5 MR. WALTERS: Down here.

6 CHAIRPERSON KRESS: So it's continuing to fall
7 off, and so the decks are on the back --

8 MR. WALTERS: The decks are on the back here,
9 that's correct.

10 CHAIRPERSON KRESS: -- coming around the most
11 south part of the drawing?

12 MR. WALTERS: That's correct. And decks along
13 this edge, this edge here -- or actually, it would be here,
14 here, here, here, decks along that edge, that edge, and that
15 edge. Yes, that edge, that's correct.

16 MS. GIORDANO: Could you also just comment on
17 the views from the decks?

18 MR. WALTERS: Yes, they're very nice views
19 looking to the south. We hope some people will get views of
20 the river and the hills falling off and topography. So it
21 should be a very enjoyable experience being out on those
22 decks.

23 CHAIRPERSON KRESS: Any question on the decks
24 before --

25 COMMISSIONER PARSONS: No question.

26 COMMISSIONER CLARENS: There will be privacy

1 walls between decks?

2 MR. JOHNSON: There's a privacy wall that's not
3 shown on the through section that's approximately eight feet
4 at the back, six feet right along here. And there can be
5 privacy separation between the decks.

6 COMMISSIONER CLARENS: There can be or there
7 will be?

8 MR. CRAWFORD: There will be.

9 COMMISSIONER CLARENS: And those will be six
10 feet high coming across or starting --

11 CHAIRPERSON KRESS: Go back to your photographs.
12 Do you have any in your photographs?

13 MR. WALTERS: These don't have them there. They
14 just show a condition with the decks having a slight gap
15 between them of two feet.

16 COMMISSIONER CLARENS: And so is that what is
17 intended, or are the decks going to be continuous and/or are
18 they going to be separated?

19 MR. JOHNSON: Well, they're going to be
20 separated. There's going to be a space between them. They're
21 not going to run into each other.

22 CHAIRPERSON KRESS: Yeah, what's the material,
23 finish?

24 COMMISSIONER CLARENS: -- I mean with no
25 privacy?

26 MR. JOHNSON: The material and finish is much

1 like this. We did propose, in the one that we were trying to
2 get approved previously, a privacy wall with a nice lattice.
3 So it wasn't -- you know, it provided some privacy, but it's
4 not a solid --

5 MR. MARSHALL: The material is treated wood, but
6 they're all individual --

7 CHAIRPERSON KRESS: I'm sorry, you have to
8 identify yourself and talk into the microphone.

9 MR. MARSHALL: Randy Marshall again.
10 The material of each of these balconies is
11 treated wood. And it's -- they're all individualized, and
12 there are none connected.

13 COMMISSIONER CLARENS: And they will be stained,
14 I hope?

15 MR. MARSHALL: Stained, absolutely.

16 CHAIRPERSON KRESS: And the --

17 MR. MARSHALL: We don't trust the treatments.

18 CHAIRPERSON KRESS: And the privacy wall -- I'm
19 not still clear on that.

20 MR. MARSHALL: Well, we plan to have a little
21 privacy rail -- actually, to be honest with you, we haven't
22 designed it, but we've been talking about that. And the
23 developer said that he wanted some kind of privacy separating
24 -- site privacy, you know.

25 That's what we're talking about, the site
26 privacy. We will have some sort of baffle between -- on the

1 ends, we will have some sort of baffles, privacy baffles.

2 COMMISSIONER CLARENS: You will be able to
3 submit that to us?

4 MS. GIORDANO: The intent was that the
5 homeowners' association would have to approve these decks.
6 People can't just put up -- commission a deck independently
7 and design them. And there will have to be some
8 specifications.

9 And I think that we could probably provide those
10 specifications to the Zoning Commission. We could develop
11 them in advance and provide them to the Commission if they
12 wanted to incorporate them.

13 COMMISSIONER CLARENS: Oh, the decks are not
14 going to be built as part of the units? The decks are going
15 to be an --

16 MS. GIORDANO: Well, they could. I mean, but
17 I'm just saying that if they're not part of the unit
18 initially, there would still be that flexibility with the
19 order to do it later.

20 COMMISSIONER CLARENS: But under certain
21 parameters?

22 MS. GIORDANO: Exactly.

23 MR. MARSHALL: Design guidelines, that's
24 correct.

25 COMMISSIONER CLARENS: Design guidelines.

26 MR. MARSHALL: We talked about that. Mr.

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1 Crawford's even going to control the heights of the plants, he
2 tell us. So all that's being controlled. Everything, as you
3 mentioned, we've been through that.

4 MR. CRAWFORD: From experience. This is
5 something we tried 25 years ago. We went to the southeast
6 area and the assistant secretary of HUD had an idea, a little
7 premature. We tore down an old FHA 608, and I directed them
8 to come back and build townhouses.

9 I told them not only would it stabilize the
10 community, but it would also sell. Not only did they sell
11 immediately, but the only thing they did not do, they did not
12 do what we're doing now. It wasn't carefully planned and many
13 people did want different kinds of things.

14 And we're listening to people. They do want
15 decks, many of them. And so we're hearing them now. But also
16 it wasn't controlled. So one guy would have one kind of deck,
17 another guy would have something else. And one guy would have
18 one different kind of a shadow, another guy would have a
19 different kind.

20 This will not be the same. They'll have a
21 homeowners' association and they, of course, will present to
22 the architectural committee what they intend to do and it will
23 be approved or disapproved in accordance with the plan.

24 COMMISSIONER CLARENS: Okay, but you will then
25 be submitting to this Commission the guidelines and the plans
26 for the individual decks --

1 MR. CRAWFORD: Yes.

2 COMMISSIONER CLARENS: -- as well for the
3 details and the materials and all that, and that will be part
4 of the PUD so that, in fact, the homeowners' association will
5 be guided by that?

6 MR. CRAWFORD: See, there are not porches.
7 There are no front porches, so we felt that a deck --

8 COMMISSIONER HOOD: Mr. Crawford, what happens
9 when one of the areas that's not designated for a deck, the
10 person buying that particular house wants to put a deck on
11 their house?

12 MR. JOHNSON: In these lower ones, the reason
13 they don't have a deck is because the walk out condition is
14 here and that's the basement below. So right here there's no
15 access for them to put a deck to get out here. The front door
16 on this one will be right here.

17 And this is the back of the unit. The living
18 area that's extended is actually at this level, and there's
19 actually right now a step that walks down to a patio
20 condition. So just by the way that these things laid out,
21 this area here essentially serves as the deck because it's the
22 area directly adjacent to the living area.

23 CHAIRPERSON KRESS: See, and that's what we
24 approved the first time around were patios because we were
25 concerned about the decks being a couple feet off the ground
26 and what not. And so we actually pushed for patios in lieu of

1 decks and said no decks; if you're going to do it, do patios.

2 But we didn't analyze all conditions, and I
3 think that's what we're hearing now is that they've now
4 analyzed all the conditions and some, appropriately, can
5 handle decks.

6 COMMISSIONER HOOD: Well, the reason I asked --
7 when you mentioned homeowners' associations, you know, once
8 the developer's gone, homeowners' associations usually act
9 upon it the way they want to act upon it, and that was my
10 concern.

11 MS. GIORDANO: Right. In answer to your
12 question, Mr. Hood, as part of the PUD, this plan will be
13 incorporated in the PUD indicating where the location of the
14 townhouses that can have decks are.

15 And the zoning administrator, if everything
16 works as it should, would not approve the zoning sign off for
17 a permit application for a deck on a townhouse that's not
18 shaded.

19 COMMISSIONER FRANKLIN: Following up Mr. Hood's
20 question, is it your intent that these decks would all be
21 uniform as though they were built initially?

22 MR. CRAWFORD: Yes, yes.

23 COMMISSIONER FRANKLIN: Then why not just simply
24 have an approved plan for a deck instead of guidelines?
25 Guidelines permit a certain amount of variation. Why not just
26 say that this is -- if you're going to have a deck, it's going

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1 to look like this?

2 MR. CRAWFORD: But hopefully that's the intent,
3 and that's why we're here, yes.

4 COMMISSIONER FRANKLIN: That should be the
5 intent, not to have guidelines, but to say this is the only
6 permitted design if you want a deck.

7 MR. MARSHALL: Mr. Franklin, the decks have been
8 designed. That's a good point.

9 CHAIRPERSON KRESS: Okay, what's next?

10 MR. MARSHALL: Oh, maybe before calling Larry
11 up, do you want me to touch on the walls up --

12 MS. GIORDANO: Yes, and also the pool. I don't
13 think we've covered that.

14 We have also requested flexibility to change the
15 shape of the swimming pool. Previously we had planned to just
16 renovate the existing swimming pool, and Mr. Marshall
17 indicated tangentially that there were problems with the pool
18 and that we are doing a more major overhaul of that facility.

19 MR. MARSHALL: Yes, thank you, Cynthia.

20 What we have proposed to do is to have a
21 rectilinear pool here for adults and a little square pool here
22 on the side for tots. And we thought that, after giving this
23 a lot of thought, that this was a better plan than the other
24 one.

25 It didn't have the problems with grade and
26 access that the other one did. And so this is what we're

1 proposing in a way of the revised deck layout because the
2 clubhouse is already built and it's quite nice.

3 But this, we are only about 50% done on that
4 work there.

5 COMMISSIONER CLARENS: Would you show the
6 original ones again? It's the plastic cover.

7 MS. GIORDANO: And I believe there was an
8 associated safety -- associated with the existing pool?

9 MR. MARSHALL: That's correct. There were
10 safety issues associated with this pool in the way of access,
11 grades and so forth. And so we had to give that a lot of
12 study, and that's what we came up with. Perhaps if you want
13 more in the way of grades there, the civil engineer could talk
14 about that.

15 COMMISSIONER CLARENS: And there's a tot lot
16 just up from the pool? No, down from the pool.

17 MR. MARSHALL: It's at the same grade level.
18 The tot lot's at the same grade elevation.

19 Is that correct, Joe?

20 MR. SEIDEL: Within two-tenths.

21 MR. MARSHALL: Within two-tenths.

22 MS. GIORDANO: Could you identify yourself, Mr.
23 Seidel?

24 COMMISSIONER CLARENS: No, I'm not talking about
25 the baby pool. I'm talking about the tot lot in the play
26 area.

1 MR. SEIDEL: Oh, the tot lot.

2 Okay, my name is Seidel. I'm with Associated

3 Engineers, 2790 Plum Point Road, Huntingtown, Maryland.

4 The tot lot is at a slightly lower elevation

5 than the pool.

6 Was that your question?

7 COMMISSIONER CLARENS: That was my question,

8 yes. About two or three feet?

9 MR. SEIDEL: Four feet difference. Four feet.

10 And it's separated by a retaining wall with a fence right

11 here. And one of the reasons why we did that was to reduce

12 the height of the walls going down the hill.

13 Of course, we have on grade access to the tot

14 lot, no steps.

15 COMMISSIONER CLARENS: You're ramping down?

16 MR. SEIDEL: It's not even a ramp. It's just

17 smooth.

18 COMMISSIONER CLARENS: Well, from the pool down

19 to the tot lot, you are ramping down?

20 MR. SEIDEL: We have a retaining wall. And the

21 tot lot slopes at 2% towards the lower wall.

22 CHAIRPERSON KRESS: I think getting to the point

23 is safety. Is that tot lot fenced or the retaining wall quite

24 high enough that someone from the pool can't get -- I mean

25 from the tot lot can't get into the pool?

26 MR. SEIDEL: That's correct. There will be a

1 fence on this retaining wall here. As a matter of fact, fence
2 all the way around.

3 At the same time, for example, handicapped
4 people could use this entrance here or exit and come down the
5 walk and have an at-grade path without any steps.

6 MR. JOHNSON: The perimeter that runs around the
7 area of the pool above the tot lot for safety so that people
8 can't go up and over top of the fence -- what Joe was alluding
9 to is that, through this entrance, because of the slope, it is
10 wheelchair accessible and it's at one to 12 so that a person
11 can come out of here and get down to the lot without having to
12 go through too steep of a grade.

13 And by the time you get down to here where the
14 tot lot's located, you're at-grade and you can roll onto the
15 tot lot.

16 CHAIRPERSON KRESS: Okay, good.

17 Can we move on to --

18 MS. GIORDANO: At this point, we wanted to move
19 on to the landscaping plan.

20 CHAIRPERSON KRESS: Yes.

21 MS. GIORDANO: Mr. Coffin.

22 MR. CAFFIN: Yes, my name is Laurence Coffin.
23 I'm the landscape architect for the project. My role really
24 has been basically planting. Joe Seidel has been doing the
25 utilities and site grading and the configuration and placement
26 of walls.

1 The old development -- the developments that
2 you've previously looked at has remained essentially the same.
3 There is going to be some minor changes with a reconfiguration
4 of the pool. The design of the new area, which is the court
5 area, required pushing the keystone wall back seven feet from
6 the face of the curb.

7 The reason for that is that, along Southern
8 Avenue, there's a large water line and also some overhead
9 wires that would prohibit the location of street trees. We
10 were thinking of really putting in some pin oaks, which would
11 be, I think, consistent with the previous submission, and that
12 would be 14 to 16 feet high when you put them in.

13 They would be -- they would just about cover the
14 wall. There's a steep slope behind these new townhouses that
15 we would really put into the same kind of lawn area that we
16 would have on the slopes in the first phase, or the approved
17 submission, with a scattering of trees similar to the previous
18 submission.

19 The street trees along 9th Street are a little
20 bit of a problem. There's overhead wires that aren't probably
21 20 feet or so high. And we were thinking really of putting
22 some small flowering trees such as small cherry trees or
23 dogwoods or amilankias or something like that that would not
24 conflict with the overhead wires.

25 Now, the rest of the plan is rather simple. We
26 do have room, I believe, in front of the new townhouses for a

1 row of trees facing the parking and a rather interesting
2 collection of material around the community center.

3 And I believe that, more or less, sums up the
4 concepts of the plant materials.

5 COMMISSIONER CLARENS: A quick question. What
6 happens across the court that has been created now with the
7 closing of the alley, if I understand correctly? What is in
8 that block between Bellevue Circle and the court?

9 MR. CAFFIN: I believe those are existing houses
10 that remain.

11 MR. JOHNSON: If I may, as Mr. Coffin said
12 earlier when he started the presentation, one thing that has
13 happened with this development is that the neighbors have
14 really embraced it. And in terms of embracing it, in this
15 court area right here is that you go back before and people
16 were very unconcerned about what they have in their backyards.

17 We're starting to see people who are taking
18 better care of their backyards and planting and addressing it.
19 This court actually looks into the yards of the neighbors
20 along here. Now, they do have much deeper yards than are
21 available over here, and there's a significant amount of
22 growth in terms of old growth trees that sit in the backs of
23 these units.

24 And it's very difficult to actually see through
25 into some of the backyards because of the size of the growth
26 and the number of plants that exist. One of the

1 things that -- if I can add something about the Southern
2 Avenue side that Larry left out a little bit is, from the
3 previous hearing, we knew that there was a great concern about
4 a wall facing out to the community along Southern Avenue.

5 And one of the things -- we really were trying
6 to make sure that we put planning along Southern Avenue to
7 soften that presence to the community and to essentially
8 create a nice row of trees and a nice covering for folks who
9 were coming along here and to minimize -- not try and make it
10 look like we were inviting the community or want to be a part
11 of it as opposed to turning their back on it by having a large
12 wall.

13 No matter how much you do to a wall, you're
14 still going to have some problems if you don't address the
15 appearance of what a wall does to a community.

16 CHAIRPERSON KRESS: Thank you.

17 Any other questions?

18 COMMISSIONER HOOD: I just have one or two,
19 Madame Chair.

20 First of all, the streets that are with inside
21 the site, are they private or are they public?

22 MR. CAFFIN: I think they're all private
23 streets.

24 COMMISSIONER HOOD: So the homeowners'
25 association will be maintaining that, and that will be
26 included in their monthly condominium or townhouse fee or

1 whatever you want to call it?

2 MR. CRAWFORD: Yes.

3 COMMISSIONER HOOD: One other question, and I'm

4 sure that you hope this doesn't -- I'm sure that you've moved

5 far enough ahead. But I saw in my readings where the alley

6 that you're trying to get closed, do you have a contingency

7 plan?

8 If that alley is not approved to be closed,

9 where would that put the community center if you cannot get

10 the alley closed?

11 MR. CRAWFORD: Well, the last sign that we

12 received, it will be closed.

13 COMMISSIONER HOOD: Oh, okay, so you know that?

14 MR. CRAWFORD: Yes. It's a paper alley. It

15 doesn't impede --

16 MS. GIORDANO: It doesn't exist.

17 MR. CRAWFORD: It really doesn't exist. It

18 doesn't impede --

19 COMMISSIONER HOOD: Oh, it doesn't exist?

20 MR. CRAWFORD: Not at all.

21 COMMISSIONER HOOD: Okay, okay.

22 CHAIRPERSON KRESS: And I guess you're going to

23 have to build housing because the alley's being closed.

24 COMMISSIONER HOOD: Okay, thank you, Madame

25 Chair.

26 CHAIRPERSON KRESS: Okay, thank you.

1 Did you have any further presentation?

2 MS. GIORDANO: No, we had just planned to be
3 available for questions at this point, if there are any
4 further questions.

5 CHAIRPERSON KRESS: Guess we have no questions.

6 MS. GIORDANO: That concludes our presentation.
7 We are requesting, obviously, approval of the PUD
8 modifications. We think that the modifications improve the
9 overall project. The location of the community center is
10 superior in the ways that have been enunciated by the
11 witnesses.

12 We're adding 11 additional townhouses, and
13 housing obviously is a major amenity of this project. We are
14 prepared to, in an additional post hearing submission, provide
15 additional information on design of the decks and the
16 specifications for the decks, as well as the details of the
17 parking that is being provided as an offsite amenity.

18 CHAIRPERSON KRESS: Those are the two that I
19 have right now, up until now.

20 Thank you.

21 With that, we'll move on to the Office of
22 Planning. And we have read your report, and so you might just
23 want to be very brief.

24 MR. BASTIDA: Yes, thank you, Madame
25 Chairperson.

26 For the record, my name is Alberto Bastida with

1 the D.C. Office of Planning. The Office of Planning submitted
2 its report two days late, and the Commission had graciously
3 waived its rule to accept it into the record.

4 I will be very brief. I would like to have the
5 previously PUD site plan next to the proposed one for a minute
6 for my presentation, please.

7 The Office of Planning recommends basically
8 approval of this application with a condition, and those
9 conditions have really increased. The Office of
10 Planning was not aware of the proposed modifications to the
11 pool area and the tot lot and so on, so I think that a
12 detailed drawing of that new proposal should be submitted into
13 the record so the Commission can make a decision based on what
14 it officially would look like rather than a verbal description
15 of it.

16 Secondly, the Office of Planning concurs with
17 Mr. Franklin regarding the deck design, that it should be
18 submitted for the record. And thirdly, the Office of Planning
19 is concerned, with the addition of parking, how it's going to
20 be assured that, in fact, it will remain during the life of
21 the PUD and that, in fact, the proposed parking does not
22 negatively impact on any other proposed in the adjacent lands
23 to that parking lot that will preclude a matter of right
24 development.

25 And thirdly is how that parking is accessed --
26 or the accessibility between the proposed addition of parking

1 and the project. Because the Office of Planning was not privy
2 to where those parking spaces were going to be located.

3 Accordingly, we couldn't do that. And that goes
4 to the landscaping also of the proposed new side parking.
5 Because the Office of Planning was not able to review that
6 landscaping.

7 CHAIRPERSON KRESS: So it's a detailed parking
8 plan including landscaping and lighting?

9 MR. BASTIDA: Yes. And how is the route, if you
10 park there, to get to the project. If the Commission is
11 comfortable with the detail that will be submitted for the
12 record, the Office of Planning will then recommend that these
13 proposed modifications be approved.

14 CHAIRPERSON KRESS: Thank you. That's very,
15 very helpful. I would just like to say that I assume we -- I
16 don't remember seeing the lighting plan, now that you
17 mentioned parking, and we think landscaping and the lighting.

18 We're assuming that the lighting that we talked
19 about originally is being continued through the new proposal
20 in the same manner, is that correct?

21 MR. BASTIDA: That was the assumption of the
22 Office of Planning also. And that, in fact, the landscape
23 will be a continuity of the existing landscape. But since we
24 were not privy to it, we cannot satisfy ourself that, in fact,
25 that's the case.

26 I'm not saying that it's not the case, but we're

1 not positive about it.

2 CHAIRPERSON KRESS: Okay, thank you.

3 Questions of Office of Planning, Mr. Bastida?

4

5 All right, hearing none, we'll then move to --

6 oh, I forgot -- I'm sorry.

7 COMMISSIONER PARSONS: There is something in Mr.
8 Bastida's report that actually prompts me to ask a question of
9 the applicant.

10 CHAIRPERSON KRESS: Certainly. Please go ahead.

11 COMMISSIONER PARSONS: And that has to do with
12 the progress of the sales of housing -- of the houses. The
13 report here says that 94 have been constructed and 24 have
14 been sold. Is that current information?

15 MR. CRAWFORD: Yes, Mr. Parsons. Thus far, we
16 have had one closing. We have 13 scheduled and we have more
17 than 20 applicants in the pipeline. It's quite a process.
18 We're the developers and, of course, we do the marketing, but
19 the sales are going quite well.

20 COMMISSIONER PARSONS: So the 94 that are up are
21 ready for occupancy or just shells?

22 MR. CRAWFORD: No, 24 units have been turned
23 over to us, 24. We anticipate another 30 or so within the
24 next week or two. The project is now about 90 to 95%
25 complete, the first phase. And as they're turned over, of
26 course, we then move to closing because they have to be

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1 inspected, because HPAP is involved and the like, and they
2 have to go through a process.

3 COMMISSIONER PARSONS: So given the progress
4 here, when you do feel you'll be sold out?

5 MR. CRAWFORD: Well, --

6 COMMISSIONER PARSONS: Is that hard to predict?

7 MR. CRAWFORD: -- the surge will come this
8 spring when we intend an all out effort. And we hopefully
9 will sell out most of the townhouses hopefully before the end
10 of the year.

11 COMMISSIONER PARSONS: Okay, thank you.

12 COMMISSIONER FRANKLIN: I just say it's very
13 satisfying to have approved a PUD that actually is being
14 constructed.

15 MR. CRAWFORD: Thank you.

16 CHAIRPERSON KRESS: I wanted to ask one more
17 question of Office of Planning before we move on. On the
18 agency referrals, did we --

19 MR. BASTIDA: I am sorry, Madame Chairperson.
20 Trying to be brief, I was too brief.

21 The Office of Planning referred this proposal to
22 the Department of Public Works Fire and Emergency Medical
23 Services, Metropolitan Police Department, and the D.C. Water
24 and Sewer Authority. The Office of Planning received no
25 response from any of the agencies just mentioned at the time
26 that this report was prepared, not at this time.

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1 CHAIRPERSON KRESS: And still not at this time?
2 How about --
3 MR. BASTIDA: The Office of Planning --
4 CHAIRPERSON KRESS: You had not known its
5 position at the time of the --
6 MR. BASTIDA: That is correct.
7 CHAIRPERSON KRESS: And that is still correct?
8 MR. BASTIDA: I think -- yes.
9 CHAIRPERSON KRESS: Is anyone here from the ANC,
10 representing the ANC?
11 MR. CRAWFORD: No, the ANC has worked right
12 along with us and the community from the inception of this
13 project. As a matter of fact, we have received wholehearted
14 support from the ANC. The former commissioner, Mr. Yeldell,
15 and the new commissioner.
16 They have both sent their letters forward. So
17 we will supply those letters for the record.
18 CHAIRPERSON KRESS: Well, we don't have the
19 letter from the ANC in our records.
20 MR. CRAWFORD: We'll make sure --
21 CHAIRPERSON KRESS: At this point, if you have
22 that, we certainly would like to have that for our records. I
23 know from the first -- but this is a modification, and so we
24 would need an additional -- because we give great weight and
25 I'm sure you would like to have us have that.
26 MR. CRAWFORD: Well, the ANC and that entire

1 block of people, they're relatively ecstatic about the
2 project. They're extremely excited about it.

3 CHAIRPERSON KRESS: All right, thank you.

4 MR. BASTIDA: Madame Chairperson, could the
5 Office of Planning ask a question from the applicant?

6 In your sales approach, you believe that the way
7 the sales are going, is that -- are they good rate, medium
8 rate, slow rate or what for the time of the year and how the
9 development is going on?

10 This is a question not as much related to your
11 project, but other projects in the area.

12 MR. CRAWFORD: We feel that we're sort of a
13 test. Everybody's wondering what we're doing because all the
14 activity that's going on in the area. But we --

15 MR. BASTIDA: Based on your experience.

16 MR. CRAWFORD: We're trying to do something a
17 bit different. If you're truly going to turn a neighborhood
18 around, you don't invite what you had before. So it's sort of
19 an exceptional effort. What we're attempting to do is
20 integrate the neighborhood socioeconomically to stabilize it.

21 We probably could sell out tomorrow, if you get
22 my drift, but that's not the intent. Otherwise we're a waste
23 of taxpayers' dollars and the project will go down the tubes.
24 We are seeing what we had hoped for: a good mix
25 socioeconomically of what should be in that neighborhood to
26 stabilize the entire neighborhood.

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1 We're getting your D.C. employee who is a good,
2 qualified, capable, Government worker. Our first settlement
3 was a school teacher. There's a police officer who grew up in
4 the neighborhood. He comes by every day. He's anxious to get
5 into his house. He's the beat officer.

6 The next person moving in will be a former
7 resident who works at the hospital. Then the next person
8 moving in will be someone who was also a former resident, but
9 these are working people who will pay taxes and will stabilize
10 the community.

11 So we feel that it is going just what we thought
12 it would and had hoped for. But we're trying to be patient
13 and make certain that we fill it with people who are going to
14 be an integral part of that community and lift the community
15 up rather than take it right back where it was.

16 MR. BASTIDA: So may I characterize your
17 statement as saying that you feel that the sales, in
18 accordance to the philosophy of the development plus the
19 quality of the housing, is moving at a rapid pace?

20 MR. CRAWFORD: We feel the process is going
21 according to plan. And we would invite you to come out and
22 take a look at it.

23 MR. BASTIDA: Thank you. I did.

24 CHAIRPERSON KRESS: Next on the agenda --

25 MR. BASTIDA: I doubt if I would be as generous
26 with the retaining walls as somebody else was, but it doesn't

1 look bad.

2 (Laughter.)

3 CHAIRPERSON KRESS: Next on the agenda are

4 persons in support.

5 Is there anyone here who, as an individual

6 wishes to testify in support?

7 If not, we'll move to persons in opposition.

8 Mr. Strozier, if I'm pronouncing your name

9 correctly, would you like to come and testify?

10 CHAIRPERSON KRESS: Hopefully you can get one of

11 those mics to work so you don't have to stand up at the --

12 MR. STROZIER: My name is Parrish Strozier. I

13 stay at 4907 Gully Court in Oxenhill, Maryland. It really is

14 about five minutes away from the --

15 CHAIRPERSON KRESS: It's five minutes away from

16 the site?

17 MR. STROZIER: Yeah.

18 CHAIRPERSON KRESS: Okay.

19 MR. STROZIER: Right across the line of southern

20 Maryland. Right now I'm a computer operator. I work for the

21 Government Printing Office. I'm also the -- I'm the president

22 of my homeowners' association for the last five years.

23 Is that enough information?

24 CHAIRPERSON KRESS: Yes.

25 MR. STROZIER: First of all, I have a couple of

26 questions just to make sure that I understand what's going on

1 here. I'd like to ask the applicants, if I may.

2 CHAIRPERSON KRESS: That's a little unusual, but
3 I think we have the time and I think the applicant wouldn't
4 mind, would you? Would perhaps Mr. Crawford be the person to
5 answer your questions?

6 MR. STROZIER: Yes, I just want to make sure
7 that --

8 CHAIRPERSON KRESS: Why don't you come sit back
9 on the table so that the -- it can be on record with your
10 response.

11 MR. STROZIER: Yeah, I just wanted to make sure.
12 I said I own 812 Chesapeake Street and I want to make sure
13 that is this one of the properties that he is proposing on
14 building his proposed sites on?

15 MR. CRAWFORD: Well, 812 Chesapeake Street is an
16 eyesore. And 812 Chesapeake Street, in my view, has been
17 neglected over the years. And really, this should be
18 rehabilitated or razed.

19 MR. STROZIER: Also, one more question is, the
20 alley that you say is going to be closed up behind 812
21 Chesapeake --

22 MR. CRAWFORD: We're not closing the alley
23 that's continuous to 812 Chesapeake Street.

24 MR. STROZIER: Okay.

25 MR. CRAWFORD: Not at all.

26 MR. STROZIER: Okay.

1 MR. CRAWFORD: No. As a matter of fact, that
2 alley is not in question. We'll just clean that alley up and
3 we -- as a matter of fact, maybe some modifications to make it
4 more attractive.

5 MR. STROZIER: Okay, that's all.

6 CHAIRPERSON KRESS: Do you wish to say anything
7 to us now that you've found out this information? Are you
8 against this or in support or --

9 MR. STROZIER: I'm against it.

10 CHAIRPERSON KRESS: And you're against it
11 because?

12 MR. STROZIER: The reason I'm against it, first
13 of all, is, you know, I listened to the testimony of the
14 applicants and there were certain things -- there were several
15 things that I disagreed with, certain stereotypes and
16 allegations that were made.

17 First of all, he said that, you know, the
18 building is an eyesore. Well, if you're putting up new
19 townhomes in a community, of course it's not going to be up to
20 par with the other community as far as being brand new.

21 The thing -- you know, that's just the way it is
22 as far as when you come into the community. There are certain
23 things that can be improved on and I'm working on it. I'm a
24 new owner. I've been there for two years and I'm working on
25 certain things.

26 If it was a neglected, as he said, for the last

1 year or so -- I mean pervious years, I had nothing to do with
2 that. One of the things -- another thing I want to talk about
3 is that I feel like -- I am in -- I like what they're doing.

4 I like that they're building the community up
5 and making things look better around that area. If anything,
6 the property that they were working on, that they just built
7 on, was a definite eyesore. I mean, it was shameful.

8 I didn't even want to have anything to do with
9 that. But I do want to be a part of the community and the
10 renovation. I want to contribute to the community. Whatever
11 the D.C. Government or whoever, you know, asks of me, I will
12 try my best to conform to.

13 But I do want to co-exist with this community.
14 I don't believe in going in and just tearing down all the
15 buildings saying they're an eyesore.

16 I mean, are you going to tear down all the homes
17 around there, too? Because the guy here, he also stated that
18 people in the community are in support of the community just
19 like I am, and they are trying to clean up their community
20 also.

21 So therefore, it is good that they're bringing
22 in the community. They're enhancing and make people do the
23 things that they're supposed to do. I agree with that. But
24 as far as saying well, just we're going to start all over
25 again, I don't think that that's the correct approach to that
26 as to -- you know, to that solution.

1 Also, kind of in proof of co-existing, there
2 have been a lot of areas that have been co-existing as far as
3 I go -- I ride around in different communities and different
4 areas in D.C. and Virginia, and several areas have been built
5 up around the existing properties, you know, as well as
6 whatever the residential areas.

7 And it's not too far fetched to even state these
8 communities of which I go in all the time, and that's Old Town
9 Virginia, Georgetown and Connecticut Avenue -- and these
10 buildings up there for years, hundreds of years.

11 And the businesses and other communities have
12 found where they can build around. And I'm sure that those
13 houses weren't up to par or whatever you want to call it at
14 the time that they were coming in, but they found a way to co-
15 exist with one another.

16 Another thing is I heard someone state that D.C.
17 Government is not doing what they're supposed to do to make
18 the community better. I disagree with that. I mean, one of
19 the things I noticed that they are doing -- first of all, I
20 have a full -- I have 100% occupancy.

21 The people that I try to get in my building
22 work. And D.C. Government also is trying to get the people to
23 work also with the welfare and the Section 8 and all that
24 stuff that's coming to an end.

25 And I know for a fact that they're trying to get
26 people to start working. So I think that the Government, D.C.

1 Government, is trying to contribute to having a -- what Mr.
2 Crawford said, a socioeconomic integration.

3 And the integration -- I don't know what his
4 definition of integration is, but integration means different
5 income levels. And the different income levels that I'm
6 starting to notice is going to be right across the board, just
7 wiping out everybody around the community.

8 And like I said, I'm not for that. And I think
9 that's about all I have to say.

10 CHAIRPERSON KRESS: Thank you.

11 Questions, colleagues?

12 COMMISSIONER HOOD: I just had one question I
13 wanted to ask Mr. Strozier. Is it Strozier?

14 MR. STROZIER: Strozier.

15 COMMISSIONER HOOD: Strozier, I'm sorry.

16 Your first question -- let's go back to your
17 first question, 812 Chesapeake. You said you owned 812
18 Chesapeake?

19 MR. STROZIER: Yes.

20 COMMISSIONER HOOD: Okay. And Mr. Crawford,
21 you're proposing to do something with 812 Chesapeake?

22 MR. CRAWFORD: No, my position, as it always has
23 been, is that if DCRA would enforce the rules, many of those
24 buildings would have been condemned. Many of those buildings
25 have outlived their usefulness and they're eyesores.

26 The area, first of all, is too dense. Many of

1 the units should either be taken out or come down. Most of
2 the units that are over there that were built back in -- after
3 World War II were built for small majority, small majority
4 family returning from the war.

5 Much of it was a make work effort. And to me,
6 the units over there now are just so old that it would take
7 millions of dollars to rehabilitate them and some of them
8 should come down. It's too dense. And they've been
9 neglected.

10 The owners are not putting any money back in
11 them.

12 COMMISSIONER HOOD: Mr. Strozier, you have a
13 business at 812 Chesapeake?

14 MR. STROZIER: Yes.

15 Can I make a statement to that?

16 COMMISSIONER HOOD: I guess I'm confused, Madame
17 Chair. Maybe somebody can help me. I'm just trying to figure
18 out what the relationship is with 812 Chesapeake.

19 CHAIRPERSON KRESS: Well, I think Mr. Crawford
20 was just giving his opinion. I don't think he -- he has no
21 rights on that property, am I not correct?

22 COMMISSIONER HOOD: Okay, okay, that answers my
23 question.

24 CHAIRPERSON KRESS: No, I understand your
25 concern, but what I'm saying is -- I was just trying to
26 clarify he has no rights to your -- on your property.

1 COMMISSIONER HOOD: Okay, and that's what I was
2 thinking that -- I was wondering how that was happening.
3 Thank you.

4 MR. STROZIER: Can I say one more thing?

5 COMMISSIONER HOOD: Okay.

6 CHAIRPERSON KRESS: Sure.

7 MR. STROZIER: Yeah, that's when I started out.
8 I wanted to make that my first question was did he plan on
9 building, and it sounds like he had some kind of plan.

10 I mean, he just answered your question, but at
11 first he said that it's an eyesore and he -- and I think, when
12 I was sitting over here, he said that he had -- in order to
13 change the whole community, he had to propose an application
14 for the whole community to take -- I mean the surrounding area
15 to take over.

16 So, right.

17 CHAIRPERSON KRESS: I think that's really --

18 MR. STROZIER: Yeah, that's of concern to me.

19 COMMISSIONER HOOD: Okay, thank you.

20 CHAIRPERSON KRESS: Any other questions?

21 Thank you very much for coming to testify, and
22 we'll take your comments into consideration when we make our
23 decision.

24 Is there anyone else?

25 MR. BASTIDA: Madame Chairperson, you might want
26 to give the applicant the right to cross examine.

1 CHAIRPERSON KRESS: Oh, yes, that would be a
2 good idea. Excuse me. Thank you. I was -- oh, that's right,
3 he's not a party.

4 MR. BASTIDA: My mistake.

5 CHAIRPERSON KRESS: You're mixing me up now.
6 I'm agreeing with you.

7 MR. BASTIDA: Sorry.

8 CHAIRPERSON KRESS: See, it's been a long day
9 for me.

10 Thank you.

11 Do you wish to testify? Is there anyone who
12 wishes to -- do you wish to testify? Or has -- if he's
13 already made your point -- yes, please sit there. You have to
14 identify yourself for the record.

15 MS. STROZIER: Yes, my name is Tammi Strozier.
16 I live at 4907 Gully Court in Oxenhill, Maryland, and I'm also
17 a co-owner of the -- I own the property 812 Chesapeake Street
18 with my husband.

19 Mr. Crawford was -- made a statement that it
20 will cost millions of dollars to rehabilitate a building such
21 as 812 Chesapeake Street, but I would like to bring to his
22 attention that a lot of buildings in -- up on Connecticut
23 Avenue, they're older buildings and they have been -- manage
24 to co-exist with other, more recent buildings that have been
25 built in that community and I wanted to know what his thoughts
26 were concerning that.

1 CHAIRPERSON KRESS: You really don't have a
2 right to question the applicant.
3 MS. STROZIER: Okay.
4 CHAIRPERSON KRESS: I would just say he's
5 giving an opinion.
6 MS. STROZIER: Right.
7 CHAIRPERSON KRESS: I'm an architect and we've
8 got some other architects, and we do renovations and know how
9 much they cost, and so I think let us be the judge of that.
10 MS. STROZIER: Right.
11 CHAIRPERSON KRESS: We're hearing testimony. We
12 make the decision.
13 MS. STROZIER: Okay.
14 CHAIRPERSON KRESS: All right?
15 MS. STROZIER: But I was just saying that -- I
16 mean, who's to say that one day that building couldn't be
17 renovated. We haven't even been given the opportunity to make
18 any improvements, to make any changes. All we hear is a
19 proposed -- well, he hasn't said anything yet, but an idea
20 that he might get that property and try to -- or try to get it
21 some way.
22 So I don't think that's fair because we're --
23 CHAIRPERSON KRESS: I believe he answered that
24 and that he has no rights on that property. He's just voicing
25 a personal opinion.
26 MS. STROZIER: I have no further comments.

1 CHAIRPERSON KRESS: All right, thank you.
2 Did you want to make any final comments?
3 Excuse me, before we close, would you recommend
4 some dates for me, Mr. Bastida?
5 MR. BASTIDA: Yeah, and I also would like to go
6 through the list of things that you want to put into the
7 record.
8 CHAIRPERSON KRESS: Well, I was going to do
9 that.
10 MR. BASTIDA: Which one do you want to do first?
11 CHAIRPERSON KRESS: I was going to do that as
12 part of my closing statement, but I was going to get from you
13 the dates, if I could.
14 MR. BASTIDA: Okay, we have a party which is
15 ANC. If we need to give them enough time to respond to the
16 submissions for the record, we might have --
17 CHAIRPERSON KRESS: I think they've said they
18 already have. I don't believe that we need to allow time.
19 They will get -- they say they already have their commitment
20 and they will get the information that they say they have in a
21 written format in our regular time frame.
22 I don't believe we have to allow special time
23 for that. I will ask the applicant.
24 Do we have to allow special time to get
25 information from the ANC? You already have it or will get it
26 formalized in whatever time frame we lay out for you?

1 MR. BASTIDA: We can give the applicant until
2 Friday, April the 2nd to submit the requested items for the
3 record, and then the Commission will make a decision --

4 CHAIRPERSON KRESS: Well, that's pretty fast.
5 Let me -- would you mind coming forward and let's -- I want to
6 ask you -- that's even faster than I thought. Maybe we go
7 over again what we're asking you to submit because I'm not
8 sure you can do that -- do it that quickly.

9 We're asking for the deck specifications design.
10 We're asking for a detailed plan of the revised pool area.
11 We're asking for a detailed parking plan and landscaping of
12 these additional parking spaces that you have spoken to us
13 about that are not in our package.

14 And you've also spoken to us about the covenant
15 we would need to see to guarantee that parking on a long term
16 basis. And you've also mentioned the letter from the ANC that
17 we would like to have for our files to complete it.

18 Is there something I have forgotten, Mr.
19 Bastida?

20 MR. BASTIDA: No, Madame Chairperson.

21 CHAIRPERSON KRESS: Anything else?

22 MR. BASTIDA: That's the list I have also.

23 CHAIRPERSON KRESS: Did you have something else,
24 Commissioner Clarens?

25 MR. BASTIDA: The only thing that I would add
26 would be that the parking lot should also show how the site to

1 the PUD site is accessed from those parking lots.

2 CHAIRPERSON KRESS: I agree. And then also,
3 some of what's on this -- of these boards, you have said you
4 will be submitting to us that we don't have in the package
5 that we have. So if I haven't mentioned something, anything
6 that you've presented tonight that we don't have needs to be
7 in the package.

8 COMMISSIONER CLARENS: And specifically, Madame
9 Chair, the two pieces of property that are going to become
10 part of this PUD that are not shown anywhere.

11 MS. GIORDANO: They're not going to become part
12 of the PUD. It's going to be an offsite --

13 COMMISSIONER CLARENS: Oh, I didn't know the
14 actual detail --

15 CHAIRPERSON KRESS: I have asked for detailed
16 plans of the parking and landscaping plans on those.

17 COMMISSIONER FRANKLIN: And lighting, Madame
18 Chair.

19 CHAIRPERSON KRESS: And lighting. Excuse me,
20 and lighting. I have it written and I didn't say it.

21 MR. BASTIDA: And how they will be tied to the
22 PUD for the life of the PUD also. You know, they can do it
23 with a covenant or some other legal way.

24 MS. GIORDANO: I do think April 2nd is too soon.
25 And fortunately, we're not getting to this phase of the
26 development -- time is important, but it's not of the essence.

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1 CHAIRPERSON KRESS: Well, as you know, the
2 thinking would be so that we can handle it at our April
3 monthly meeting. Let's pick a date that we can handle it at
4 our May monthly meeting. What date would you suggest for
5 that, Mr. Bastida?

6 MR. BASTIDA: Then I would suggest that the
7 applicants submit all the requested documents by April 30th.
8 And that way the applicant will submit it to the ANC, if it
9 needs to be submitted, and the ANC has until April the 7th to
10 provide the information to the Zoning Commission.

11 CHAIRPERSON KRESS: Wait a minute. Such
12 responses no later than seven days after. I'm sorry, I'm
13 looking for the blanks here. If they're not submitting until
14 April 30th, --

15 MR. BASTIDA: I'm sorry, May 7th.

16 CHAIRPERSON KRESS: Oh, May. I'm sorry. You
17 said April 7th --

18 MR. BASTIDA: Right, I did.

19 CHAIRPERSON KRESS: -- and I'm saying we're
20 going backwards here.

21 MR. BASTIDA: And that's my mistake.

22 CHAIRPERSON KRESS: Okay.

23 MR. BASTIDA: And then that means that the
24 Commission then can decide it at its meeting on the 10th.
25 There is not that much time to get the comments of the ANC to
26 the Commission prior to the decision date.

1 CHAIRPERSON KRESS: Well then we need to back
2 off on the 30th a little.

3 MR. BASTIDA: Okay. Then we'll do it on the
4 23rd of April.

5 CHAIRPERSON KRESS: Okay.

6 MR. BASTIDA: And then the ANC will have until
7 the 30th of April to respond. And then the Commission will
8 decide it at its regularly scheduled meeting on May the 10th.

9 CHAIRPERSON KRESS: Is that acceptable to you?

10 MS. GIORDANO: Yes.

11 CHAIRPERSON KRESS: Okay. Did you have any --

12 MS. GIORDANO: Yeah, we appreciate the
13 Commission's attention tonight, and we will submit these --
14 make these submissions, send them directly to the ANC, as well
15 as the Office of Planning in case the Office of Planning has
16 comments that it would like to make as well.

17 CHAIRPERSON KRESS: Okay. With that then, I'll
18 make my closing statement.

19 Ladies and gentlemen, thank you for your
20 testimony and assistance in this hearing. The record in this
21 case will now be closed except for the information
22 specifically requested by the Commission. Any
23 special information or reports specifically requested by the
24 Commission should be filed during the period ending on April
25 23rd in Suite 210 of 441 Fourth Street. Any party to the case
26 may file a written response to any information or report filed

1 after the close of the hearing.

2 Such responses should be filed no later than
3 seven days after April 23rd, which is April 30th. Parties in
4 this case are invited to submit proposed findings of fact and
5 conclusions of law. Any party who submits proposed findings
6 and conclusions should do so by the April 23rd date.

7 Parties are reminded that their findings of fact
8 should not include findings stating how witnesses testified.
9 The findings should be those findings the party believes --
10 I'm sorry. The findings should be those findings the party
11 believes the Commission should make based upon the testimony
12 and other evidence in the record.

13 Citations to exhibits and the transcript are
14 appropriate and encouraged. To assist parties in the
15 preparation of these findings of fact and conclusions of law,
16 a copy of the hearing transcript will be available for review
17 in the Office of Zoning in about two weeks.

18 Copies of the transcript may also be purchased
19 from the recording firm. When the transcript is received, the
20 Office of Zoning will contact the parties. After the record
21 is closed, the Commission will make a decision on this case at
22 one of its regular monthly meetings.

23 These meetings are generally held at 1:30 p.m.
24 on the second Monday of each month and are open to the public.
25 Any person who is interested in following this case further
26 may contact the staff to determine whether this case is on the

1 agenda of a particular meeting, although tentatively we are
2 saying we expect it to be May 10th.

3 You should also be aware that if the Commission
4 proposes to approve the application, the proposed decision
5 must be referred to the National Capital Planning Commission
6 for federal impact review.

7 The Zoning Commission will take final action in
8 a public meeting following receipt of the NCPC comments, after
9 which a written order will be published.

10 I hereby declare this hearing closed.

11 Thank you all for coming.

12 (Whereupon, the proceedings were adjourned at
13 8:45 p.m.)

14

15

16