

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

ATHENA GROUP, LLC - CONSOLIDATED
REVIEW OF A PLANNED UNIT
DEVELOPMENT AND RELATED MAP
AMENDMENT AT SQUARE 1356

Case No.
08-21

Thursday,
February 12, 2009

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

The Public Hearing of Case No. 08-21 by the District of Columbia Zoning Commission convened at 6:38 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
GREGORY N. JEFFRIES	Vice-Chairman
PETER G. MAY	Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Director

The transcript constitutes the
minutes from the Public Hearing held on
February 12, 2009.

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

2 6:38 p.m.

3 CHAIRPERSON HOOD: We're going to
4 go ahead and get started. As I'm reading my
5 statement others can get themselves together.

6 Good evening, ladies and gentlemen.

7 This is a public hearing of the Zoning
8 Commission of the District of Columbia for
9 Thursday, February 12, 2009. My name is
10 Anthony Hood.

11 Joining me this evening are
12 Commissioner May and Jeffries. We are also
13 joined by the Office of Zoning staff Ms. Ms.
14 Sharon Schellin and Ms. Hanousek and the
15 Office of Planning under the leadership of Ms.
16 Steingasser.

17 Please note that Commissioner
18 Keating and Commissioner Turnbull will be
19 reading the record to participate in this
20 case.

21 The proceeding is also being
22 recorded by a court reporter and is also

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1 webcast live. The subject of this evening's
2 hearing is continuation of Zoning Commission
3 Case No. 08-21 which was held on December 1.

4 This hearing will be conducted in
5 accordance with the provisions of 11 DCMR 3022
6 follows. Applicants are limited to
7 presentations of project changes. We are
8 estimating 15 minutes. Cross examination is
9 limited to the project changes.

10 Report of the Office of Planning,
11 report of other government agencies, report of
12 ANC-3D, parties in support with conditions,
13 and right now we have our parties set from the
14 previous hearing, Canal View Homeowners
15 Association, R. Gene Tucker, Benjamin Shaffer,
16 et al., Cornish Hitchcock, Palisades Citizens
17 Association, Spence Spencer.

18 Organizations and persons in
19 support, organizations and persons in
20 opposition, rebuttal and closing by the
21 applicant. Again, the applicant will have 15
22 minutes, the parties will have 20 minutes

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1 each, organizations five minutes, individuals
2 three minutes.

3 The Commission reserves the right
4 to change the time limits for presentations if
5 necessary and notes that no time shall be
6 ceded. All persons appearing before the
7 Commission are to fill out two witness cards
8 upon coming forward. As you come forward
9 please turn on your mic and speak into the
10 microphone and when you finish speaking please
11 turn your microphone off.

12 The decision of the Commission in
13 this case must be based exclusively on the
14 public record. To avoid any appearance to the
15 contrary, the Commission request that persons
16 present not engage the members of the
17 Commission in conversation during any recess
18 or at any time. The staff will be available
19 throughout the hearing to discuss procedural
20 questions. To my left we have Ms. Schellin
21 and Ms. Hanousek who will be available for
22 that.

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1 Please turn off all beepers and
2 cell phones at this time so not to disrupt
3 these proceedings. Even if you were sworn
4 last time, please stand and be sworn again.

5 Ms. Schellin, would you please
6 administer the oath?

7 MS. SCHELLIN: Yes.

8 (Whereupon, the witnesses were
9 sworn.)

10 CHAIRPERSON HOOD: It wasn't that
11 we didn't trust you but I just wanted to make
12 sure we had everything.

13 Okay. Ms. Schellin, do we have any
14 preliminary matters?

15 MS. SCHELLIN: I think just -- I
16 don't believe Mr. Spencer is in the audience.
17 Stuart Philip Ross. Gotcha. Okay. All
18 right.

19 CHAIRPERSON HOOD: Okay. Ms.
20 Schellin, help me remember. I think what
21 we're going to, Mr. Feola -- I see some hands
22 up already.

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1 Mr. Crews, the way I read it this
2 time you are assisting the ANC.

3 MR. CREWS: Are you reading that I
4 can't speak?

5 CHAIRPERSON HOOD: No, I didn't say
6 that. I said you are assisting the ANC.

7 MR. CREWS: Right. Excuse me.
8 Thank you.

9 CHAIRPERSON HOOD: I just want to
10 make sure you stay in an assist role.

11 MR. CREWS: Right. Well, on their
12 behalf when you mentioned the parties having
13 20 minutes, we left --

14 CHAIRPERSON HOOD: I was not
15 speaking in terms of the ANC. The ANC is
16 requesting an hour. Contrary what people
17 think, we do read the submissions.

18 Mr. Feola.

19 MR. FEOLA: Thank you, Mr.
20 Chairman. Again, for the record, Phil Feola
21 on behalf of the applicant. We'll just go
22 right into the presentation by Jack McLaurin,

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1 the project architect, to talk about the
2 changes from the original application.

3 CHAIRPERSON HOOD: Mr. Feola, let
4 me just interrupt. I forgot to acknowledge a
5 former member, colleague of ours, Mr. Geoff
6 Griffis. With all the work he's done for the
7 city I want to make sure I acknowledge him.
8 I'm not sure which group he's with or what
9 he's doing out there but I just wanted to
10 acknowledge him. He put a lot of work and a
11 lot of labor into this effort.

12 Thank you, Mr. Feola. You may
13 begin.

14 MR. FEOLA: Mr. McLaurin.

15 MR. McLAURIN: Good evening. As
16 always, I appreciate the opportunity to come
17 before you tonight to present our project,
18 Canal Park, and the revisions we have made.
19 We came before you last December and although
20 the night did not go as planned, I do feel it
21 was a very productive evening.

22 I kind of feel like American Idol

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1 where the judges told me last week that I
2 picked a really wrong song and now I'm coming
3 back in here trying to bring you another song.

4 As you know, the District does not
5 have a process with which we can enter into a
6 dialogue with the Zoning Commission without a
7 vote at the outcome of the dialogue. With all
8 due respect to the staff of the Office of
9 Planning and the work they do, the ability to
10 exchange thoughts and ideas directly with the
11 commissioners is invaluable and we gained a
12 lot in December.

13 That night we heard your comments
14 about our project and we took them to heart.
15 There was some discussion about whether or not
16 we would be requested to go back to the
17 drawing board or not but that is exactly what
18 we did.

19 I feel that the line between good
20 and bad is difficult to define as it can be
21 very subjective but the line between right and
22 wrong becomes quite clear and we pride

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1 ourselves on right solutions so we did
2 challenge ourselves to look at this project
3 with a fresh mind.

4 Our goal is not to make some minor
5 adjustments or simplifications to the details
6 just to appease the Commission but to take
7 this as an opportunity to relook at this
8 project from scratch and make real substantial
9 changes if we felt them appropriate.

10 You will see some real similarities
11 tonight with what you saw in December but you
12 will also see some substantial differences.
13 Ultimately you will see what we feel is a
14 right solution for this site for the reasons
15 we will discuss.

16 The first major comment we heard
17 was the question of how compatible this
18 project is with the immediate and maybe
19 broader neighborhood from a massing standpoint
20 but also as it relates to scale and density.
21 A volumetric study was thought of as a good
22 tool to analyze this which we agree with.

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1
2 The first thing I would like to do
3 is reorient yourself to the site north being
4 to the top of the slide. This is MacArthur
5 Boulevard, Foxhall, Canal Road on the south.
6 the site is bounded on all sides by apartments
7 and blocks of townhomes. There is a small
8 retail center over here to the east.

9 There is a grouping of townhomes
10 off of Lingan and another grouping of
11 townhomes here, two large single-family homes
12 and a single family community of Canal View.
13 Currently this is an institutional site but
14 our plan is to convert it to a residential
15 use.

16 Again, one of the major constraints
17 on the site is topography. We have
18 approximately a 30-foot fall from MacArthur to
19 the bottom of our site with a 30-foot
20 retaining wall holding up the Canal View
21 Association.

22 This is a photograph of the

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1 MacArthur View grade change immediately after
2 MacArthur Boulevard which starts to explain
3 the idea of the very front units to help pick
4 up some of those grades.

5 Then this is that 30-foot retaining
6 wall in the back of the property, approximate
7 bottom and top of walls here with the two red
8 lines in area B of the site. You can see that
9 wall is approximately 28 to 30 feet depending
10 on where you are so the severe topography that
11 we continue to deal with.

12 Back to the idea of contextual
13 design. These are a couple streetscape
14 snapshots of what is immediately adjacent to
15 the property. The property is in the bottom
16 right-hand corner in a sort of reddish color.

17 This photograph is a composite
18 photograph taken between these two blue lines
19 right here. It's about directly west of our
20 project not even a block away. You'll see
21 large apartment building blocks in this area
22 here.

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1 Directly across the street, again
2 our property is on the south side of MacArthur
3 here. Directly across the street are some
4 three story townhomes but with front loaded
5 garages in this flat roof urban rowhome style
6 and then three stories with front-loaded
7 garages with a gable roof architecture sort of
8 nondescript style.

9 Then further to the east direct --
10 not directly but sort of cattycorner. Again,
11 there's our property and across the street are
12 these less than historic reversed cable front-
13 loaded garage that is three stories. I'm
14 trying to give you an idea to set up the
15 context of the site.

16 The idea of an aerial contextual
17 study we thought was a really good idea so we
18 did the best we could with technology to try
19 to superimpose our project onto this bird-
20 eye's aerial image here. You will see again
21 groupings of townhomes and apartment
22 buildings. You'll see our project here in the

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1 middle with the large green.

2 You'll see the Georgetown day
3 school over here and then the Canal View
4 Association single family homes. It's our
5 mind that when you look at some of the context
6 around us from a massing standpoint that the
7 project is appropriate.

8 This is another image looking south
9 with Canal Road up here and the Potomac River
10 here. Again, it's kind of hard to pick up the
11 gray changes but you'll see that 30 foot. The
12 site is high here and slopes down into this
13 sort of lower portion and then out to Canal
14 View. Again, you'll see the collage of
15 architecture as well as massing over here.
16 Then there's the retail building over here
17 with the series of reverse cables on it.

18 The other thing that we heard
19 clearly from the commissioners was the idea of
20 the appropriate architectural style as it
21 relates to the designs and the idea of
22 emulating styles and forms that may or may not

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1 be appropriate for the site.

2 Also, the issue of planned elements
3 such as roof terraces being forced into
4 building forms that aren't quite appropriate.

5 Sometimes we were taking planned elements of
6 the buildings and kind of forcing them into an
7 architectural style that just didn't work and
8 it ended up with something that was a hybrid.
9

10 The first decision that we made was
11 to relook at the rear-loaded townhome
12 buildings, one on MacArthur Boulevard This is
13 building one which fronts MacArthur Boulevard
14 I'm pointing to the board up here.

15 The next slide will show you it's
16 building two but the nature of these two
17 styles of homes being rear-loaded starts to
18 set off a different of architectural
19 treatment. When we analyzed MacArthur
20 Boulevard in more appropriate context we
21 decided to settle on a more urban rowhome type
22 of architecture.

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1 This is the English basement here.

2 We flipped the roof terraces off of the alley
3 and put them facing MacArthur Boulevard so you
4 ended up with a 2.5 story facade which we feel
5 is very appropriate for that section of
6 MacArthur Boulevard so you'll see the upper
7 floor set back.

8 You can see a section there. This
9 is the roof terrace here. This is MacArthur
10 Boulevard and then the alley over here so just
11 the nature of a rear-loaded product started to
12 tell us what made sense there from a prototype
13 standpoint was to do the flat roof urban
14 architecture.

15 This is building two right here
16 that faces the park, same architectural style.

17 Because that is the form of that home the
18 form sort of dictates the envelope on the
19 outside. Again, three-story roof facades, the
20 upper floor setback, some articulated bays,
21 but bigger groupings of buildings as well.

22 Get rid of some of the busyness.

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1 Simplify the streetscape which is what you see
2 a lot of on MacArthur Boulevard so we went to
3 groupings of three buildings. The previous
4 one was a grouping of two buildings and then a
5 grouping of three buildings.

6 The next decision that we made on
7 the front-loaded architecture it started to
8 again require a different form from an
9 envelope standpoint. This is building three
10 which is this building here which is
11 immediately joining the Canal View Association
12 that backs up to the wetlands.

13 This is the three-story building or
14 two stories with the roof form. We changed to
15 architectural forms that we felt were
16 prevalent in the neighborhood but we did not
17 try to copy any historical forms. We said
18 there are elements of tudor, elements of
19 Second Empire, elements of federal but let's
20 modernize these things.

21 Let's pretend it is 2009 and let's
22 build it today. Let's not try to copy history

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1 so you'll see some reverse gables here.

2 You'll see nods to Second Empire roofs
3 with kickouts. You'll see twin dormers, a
4 series of reverse gables, and you'll
5 predominately see casement windows to try to
6 provide a more up-to-date type of feel and
7 they are painted casements.

8 This is building four which is the
9 next building. All these revisions, I might
10 add, reduce the overall building height from
11 anywhere of eight inches to six feet in some
12 areas. If I go back to the last slide, this
13 unit right here, which has always been a
14 height-sensitive unit due the proximity of the
15 neighbors, reducing the height by about 4.5
16 feet by making some of these changes.

17 This is building four getting rid
18 of some of the shutters. I'll talk about that
19 in detail a little bit later. Then building
20 six and the idea of fewer materials, fewer
21 number of bricks, simpler forms, and reverse
22 gables that are going to face the park. I'll

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1 get into a little bit more detail there.

2 The next major comment we heard was
3 the architectural facades and the design and
4 the detail that adds to its perception of
5 density. It has a tendency to add to the
6 feeling of density with ornamentation and the
7 business and the heaviness of the facade so we
8 decided to try to simplify these facades.

9 The first unit here is one of the
10 very front units on MacArthur Boulevard, added
11 English basement, the windows down here on the
12 bottom, hopper windows. Went to straight
13 approach stoops but much simpler details with
14 simple recast. I'm trying to speed it up.

15 Second floor -- excuse me, the one
16 facing the park, two-story base. Not a lot of
17 ornamentation. Let the materials really speak
18 for themselves. This is the Second Empire,
19 nod to the Second Empire roof but it's not
20 something you would see straight out of a
21 history book.

22 It's got these extra kickouts and

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1 these angles on it. You also see the casement
2 windows and note the two single car garage
3 doors and you actually see a double door here.

4 I'll get into some detail there. This is the
5 more simplistic federal with the shutters, the
6 only elevation with shutters on them.

7 Then this is the reverse gable kind
8 of nod to the tudor look here with the single
9 car. Simplification of the rear facade which
10 was primarily done with the materials and
11 simpler details but we did try to hang onto
12 the glazing that's on the back there.

13 We feel like backing up to the
14 wetlands area we wanted to hold onto a certain
15 amount of glazing but we feel like we have
16 simplified these details to more common
17 materials which emulate what's happening on
18 the front side.

19 Then your packages do have design
20 development level details as well as unit
21 elevations, building sections which explain
22 some of the roof forms that's hard to see in

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1 two-dimension elevations. Then building
2 groupings that show you front, side, and rear.

3 We went to a design development level to try
4 to help give you the right information to be
5 able to review the architecture.

6 The other comment we heard was the
7 idea of the prototype of the townhome itself
8 and just dropping it onto the site and letting
9 happen what may happen. We went back and took
10 a look at these forms and started to modify
11 the unit designs to help absorb and work with
12 the topo a little bit more.

13 The site on the left is the old
14 retaining wall design with the original
15 product design. On the right we have gone to
16 a different lower-level design which drops the
17 slab which not only takes height out of the
18 retaining wall from about 12.5 feet to 2.5
19 feet but also we have the ability to pull a
20 retaining wall away from the center of the
21 wetlands by about five feet.

22 This section is cut right here

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1 which is a very consistent place to cut it.
2 You'll see the distance to the center line of
3 a wall behind this building. It's pretty
4 consistent so we decided to cut it there.
5 Then you'll see the 30-foot lava rock wall on
6 the other side, I might add.

7 The next section is cut through the
8 most extreme portion of the wetlands and its
9 closest proximity. You'll see a 14-foot wall
10 went down to about a 3.5 foot wall and it went
11 from 5 foot 4 of the wall to the center line
12 to about 10.5 feet. Again, it lowered
13 substantially but also moved further away from
14 the wetlands.

15 This is the property line of Canal
16 View and this would be the homeowner's
17 property line. This red line here doesn't
18 look red on the screen. That's the old wall
19 location. The black line is the new wall
20 location so it lowered and then set back.

21 This is elevation I showed you last
22 time which indicates the elevation of that

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1 wall. This is where we are today so this
2 indicates a substantially lower wall as seen
3 straight from the back.

4 This is a slide of the overlook
5 plan. The dashed red line is the old location
6 of the wall. The white line is the new
7 location of the wall but also we cut the
8 corner on the wall.

9 Instead of going to a right angle,
10 90 degrees, we actually cut that corner to get
11 it further away from the wetlands, too. We
12 felt like there was no need when we really
13 started looking at this. Let's get further
14 away from that wetlands.

15 Also, what we did is the unit
16 closest to MacArthur Boulevard on the end of
17 building six, which is this unit right here,
18 this is building six, we went to a different
19 unit design. To get the front door facing
20 MacArthur Boulevard one of the things we
21 clearly heard is taking a townhome and kind of
22 dropping it in.

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1 I think the reference to a plato
2 machine, you know, just kind of truncating it
3 right off. I think that was very valid so we
4 took a look at this and now we have a unit
5 design that has a front door facing MacArthur
6 Boulevard.

7 The other thing is the garage doors
8 and what is that going to do to the park edge
9 having all these front-loaded doors. What we
10 did was went to a different configuration of
11 doors. We have two-car garages and one-car
12 garages but we also recessed the doors
13 themselves so we go from about a four-foot
14 recess to upwards of a six-foot recess.

15 The other thing that does is it
16 gives you additional landscaping as we go down
17 the street. This is the elevation of
18 buildings three and four which are these two
19 buildings right here which are facing the park
20 and you'll see a variety of garage door sizes,
21 two car, two singles, one car, one car, as
22 well as one car over here in an area where we

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1 felt like we wanted additional landscaping
2 edging the park.

3 But also the location of these
4 reverse gables were put there on purpose to
5 try to take the monotony of the old roof
6 design and the two dormer, two dormer, two
7 dormer and the rhythm of that roof and start
8 to have a different face facing the park and
9 take these reverse gables facing the park.
10 There are only two more slide -- three more
11 slides.

12 This is the perspective of the park
13 right here so hopefully -- you know, we talked
14 a lot about what this is going to feel like.
15 We do our best with these volumetric studies
16 or perspectives to try to give you a feeling
17 for this. If you are standing right here --

18 CHAIRPERSON HOOD: You know what?
19 Let me just say this. We would rather for you
20 to slow down. I'm not trying to go against
21 what was said but slow down so we can
22 understand and we'll be fine.

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1 MR. McLaurin: Try to do that with
2 a dry mouth, too. I'm like going crazy over
3 here. Okay. So this is the perspective of
4 the park. I'm standing right here looking
5 west. I won't go too slow but this is the
6 two-story building in the background edged by
7 the three-story facade of this building here
8 with the fourth level kicked back.

9 You can just barely see it right
10 there. We think the way these buildings frame
11 the park, public spaces are framed by
12 buildings and streets, we think it has a
13 wonderful feeling, the balance between the
14 hardscape and the landscaping but also taking
15 those doors, varying the number of cars but
16 then recessing those doors substantially.

17 Roof terraces. There was a
18 question of what do these things really look
19 like. You try to squeeze in some of these
20 strange roof forms and how are they going to
21 feel. I provided a couple examples. This is
22 an actual rendering that we did but these are

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1 photographs. That's a scale model in a sale
2 center.

3 You can get an idea of how these
4 things are worked into the shape of the roof.

5 This is our roof form that we have here. We
6 don't have this old gable type form here but
7 this is how these things feel on the back of
8 the unit. Then the ones on the front on
9 buildings one and two, the more flat roof
10 urban rowhome over here this is what they
11 would feel like.

12 I'm standing pretty far away from
13 this building right here and you really can't
14 see that upper level up there. It's pretty
15 hard to see unless you are directly across the
16 street one or two floors up. We feel like
17 this is a pretty good representation of what
18 these roof terraces may feel like.

19 I apologize for going so fast but I
20 wanted to make sure we stay right on topic
21 with what the changes are. I would be happy
22 to elaborate with anything else but that does

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1 conclude my presentation.

2 CHAIRPERSON HOOD: Thank you very
3 much.

4 Mr. Feola, is that it?

5 MR. FEOLA: Yes, sir.

6 CHAIRPERSON HOOD: Okay. Mr.
7 Feola, let me start right off and ask you --
8 we can keep the lights out and that way nobody
9 will know who asked the question. Mr. Feola,
10 let me just ask this. We received something
11 from the National Park Service. Did you
12 receive that letter?

13 MR. FEOLA: The December letter,
14 sir?

15 CHAIRPERSON HOOD: February 12,
16 2009, which is today's date.

17 MR. FEOLA: No, I did not.

18 CHAIRPERSON FEATHER: I would
19 peruse that. Also I'm sure you have this one
20 from the Urban Forestry dated February 6th.

21 MR. FEOLA: That was not in the
22 record as of yesterday. We checked the file

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1 close of business yesterday and neither of
2 these letters was there.

3 CHAIRPERSON FEATHER: This came in
4 on the 11th. I'm sorry, they have it dated
5 the 6th but it got here on the 11th at 2:00.
6 I don't know. You'll probably have to do like
7 we do because I'm going to have to do the same
8 thing is read while hopefully my colleagues
9 ask questions.

10 I just wanted to know -- obviously
11 not now that you didn't have those letters but
12 I wanted to know is what you have here and
13 what you went back and revised was according
14 to some of the concerns we had here about
15 three removal, protecting the wetlands.

16 That's basically what this alludes to.
17 I did a very quick speed reading and both of
18 these letters basically refer to that. I
19 don't know if we would be able to resolve that
20 tonight. Anyway, let's see what we can do.

21 Who wants to start off? We're all
22 reading the letter, too.

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1 COMMISSIONER MAY: I'll start.
2 First of all, I appreciate the significant
3 effort that's gone into the changes there.
4 It's nice to know that some of the things that
5 we had to say were taken to heart.

6 I do have a few questions that I
7 would like to get clarification on. In the
8 drawing that showed the section at the rear
9 toward the wetland it indicates that the yard
10 level, the rear yard of the house shown in the
11 section there has actually dropped by, I don't
12 know, four or five feet at the back of the
13 house and it appears that the floor level has
14 dropped as well. That's a cellar level from
15 the --

16 MR. McLAURIN: It's not necessarily
17 a cellar level. What we did here this is a
18 floor plan of that particular unit design.
19 What it is is a stepdown so the ceiling in
20 here has gained that height.

21 Ultimately when we go into design
22 development on the unit designs on the inside

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1 we'll probably add a couple feet to the level
2 above that as well. So the lower level, the
3 rec room level, does not get it all, we'll
4 probably add some volume to the living room.

5 COMMISSIONER MAY: Can we go back
6 to the section again for a second?

7 MR. McLAURIN: Which one you want?

8 COMMISSIONER MAY: Either one, I
9 guess. We are seeing that floor drop. What I
10 was going to ask was whether the grade at the
11 front of the house changed at all.

12 MR. McLAURIN: No, not at all.

13 COMMISSIONER MAY: Okay.

14 MR. McLAURIN: We tried not to add
15 to the building height in doing this as seen
16 from the front.

17 COMMISSIONER MAY: I mean, I was
18 actually thinking that if you change the grade
19 and kept the height of the building the same,
20 the building actually would have dropped with
21 the grade so it would be lower. One of the
22 things that is very striking about your view

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1 of the rear facades, and that was one of your
2 slides, is that it appears like -- yeah, there
3 you go.

4 It almost appears like the units
5 are much taller. You are seeing a lot more
6 facade there in part because now you have a
7 lower level that's got a 10-foot ceiling or
8 12-foot ceiling, whatever it is. The peak of
9 your roof either stayed the same or went
10 higher because of the incorporation of the
11 tudor roof elements or something like that so
12 you wind up with a much taller structure, it
13 seems, from this side. Is it taller is it
14 an illusion?

15 MR. McLaurin: No, it's an
16 illusion. When we have the tabulary
17 information none of the units actually gained
18 height. All the way across the board they
19 lowered it.

20 COMMISSIONER MAY: As measured from
21 the front.

22 MR. McLaurin: From the front to

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1 the mid point and the ridge. We calculated it
2 both ways.

3 COMMISSIONER MAY: Right. But from
4 the back you do see more.

5 MR. McLAURIN: That's right. Just
6 to point it out, I know it's hard right here
7 but like if you look at that door you only see
8 half of the door. Now you see the whole door.

9 COMMISSIONER MAY: I see. I guess
10 one of the things that I was hoping might
11 happen from this was -- I mean, I appreciate
12 this. I think the relationship to the wetland
13 and the stream and whatever is vastly improved
14 as a result of this but I was kind of hoping
15 we would actually see some changes in the
16 elevation and see that the streets would not
17 necessarily be quite so flat.

18 There is a grade change, though,
19 from MacArthur. Does that grade change happen
20 when -- I assume at the lowest corner, I
21 guess, in your site plan there we see at the
22 bottom of the plan is probably the low point

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1 for a car to be. Where does that grade get
2 made up? Is it mostly right at the entrance
3 at MacArthur?

4 MR. McLaurin: We certainly have
5 -- I'll try to answer it but if we need any
6 help, I have a grading plan right here. We
7 certainly try to pick up a lot of the grade
8 within that first building group because that
9 is the very front. It's steeper there than the
10 rest but, you're right, it is fairly
11 consistent and when you get down to the T it
12 essentially flattens out.

13 I would think we could probably
14 improve on that. I'm not sure what the slope
15 of that road is right now but we don't want to
16 be driving downhill. I don't mind if we go
17 down pretty quick and then it levels and then
18 maybe there's another undulation there.

19 COMMISSIONER MAY: One of the
20 things I think is very striking about the site
21 is the fact that you have this grade. Then
22 when you are developing it you are really

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1 flattening a lot of it and then taking up the
2 grade change is kind of in the margins. In
3 fact, when you think about hillier urban areas
4 sometimes those changes in grades can really
5 be quite lovely. Even when you have a square
6 that's kind of perched at an edge having, you
7 know, retaining walls and steps and changes in
8 grade within that triangular space, I'm not
9 sure what you call it, the public square or
10 whatever, grade changes in that area I think
11 could actually enhance the experience and make
12 it a much richer experience.

13 MR. McLaurin: May I just add to
14 that? The other constraints like you just
15 mentioned, you know, the edge of this park and
16 having a level area but that doesn't mean as
17 long as we meet the accessibility requirements
18 that we can't have a low to medium retaining
19 wall hip high edging that part. Then we also
20 have constraints of the garages here and make
21 sure that we don't go too steep to be able to
22 get in the garage.

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1 COMMISSIONER MAY: Right. You're
2 going to have to work the --

3 MR. McLAURIN: We would be happy
4 -- I think that is a great aesthetic idea
5 there for the park.

6 COMMISSIONER MAY: I think you've
7 made some moves that I think differentiated a
8 bit. I like the idea of recessing the garages
9 further and things like that to soften the
10 impact of having all those garages face the
11 street which is a regrettable condition but it
12 may be inevitable given the density that you
13 are trying to deal with here. You said on the
14 one end unit where the end faces MacArthur
15 Boulevard you've put a front onto that unit
16 there.

17 MR. McLAURIN: That's right.

18 COMMISSIONER MAY: Did you look at
19 doing the same thing for the two rows that are
20 back to back? I forget what your building
21 numbers are but the two that have the rear
22 loaded garages? Have you done that there? I

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1 didn't think you did that there.

2 MR. McLaurin: We didn't do it for
3 two reasons. One is I feel like they're more
4 ends. The other one faces MacArthur
5 Boulevard. Everything on MacArthur has a
6 front door on it for the most part. It would
7 now move that around to the side. We would
8 have to push these buildings further into this
9 common open space and closer to Canal View in
10 order to pull that off, albeit probably no
11 more than maybe four feet or so but I just
12 didn't think it was all that demanding there.

13 We looked at these other building
14 ends but to have a door facing the public
15 parking, have the door facing over here starts
16 to make this person feel like they own this.
17 The lowest row that runs to the angle there I
18 wouldn't think about it for those
19 circumstances.

20 You might at the very end, you
21 know, the southern end of the row on the right
22 facing out of the public space that could be

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1 nice and it's a fairly common treatment to
2 deal with the end of a row.

3 I guess what argues for if not an
4 entrance on the ends at least a different
5 facade composition on the ends of the parallel
6 row is the fact that is directly across the
7 street from several of the units. That right-
8 hand row is looking at the end walls of those
9 buildings. I mean, I know it's an end wall
10 and I guess it can be an end wall but the
11 composition is not balanced.

12 I know that there are certain
13 things that are going to necessarily be
14 imbalanced if you're going to have the roof
15 deck and so on but I think that whole facade
16 could be composed better so that it looks more
17 front like. Maybe you do actually have a side
18 door or rear door or something like that at
19 the lower level just to make it have a
20 relationship to what is across the street.

21 MR. McLAURIN: I think that makes
22 sense. Really this opportunity is for bays in

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1 the dining room and enhancements. I think
2 that's a good point.

3 COMMISSIONER MAY: I think a
4 certain sense of if not symmetry at least
5 balance and a composition. It's not quite
6 there yet although I appreciate the fact that
7 it's been simplified.

8 MR. McLAURIN: I do struggle with
9 that a little bit because a lot of this
10 architecture, even though we're not trying to
11 copy history and we get our ideas from basic
12 principles, the ends were often ignored. You
13 go to many parts of the District or Alexandria
14 Georgetown where the emphasis is on the front.

15 They even sometimes go to a trash
16 brick and start patching windows on the ends
17 or if there used to be a building next to it
18 they take it down and leave it alone. Roof
19 forms make sense on the front but then they
20 kind of do something weird on the sides.

21 COMMISSIONER MAY: It depends on
22 what it's facing. If you look at most of the

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1 better-built houses, when you come to the end
2 of a row and it's on a public way, it's got
3 face brick. It doesn't have the trash brick.

4 That's the condition you're looking at here.

5 I mean, my own house borders on an
6 alley that's not very visible and it didn't
7 have the same treatment as the front. It's a
8 little bit different when -- I mean, this is
9 more like a street than an alley.

10 MR. McLAURIN: It is the entrance
11 to the community.

12 COMMISSIONER MAY: That's it for me
13 for the moment. Greg.

14 VICE-CHAIR JEFFRIES: Thank you. I
15 would probably echo many of the comments from
16 a fellow commissioner. I am also very happy
17 with your responsiveness. In fact, it really
18 seems this is one of the most responsive
19 applications I've seen in terms of a lot of
20 the comments you've actually taken them to
21 heart and I'm very appreciative of that. I
22 particularly like the recessed garages and

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1 that was one of my issues as it faced the
2 Central Park area.

3 The only question that I have --
4 also I'm appreciative of just really trimming
5 back some of the elements of the facades. The
6 only thing I just want to get clear and it's
7 probably more illustration is I look at the
8 site plan and sometimes it just looks like
9 it's inward.

10 I'm just sort of wondering if you
11 are experiencing this new development, I mean,
12 does it call off like you're in some sort of
13 development or does it really blend with the
14 general context?

15 In other words, looking at the
16 streets and the various treatments of the
17 edges and so forth does it come off as a
18 compound or would the experience be one that
19 if you're walking along MacArthur you feel you
20 could traverse through this thing and not feel
21 as if you're in some sort of compound? Again,
22 this might be just in terms of how the

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1 illustration is being viewed.

2 MR. McLaurin: I think that is an
3 interesting observation. This is an in-fill
4 site that has edges and has an interior to it.

5 We fill like the edges are responsive to the
6 immediate adjoining parcel and structures
7 which is why we try to pay attention to the
8 heights of those elements.

9 The largest heights are
10 internalized in the community, not on the
11 edges with the exception of this building
12 here. This is where that 30-foot drop is so
13 we think we're in pretty good shape height
14 wise there.

15 The idea is that on the side of
16 this geometry you can't face out. You have to
17 drive into this community. We want it to feel
18 like a community. It's not gated. We don't
19 think it's so tight that it's going to feel
20 enclosed. The architecture responds to the
21 prototype, the front load versus the rear
22 load.

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1 The geometry of much of this part
2 of Washington, D.C. is very eclectic. It's
3 not on a grid system at all. You have these
4 intimate courts. You go into -- I forget the
5 name of the one community but you drive into
6 these where your buddy was, Hillendale. You
7 go into these courts.

8 You go into these intimate courts.

9 We are going to talk a little bit maybe about
10 the street width but that's why we are pushing
11 back a little bit on oversized streets. This
12 is a low-volume circulation pattern but we
13 want this to be an intimate place.

14 VICE-CHAIR JEFFRIES: Also we did
15 receive something that was addressed to the
16 Chair dated February 6. I understand you
17 didn't see it but you don't have anything in
18 front of you. You do now?

19 I just wanted to know exactly where
20 these trees are if you can just point them
21 out. You don't have anything? They are
22 public space trees and the circumference

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1 ranges from 38 to 91. I just wanted to get a
2 sense of what they were.

3 MR. McLAURIN: On MacArthur?

4 VICE-CHAIR JEFFRIES: Yeah. This
5 is a photograph. I just don't know where they
6 are. I just wanted to know where they are in
7 that site plan.

8 MR. McLAURIN: I think I could show
9 you if I go down to the grading plan.

10 VICE-CHAIR JEFFRIES: Yeah, but I'm
11 just trying to get a sense of where.

12 MR. McLAURIN: Okay.

13 CHAIRPERSON HOOD: Just go ahead.
14 1356? Is that it?

15 MR. McLAURIN: There's one. We are
16 making an attempt to save one of them that we
17 feel is savable. I think it's right here.

18 VICE-CHAIR JEFFRIES: It's on
19 MacArthur?

20 MR. McLAURIN: Yes.

21 VICE-CHAIR JEFFRIES: Okay.

22 MR. McLAURIN: Then there's another

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1 one that looks like it's right here.

2 VICE-CHAIR JEFFRIES: You can't
3 save that one. They look like they are
4 relatively in close proximity to one another.

5 MR. McLAURIN: He's going to tell
6 me which one it is. I'm trying to get it in
7 here so Commissioner Jeffries can see. This
8 one right here. Can you see that cursor?

9 VICE-CHAIR JEFFRIES: Yep.

10 MR. McLAURIN: And there's one
11 right there and right there. That's only a
12 seven inch. They're not concerned with that
13 one. Then there's one right there in the
14 middle of the road. That would be pretty
15 hard.

16 VICE-CHAIR JEFFRIES: Which size is
17 that? What is the circumference on that one?

18 MR. McLAURIN: You want to turn on
19 your mic and introduce yourself?

20 MR. DOVE: Sorry. My name is Dan
21 Dove. I'm a landscape architect with Studio
22 39. The tree that's in the middle of the road

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1 is a 24-inch caliber.

2 VICE-CHAIR JEFFRIES: Where is the
3 91-inch?

4 MR. DOVE: They are talking about
5 circumference, not caliber.

6 VICE-CHAIR JEFFRIES: Oh, okay.
7 Okay. Where is that?

8 MR. DOVE: It's tough to tell from
9 this. There are two 24-inch calibers and then
10 there's one that is sort of in with text but I
11 assume that the larger two -- I'm not 100
12 percent sure what a 24-inch caliber tree's
13 circumference would be but I'm assuming those
14 would probably be the larger ones.

15 MR. McLAURIN: We are showing the
16 desire to try to save this tree right here.
17 It's in the public right-of-way. It's in the
18 green.

19 MR. DOVE: The street trees I think
20 will remain. That's our desire to --

21 VICE-CHAIR JEFFRIES: All the
22 street trees?

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1 MR. DOVE: The ones on the road.

2 VICE-CHAIR JEFFRIES: They are
3 saying they are public space trees.

4 MR. DAVENPORT: The property line
5 is right here.

6 MR. McLAURIN: From the back of the
7 sidewalk.

8 VICE-CHAIR JEFFRIES: Okay. That's
9 the property line. Thank you.

10 CHAIRPERSON HOOD: Let's stay in
11 the tree issue. I just want to expand on it a
12 little bit. It looks to me like what UFAA is
13 saying formally objects to the removal of
14 these public space trees and we ask that you
15 take our comments into consideration.

16 So you still are not going to be
17 able to save them but you're trying, I guess,
18 to work within the parameters. What they are
19 asking us, at least the way I read it, they
20 are asking you not to remove any trees and
21 that is not the case.

22 MR. McLAURIN: That does not seem

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1 to be the case. Is there a reference to the
2 quality of the trees?

3 MR. DOVE: They said --

4 CHAIRPERSON HOOD: Anywhere
5 from --

6 MR. DOVE: -- they are good
7 quality trees.

8 MR. McLAURIN: We're trying to save
9 the straight trees but the ones that are in
10 what would be the yards are just going to be
11 too close to the new construction to be able
12 to save plus all the utility works and
13 improvements to the sidewalks.

14 VICE-CHAIR JEFFRIES: Okay. Let's
15 make certain we're all on the same
16 terminology, though. I'm sorry, Mr. Chair,
17 but there are public space trees, and that's
18 what they're referring to here. You're
19 breaking that down between street trees and
20 what other kind of threes?

21 MR. McLAURIN: Trees behind the
22 sidewalk. Not between the sidewalk and the

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1 curb but the trees behind the sidewalk.

2 VICE-CHAIR JEFFRIES: In order to
3 save those trees how far back would you have
4 to move the front of that wall?

5 MR. McLaurin: Assuming they are a
6 24-inch caliber tree the canopy is what you're
7 concerned about?

8 VICE-CHAIR JEFFRIES: Absolutely

9 MR. McLaurin: You would need to
10 move -- I mean, I don't know what the canopy
11 is but I would assume it's fairly large
12 judging by the picture I would say you would
13 have to move it back at least 20 feet at
14 least.

15 VICE-CHAIR JEFFRIES: That much?

16 MR. McLaurin: Assuming the canopy
17 is probably 45 to 50 feet across in diameter.

18 VICE-CHAIR JEFFRIES: Okay.

19 CHAIRPERSON HOOD: I will tell you,
20 and I know we just got this to look at it, but
21 it says after reviewing the site plans it goes
22 on to talk about the townhome development and

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1 walking in the site. It is clear the
2 construction of the proposed building will not
3 only impact existing mature street trees, but
4 also require the removal of approximately
5 three very mature and healthy little oak
6 trees.

7 MR. DOVE: Yes, sir. Those are the
8 three that we are referring to from the back
9 of the sidewalk to the building facing. There
10 is the one that is in the street, our new
11 proposed street.

12 CHAIRPERSON HOOD: I'm not sure.
13 With the new arborists do you have to get them
14 to sign off on your site plan?

15 MR. FEOLA: Yes, there is a process
16 that you go through with the Department of
17 Transportation as part of the public space
18 effort and it includes going through the
19 arborists, yes. There are provisions in D.C.
20 law for replacing trees in kind or with
21 caliber equal to the ones that are removed.

22 CHAIRPERSON HOOD: They actually

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1 comment about the replacing of the trees. I
2 don't know if it's them. Somebody commented
3 about replacing the trees and they didn't
4 think it was sufficient with what they were
5 going to be replaced with and I'll just leave
6 it at that. I'm not sure who it was.

7 MR. FEOLA: If this project were
8 approved by the Zoning Commission there is a
9 whole series of public space review and
10 approval that would be needed, street trees,
11 public space trees, sidewalks, curbs and
12 cutters, the whole nine yards. That would be
13 part of the mix.

14 CHAIRPERSON HOOD: And if you're
15 not able to move forward, you possibly have to
16 change the site and have to come back and see
17 us.

18 MR. FEOLA: Yes.

19 CHAIRPERSON HOOD: Okay.

20 VICE-CHAIR JEFFRIES: One of my
21 first lessons on this Commission was the --
22 what was that case, the canopy, the tree

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1 slope? Oh, my God. Whew. Welcome to the
2 Zoning Commission. The good news was that
3 obviously there was a lot of sensitivity
4 around protecting the canopy and really
5 speaking about the benefits and so forth.

6 Removing that case and looking at
7 the trees and so forth, you know, I mean,
8 there is clearly lots of sensitivity. It
9 might be helpful, and I think maybe you
10 commented about some of the difficulties or
11 challenges in terms of trying to retain the
12 trees and the impact that it would have on the
13 development and so forth.

14 I mean, clearly it seems that there
15 are still stop-gap measures here but it might
16 be a useful exercise to talk about if you had
17 to move X number of feet this would be the
18 impact and so forth and so on.

19 MR. FEOLA: What makes these trees
20 particularly unusual is that they are planted
21 in public space on the private property side
22 of the sidewalk. I mean, very unusual. My

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1 guess is they were put in place as part of the
2 hospital being built to provide a screen to
3 MacArthur Boulevard but they are in public
4 space.

5 Because they are in public space
6 they are owned by the city and we have to deal
7 with the arborists and the Department of
8 Transportation before we can remove them,
9 change them, replace them. There is a
10 mechanisms in D.C. law that allows you to take
11 a tree out and replace it in kind with the
12 exact amount of caliber tree or trees,
13 depending on what you work out with the
14 arborists.

15 VICE-CHAIR JEFFRIES: When you say
16 in kind, I mean, are you saying the same?

17 MR. FEOLA: The same size or
18 multiple trees making up the same size of lost
19 wood. Let's put it that way.

20 CHAIRPERSON HOOD: I think the key,
21 though, is mature. I mean, I think that's the
22 key for me. I'm not an arborist so I don't

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1 want to sit here and pretend to be one but I
2 think the key is when you replace them, and
3 the way I read it mature has a lot to do, I
4 think, with the tree. I think that is what --
5 at least that's the way I read it. All three
6 of us can read the same thing and interpret
7 something differently.

8 VICE-CHAIR JEFFRIES: He's saying
9 in kind, though. Are you saying that if you
10 remove a tree that has a 90-inch circumference
11 you have to replace -- have to find another
12 location for a 90? Is that what you're
13 saying?

14 MR. FEOLA: Four 25's or three
15 30's.

16 VICE-CHAIR JEFFRIES: Ah, so you
17 can -- okay.

18 MR. FEOLA: The trees have a
19 natural life as far as I know. I mean, they
20 are like every living thing. It may be 30
21 years or it may be 50 years but if this were a
22 50-year -- had a natural lifespan of 50 years

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1 and this were a 49-year tree, you wouldn't
2 want to replace it with the same size tree
3 because it theoretically would die in the next
4 couple of years. You would want to replace it
5 with two 30's or something like that.

6 COMMISSIONER MAY: It's also
7 impractical to plant something above a certain
8 size.

9 VICE-CHAIR JEFFRIES: That's what I
10 was trying to say.

11 COMMISSIONER MAY: Aren't all the
12 requirements in terms of tree protection
13 specified in the District's Tree Preservation
14 Act?

15 MR. FEOLA: Yes.

16 COMMISSIONER MAY: There was some
17 discussion of that being updated recently.
18 Did that act change recently?

19 MR. FEOLA: To my knowledge, no.

20 COMMISSIONER MAY: They were just
21 talking about it. Okay. I do think it's
22 fairly specific about trees above a certain

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1 caliber or circumference and what you do if
2 you cut them down. There are certain ones
3 that you really shouldn't be cutting down at
4 all. Right? I mean, aren't there some
5 that --

6 MR. FEOLA: Specimen trees, yes.

7 COMMISSIONER MAY: -- should never
8 be cut down in theory. I don't know that we
9 really need to go too far into tree
10 preservation if it's covered by an act of the
11 council. I don't know.

12 CHAIRPERSON HOOD: I think we do to
13 a point. Well, at least I do. At the end of
14 the day regardless -- I know there are other
15 mechanisms but at the end of the day the
16 Zoning Commission will be faulted for
17 approving this when they kill the trees and
18 other things. Even at that they are still
19 going to have to come back if they do
20 something, if they have to tweak the design or
21 something.

22 MR. FEOLA: Right.

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1 CHAIRPERSON HOOD: Why not try to
2 help flesh that out here. I know there's
3 another review process.

4 MR. FEOLA: I'm not suggesting
5 that. Actually I was going to suggest because
6 we just got this report -- letter we haven't
7 even evaluated those trees and we would like
8 that opportunity to meet with the arborists
9 and find out is this a specimen tree, can it
10 be replaced with something in kind. This kind
11 of caught us off guard.

12 VICE-CHAIR JEFFRIES: But I will
13 say my colleague, who is with the National
14 Park Service, is saying that perhaps we should
15 pull back. That carries some weight with me
16 if that's what you're saying.

17 COMMISSIONER MAY: I am with the
18 Park Service and I have to speak for the
19 trees, absolutely, but all I'm saying is all
20 these things are already specified. I assume
21 that whatever is being -- whatever the Urban
22 Forestry Administration is talking about and

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1 whatever they are requesting is being done
2 with full knowledge of the Tree Protection Act
3 and what the applicant's obligations are in
4 that regard.

5 Some of these -- I just don't think
6 that we need to get too far into it. That's
7 all I said. I didn't say we don't have to
8 worry about it. I'm just saying we don't need
9 to go too far into detail.

10 VICE-CHAIR JEFFRIES: That's fine.

11 I would imagine, as I've recommended to the
12 applicant here, to perhaps do some sort of
13 benefits, cost analysis or something related
14 to preserving the trees. The arborists might
15 come forward with something that talks about
16 what will be lost as it relates to these trees
17 being removed.

18 Perhaps that is another show for
19 another time. You know, I'm just responding
20 to the photograph here. These look like some
21 really healthy trees with really nice
22 canopies. Living in Columbia Heights where we

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1 have so little canopy, you know, some level of
2 sensitivity.

3 MR. McLAURIN: If I may add, we
4 probably have a pretty good scenario to try to
5 make some attempts here because if you look at
6 this photograph I think this is one of the
7 trees we're talking about. Because of the
8 grade this tree is basically built into this
9 berm already.

10 There is going to be a fairly
11 minimal amount of disturbance with the home
12 designs that were proposed here in the very
13 front. There will be some but we have also
14 taken our stoops and instead of running them
15 parallel to the building facade, which adds to
16 the closeness, we are running them straight
17 out so we can locate them accordingly with
18 shallow footings potentially.

19 It's more like the disturbance of
20 the improvements on the sidewalk are going to
21 potentially impact the trees more than our
22 home design so if it's a couple feet we have

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1 to move back, I mean, I think that's what
2 we're saying, we'll just go through that
3 process. We kind of have a headstart already
4 with the nature of our design.

5 VICE-CHAIR JEFFRIES: The good news
6 is that we have some of this discussion on
7 record.

8 CHAIRPERSON HOOD: We definitely
9 have it on record.

10 VICE-CHAIR JEFFRIES: Okay.

11 CHAIRPERSON HOOD: After our
12 discussion, as my colleague Commissioner May
13 just said, I have a couple of questions about
14 the National Park Service letter, just one
15 now. Let me just ask were some of the
16 concerns that we have in the February 12th
17 letter. I don't know if you had a chance to
18 speed read.

19 Case in point, it talks about the
20 retaining wall. I know that you lowered the
21 height and moved it back some. Was some of
22 that in lieu of what was asked? Obviously you

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1 have sent the National Park Service your site
2 plan from the first letter we got.

3 MR. FEOLA: I'm going to do this
4 for Mr. May's benefit. This is very
5 frustrating. We met on site for almost four
6 hours with the Park Service the second week in
7 January. We have had no -- I've talked to
8 representatives from the Rock Creek Park at
9 least three times since then.

10 To get a letter handed to us at a
11 hearing when we don't have a chance to even
12 look at it let alone respond to the concerns
13 is disconcerting and I don't think -- I mean,
14 you could have called me up and just told me
15 it was coming even. I would have appreciated
16 that.

17 Having said that, there are some
18 things in here that are just wrong in my
19 opinion as a legal matter. There is no D.C.
20 code, for example, that sets any distance from
21 any wetland and I would challenge anybody to
22 show me that code or regulation.

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1 The Park Service does not have
2 jurisdiction over this wetland. It's the Army
3 Corps of Engineers and the Department of the
4 Environment. The retaining wall reduction we
5 did before we met with the Park Service
6 because it was a comment that we heard from
7 the Zoning Commission.

8 We disagree, by the way, with the
9 idea that there are two springs on this
10 property. Our wetlands expert has been there
11 hours at a time and with the Park Service and
12 we didn't see any springs but I guess I would
13 like an opportunity to respond more formally
14 to this.

15 CHAIRPERSON HOOD: The reason I ask
16 that question is because I notice in the other
17 letter, whatever the date was, December 1st,
18 that it talked about -- at that time they were
19 asking for you to sit at the table and show
20 them the plans. This one obviously looks like
21 they saw something and that's why I was
22 wondering what the collaboration is but you

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1 put that on the record.

2 Okay. As I've been instructed
3 earlier, I'm going to leave that alone. I
4 don't want to dab too much into it.

5 COMMISSIONER MAY: Mr. Chair.

6 MR. FEOLA: I'm not blaming Mr.
7 May.

8 COMMISSIONER MAY: I appreciate
9 hearing this. Unfortunately -- well,
10 fortunately because I'm required to take all
11 of my evidence here I've had no contact with
12 them other than knowing that there have been
13 meetings.

14 MR. FEOLA: Please. I would not in
15 --

16 COMMISSIONER MAY: I understand
17 that and I know you're not expecting me to get
18 involved on that side of it or anything like
19 that but I will take note of the concern that
20 you are getting it at a late hour. Frankly,
21 the idea that it would arrive at this time is
22 disconcerting for me as well because we have to

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1 speed read it in order to absorb it and I
2 don't appreciate that when it comes from any
3 agency, let alone my own. I will take that to
4 heart.

5 I would encourage you to engage
6 directly with them and provide further
7 feedback as a result and encourage them to
8 provide further information to the Commission
9 if it's so appropriate and in a timely
10 fashion. Thanks.

11 CHAIRPERSON HOOD: Okay. Any other
12 questions? Okay. Let me see if I got this
13 right. Now, the cross examination is just
14 going to be on what we spoke about tonight
15 only. Everything else we dealt with
16 previously and you can deal with that in your
17 presentation.

18 First, let me go to the ANC. I
19 don't see --

20 MR. FEOLA: Mr. Chairman, may I --

21 CHAIRPERSON HOOD: Did I forget
22 something?

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1 MR. FEOLA: No, no, no. You didn't
2 forget anything. I would like to submit into
3 the record the revised grading plan which is a
4 reflection of the lower wall. Basically
5 there's not very much change but this is the
6 more accurate grading plan.

7 The access plan that was approved
8 by the fire department and EMS that was
9 referenced in the November 20th memo from Fire
10 to OP. In the confusion of the hearing on
11 December I failed to get it into the record
12 but --

13 CHAIRPERSON HOOD: There was some
14 confusion on December 1st?

15 MR. FEOLA: On my part, sir.

16 CHAIRPERSON HOOD: Oh, okay. I
17 wasn't present for the confusion. Okay. Are
18 you all straight, Mr. Feola? Okay.

19 I don't see Ms. Gates so Ann Haas,
20 unless the Commission tells me differently,
21 will be doing cross examination.

22 Ms. Haas. Excuse me? Come to mic

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1 if you could. Okay. Sure. Could you do me a
2 favor?

3 MS. HAAS: Yes.

4 CHAIRPERSON HOOD: Sit at the table
5 because actually the way I read the letter
6 he's assisting. I didn't know he was going to
7 be doing questions. He will be asking all
8 your questions or you both will?

9 MS. HAAS: I have a few of my own
10 for later on.

11 CHAIRPERSON HOOD: Okay. So right
12 now -- okay. I'm going to go ahead and allow
13 it. Typically we only have one person ask
14 questions.

15 MS. HAAS: Oh, okay.

16 CHAIRPERSON HOOD: My colleagues
17 remember we had to come down here another
18 night because I allowed this and I got in
19 trouble for it and I had to come and we had to
20 have another hearing so normally, Ms. Haas, we
21 have one person.

22 MS. HAAS: I see. All right.

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1 Thank you.

2 CHAIRPERSON HOOD: That's for
3 future reference but tonight both of you can
4 do it.

5 MR. CREWS: Thank you, Chairman
6 Hood. Most generous. I do have some
7 questions on the January submission. Now that
8 we have questioners do we have answerers?

9 CHAIRPERSON HOOD: If we start a
10 question, we'll know. There's somebody coming
11 to the table now. There's the architect.

12 MR. CREWS: My first question is on
13 page 2 of the January 21, 2009 letter to
14 Chairman Hood. The applicant indicated that
15 the initially proposed 14-foot retaining wall
16 at its highest was set back from the wetlands
17 approximately five feet, four inches. My
18 question was whether or not the five was a
19 typo and should have been one foot according
20 to the August 2208 site grading exhibit.

21 MR. McLaurin: No. The current
22 design has moved the wall five foot four. It

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1 does not reference the August. It references
2 the change in the design between the December
3 hearing and this submission.

4 MR. CREWS: I believe it reads,
5 "The initial proposal provided a 14-foot
6 retaining wall at its highest setback from the
7 wetlands approximately five feet four inches.

8 My question was was that a typo, the five
9 foot, because the August 2008 site grading
10 exhibit shows it at one foot -- one foot,
11 excuse me, 1.4 feet.

12 MR. McLAURIN: It depends on where
13 you take that measurement.

14 MR. CREWS: It's your drawing. You
15 want to see it?

16 CHAIRPERSON HOOD: Let him answer
17 the question. When he gives you an answer,
18 accept it and let's move on to another
19 question and then when you get ready to do
20 your presentation you can rebuttal that.

21 MR. McLAURIN: In this particular
22 location the five foot four is the dimension

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1 that is up on the slide right now. The one on
2 the left is, I believe, what you're referring
3 to. At that particular location it is five
4 foot four. The wall is straight and the
5 stream is not so I'm sure it varies.

6 MR. CREWS: It's five foot four
7 now?

8 MR. McLAURIN: No. The old
9 location which you have correctly pointed out
10 is --

11 MR. CREWS: At the corner. Not at
12 your cross section but at the corner, at your
13 right-angle corner that you've done a good job
14 in cutting that off. Yeah, that distance
15 right there. Anyway, we'll bring that back.

16 My next question was has a new site
17 grading exhibit been prepared? So we do have
18 that. I appreciate that. I haven't had a
19 chance to study this so can you tell us what
20 the closest the newly proposed retaining walls
21 come to the wetland and stream?

22 MR. McLAURIN: In its current

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1 design?

2 MR. GOODMAN: Right. It's four
3 feet.

4 MR. CREWS: Right. Thank you.
5 Okay.

6 CHAIRPERSON HOOD: Could you
7 identify yourself?

8 MR. GOODMAN: Mike Goodman with
9 VICA.

10 MR. CREWS: What's the closest --
11 again, on your site plan you show the distance
12 from building five and I appreciate that.
13 Again, it wasn't shown in the September 21st.
14 That's why I had the question prepared.

15 What protection or restrictive
16 easements will be placed upon the land to
17 ensure that future property owners are
18 prohibited from any additional filling or
19 grading of the rear yards in the common areas
20 behind buildings three and four and to
21 properly maintain the stream and wetland
22 areas?

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1 MR. FEOLA: Well, that's a legal
2 question and there are really two. One is the
3 PD covenant which if this project is approved
4 will have to be made of record. The second
5 would be in the homeowner documents that would
6 set standards for what homeowners could do
7 with common areas.

8 MR. CREWS: Would you agree that
9 this particular area would be a good thing to
10 have in the order or conditions of any
11 approved PUD so that it is in the covenant?

12 MR. FEOLA: We have always assumed
13 that it would be so I guess it would be.

14 MR. CREWS: I appreciate that.

15 MR. FEOLA: Mr. Chairman, we are
16 going way past the 15 minutes of testimony.
17 These things weren't testified to by Mr.
18 McLaurin.

19 MR. CREWS: Excuse me. If I'm
20 wrong, Mr. Chairman, but I thought we would be
21 able to question on the January 21st
22 submission, too. We haven't been able to --

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1 CHAIRPERSON HOOD: Any new -- what
2 we are doing tonight is anything that was
3 newly put into the record and what they
4 testified on because we didn't have a chance
5 to cross examine on things that have changed
6 since December 1st or whatever.

7 MR. CREWS: Thank you very much.

8 CHAIRPERSON HOOD: But if you could
9 be to the point and not rebut any questions --
10 any answers that you get, that would help us
11 move along.

12 MR. CREWS: I appreciate that. I'm
13 sorry.

14 In addition to these new retaining
15 walls have Athena consulted with a groundwater
16 hydrologist to investigate the groundwater
17 flow to the two or perhaps more springs and
18 whether the new proposed grading and
19 construction of the retaining wall structures
20 would interfere or break the flow of the
21 groundwater to these springs?

22 CHAIRPERSON HOOD: Is that new?

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1 MR. CREWS: Based on the new
2 retaining walls. They are in different
3 locations.

4 CHAIRPERSON HOOD: That's not new.
5 Next question. Page three of the January 3rd
6 letter, third paragraph states that, "The
7 project has approximately 51 percent open
8 spaces which Athena states is much greater
9 than the amount of open space provided on many
10 of the surrounding properties." Again, what
11 would be the matter of right required open
12 space of R-1-B or R-5-A. i.e., the remainder
13 from the maximum lot occupancy of 40 percent?

14 CHAIRPERSON HOOD: Mr. Crews, where
15 are you reading from?

16 MR. CREWS: Page 3 of the January
17 letter.

18 MR. McLAURIN: I don't believe
19 there is an open space requirement in those
20 two zones. I think it's a lot occupancy
21 requirement which is 48 percent. Excuse me,
22 40 percent.

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1 MR. CREWS: Forty percent lot
2 occupancy so the remainder then would be open
3 space?

4 MR. McLAURIN: No, not necessarily.

5 MR. CREWS: If it can't be a
6 structure or building, isn't that how you are
7 defining open space?

8 MR. McLAURIN: No, because you
9 would have roadways and whatnot that might
10 come out of that number.

11 MR. CREWS: Or driveways?

12 MR. McLAURIN: The permitted number
13 is 40 percent lot coverage and we're at 28
14 percent.

15 MR. CREWS: Okay. Sorry. I'm not
16 supposed to rebut.

17 CHAIRPERSON HOOD: I'm glad you
18 caught it that time without me having to say
19 anything.0

20 MR. CREWS: Okay. As you see, I'm
21 saying some for testimony. On page 3 of the
22 January letter at outline 4, I guess detailed

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1 elevations, on plate 24 through 27 it appears
2 that there are balconies on the second level
3 in the rear of units B and B-1. If, in fact,
4 there are balconies why aren't these balconies
5 shown on the side elevations of those units B
6 and B-1?

7 MR. McLaurin: We just don't
8 typically show them on the sides. They are on
9 the rears and they are indicated on the floor
10 plans. It's an element that is beyond the
11 immediate facade that we're rendering so we
12 just don't typically don't draw them on the
13 sides.

14 MR. Crews: But there are balconies
15 that would extend out from this side
16 elevation, though. Right?

17 MR. McLaurin: That's right.

18 MR. Crews: You just don't show
19 them.

20 MR. McLaurin: That's right. On
21 that drawing we don't show them.

22 MR. Crews: Um-hum. On page 9 it

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1 shows downspouts on the front of building
2 number two. Has the August 2008 stormwater
3 management exhibit been updated to show a
4 collection system for these downspouts?

5 MR. McLaurin: There is always the
6 intent to pick up all the water from the
7 rooftop and then coming around the front
8 instead of the rear. They are both going to
9 the same place.

10 MR. Crews: Thank you. Again, on
11 plates 8 through 11 is there a reason why
12 adjoining buildings are not shown in context?

13 MR. McLaurin: Because we are not
14 showing entire streets. We are just showing
15 the elevation of the building itself.

16 MR. Crews: Okay. On plate 13 is
17 there a reason why the rear yard privacy walls
18 and the neighboring existing townhomes are not
19 shown in context?

20 MR. McLaurin: These are building
21 elevations, not landscape elevations.

22 MR. Crews: Thank you. Concerning

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1 the new submission in January which previous
2 submissions, we've got July 2008 and October
3 2008, which of these submissions the plates
4 and pages have been replaced, updated, or
5 supplemented?

6 MR. McLaurin: I don't have that
7 answer without doing a tally.

8 MR. Crews: On page 3 of the
9 January letter outlining No. 5, treatment of
10 garages, there is an explanation how having no
11 sidewalks along the narrower-than-required
12 streets creates a safe environment for
13 pedestrians.

14 Is there an explanation -- excuse
15 me, in the form of a question. Is there an
16 explanation on how having no sidewalks along
17 the narrower-than-required streets creates a
18 "safe environment for pedestrians?"

19 MR. McLaurin: I think it's the
20 idea of avoiding the conflict between a
21 pedestrian and a motor vehicle. There's not
22 enough sidewalk benefit to be had by putting

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1 sidewalks over there.

2 It's our opinion that anybody that
3 wants to circulate in a pedestrian way around
4 the property will do so around the parkage,
5 not across the aprons of driveways. I think
6 it's certainly much safer to put them on a
7 continuous sidewalk than it is to walk across
8 people's driveways.

9 MR. CREWS: But they would have to
10 walk across the street to get to those houses.

11 MR. McLAURIN: That's right.

12 MR. CREWS: Then could you also
13 indicate on page 4 how recessing the garage
14 doors four feet from the property line
15 improves pedestrian safety?

16 MR. McLAURIN: Can you tell me what
17 you read? Say that again.

18 VICE-CHAIR JEFFRIES: Did you make
19 that statement?

20 MR. McLAURIN: No, that's why I'm
21 confused.

22 CHAIRPERSON HOOD: Let's go to the

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1 next question, Mr. Crews.

2 VICE-CHAIR JEFFRIES: I thought he
3 gave another reason for why they recessed the
4 garages but go on.

5 MR. CREWS: Well, excuse me. It's
6 not in the form of a question. What is the
7 maximum projection in the public space for the
8 stoops and stairs along MacArthur Boulevard?

9 MR. McLaurin: I don't have that
10 number off the top of my head.

11 MR. CREWS: Okay. We complement
12 you on reducing the one canyon in the rear of
13 buildings three and four but have you created
14 a deeper canyon in the private alley between
15 buildings one and two in terms of the
16 provision of moving the building one's fourth
17 floor to the rear rather than along MacArthur
18 Avenue? Have you increased the height of that
19 canyon?

20 MR. McLaurin: The one side of that
21 alley I wouldn't call it a canyon because a
22 canyon typically goes down into the earth.

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1 This is kind of at grade. The one side was
2 always four stories. The other side did used
3 to be three plus a 42-inch parapet wall. The
4 other side potentially increased by a few
5 feet, yes.

6 MR. CREWS: Just a few feet? Oh,
7 because of the parapet wall.

8 MR. McLaurin: Because of the
9 parapet wall.

10 MR. CREWS: Is there a provision
11 for dealing with ice in that kind of New York
12 style canyon?

13 CHAIRPERSON HOOD: You know what?

14 MR. CREWS: Okay. That's my last
15 question.

16 CHAIRPERSON HOOD: The revision
17 about ice is at the council and I think they
18 are working on that so we need to make sure we
19 deal with things in the right context if you
20 know what I mean.

21 MR. CREWS: That's all I have.
22 Thank you.

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1 CHAIRPERSON HOOD: Ms. Haas, you
2 had a few questions?

3 MS. HAAS: Later on.

4 CHAIRPERSON HOOD: Oh, during --
5 you have questions for us then?

6 MS. HAAS: No, actually for the
7 Office of Planning.

8 CHAIRPERSON HOOD: Oh, Office of
9 Planning. I got you. Okay. Thank you.

10 Mr. Hitchcock. Okay. Mr. Brown.
11 I'm sorry. Let me just say this. Canal View
12 Homeowners Association that Mr. Brown is
13 representing.

14 MR. BROWN: Good evening, Mr. Hood
15 and fellow commissioners. David Brown from --

16 CHAIRPERSON HOOD: Mr. Brown, turn
17 your mic on and if you could repeat your name.

18 MR. BROWN: Can you hear me now?

19 CHAIRPERSON HOOD: Yeah, we can
20 hear you now. Thanks.

21 MR. BROWN: I come to this a little
22 bit late having been retained after the last

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1 hearing but I've tried to come up to speed,
2 read the record and the transcript. I have a
3 question about the completeness of the record
4 in relation to what was submitted in January.

5 I just want to clarify this one point.

6 I have a piece of paper in front of
7 me called Matter of Right Zoning Parameters
8 with the date of December 1, 2008. It doesn't
9 have anybody's name on it and I would like to
10 know -- I would like to get confirmation that
11 this is your annotated table.

12 CHAIRPERSON HOOD: Mr. Brown, was
13 that in the January 21st submission?

14 MR. BROWN: I'm trying to find out
15 whether it's been updated in January.

16 CHAIRPERSON HOOD: I think that's a
17 fair question. Let's see.

18 MR. McLaurin: I've been advised by
19 Mr. Feola's assistant that was submitted in
20 January at the December 1st hearing.

21 CHAIRPERSON HOOD: Have you
22 reviewed all those submittals, Mr. Brown?

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1 MR. BROWN: Yes. My question is
2 has there been any supplement to this since
3 that time that I may not be aware of?

4 MR. McLaurin: No, there hasn't.

5 CHAIRPERSON HOOD: Is that it?

6 MR. BROWN: Are there any other
7 pieces to the annotated table that I'm missing
8 other than this? Is this everything that
9 you've done with regard to complying with
10 the --

11 CHAIRPERSON HOOD: Let me ask this.
12 We are cross examining on a now issue and I
13 let you ask the first question because you
14 weren't here previously at the December 1st
15 hearing in all fairness. The file is here,
16 the office is open.

17 You can review the file and
18 anything that they have submitted should be in
19 the file. If they've done it, it should be in
20 the file. If you want to request it or say
21 that we should look for that, then when you
22 come up to testify we can deal with it at that

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1 point.

2 MR. BROWN: I'm just trying to make
3 sure I haven't overlooked something important.

4 Thank you.

5 CHAIRPERSON HOOD: Okay. You can
6 let us know when it's time for your testimony.

7 Okay. I think Mr. Ross, Palisades
8 Citizens Association. No questions? Did I
9 cover all the parties? Okay. All these
10 parties take note are in support with the
11 exception of some conditions. That's the way
12 I read it. Okay.

13 If something has changed, when it's
14 time you can identify it at the appropriate
15 time. Okay. Let's go to the Office of
16 Planning. We also have Mr. Jennings from
17 District Department of Transportation. I'm
18 not sure if it's Ms. Brown-Roberts or Mr.
19 Lawson or Mr. Jennings or Ms. Steingasser.
20 Ms. Brown-Roberts. Okay.

21 MS. BROWN-ROBERTS: Good evening,
22 Mr. Chairman and members of the Commission.

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1 I'm Maxine Brown-Roberts representing the
2 Office of Planning. The proposal will lead to
3 the demolition of the Riverdale Psychiatric
4 Hospital which will revert the property to its
5 R-1 and R-5-A zone.

6 The proposed map amendment is the
7 result of the property to R-5-A with 37 single
8 family detached units each which will front on
9 MacArthur Boulevard in a height ranging from
10 35 to approximately 50 feet.

11 The application meets the R-5-A PUD
12 standards for the overall density of .98 FAR
13 where 1.0 is permitted, a lot occupancy of 31
14 percent where up to 40 percent is allowed in a
15 height of between 38 to 50 feet where a
16 maximum of 60 feet is allowed. Approximately
17 53 parking spaces are provided where 37 is
18 required. The applicant has requested
19 flexibility from the side and rear yards.

20 Regarding land use and urban design
21 the proposal is consistent with various
22 residential types in the neighborhood. Along

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1 with the houses open space and passive
2 recreation areas have been incorporated into
3 the site as well as the preservation of
4 wetland areas and the incorporation of
5 environmentally sustainable features such as
6 rain garden to augment the overall
7 development.

8 Development is within the height
9 limit of the R-5-A PUD district of 60 feet.
10 Although three and four-story buildings, the
11 higher buildings with four stories are
12 internal to the development and since the
13 property slopes down towards the rear
14 visibility from MacArthur Boulevard is reduced
15 and, therefore, would not seem to tower over
16 the two and three-story buildings along
17 MacArthur Boulevard.

18 Building one, which fronts directly
19 on MacArthur Boulevard, has a height of
20 approximately 35 feet and shows as a three-
21 story building on street frontage but has four
22 stories when viewed from the rear of the

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1 building due to the site topography.

2 Along MacArthur Boulevard into in
3 the single property are a variety of building
4 types, predominately residential with two and
5 three stories. Across from the subject
6 property are three-story buildings which the
7 units in building one will be compatible
8 relative to the height of the number of
9 stories.

10 Building six, which is a four-story
11 building, will be perpendicular to MacArthur
12 Boulevard and, therefore, only the side of one
13 unit would front on that right-of-way.

14 Building three, which is close to
15 the Canal View houses, has been lowered to
16 38.5 feet and three stories subsequent to the
17 original submission. This reduction in height
18 would minimize the impact on views from the
19 adjacent Canal View residences.

20 Most of the proposed houses would
21 have heights of approximately 50 feet to the
22 top of the roof. The impact on adjacent

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1 houses to the west and southwest would be
2 minimal due to the topography of the site, the
3 setbacks, and the existing and proposed
4 vegetation. The light and air impact on
5 building six to the east is not projected to
6 be significant because of the combined setback
7 of approximately 36 feet.

8 Regarding transportation and
9 access, the main access into the development
10 would be off MacArthur Boulevard. The
11 property can be accessed from Lingan Road
12 which is to the east of the property.

13 Internally the development would be
14 served by streets, proposed Street A and
15 Street B which would have widths of 20 feet
16 and Lingan Way. All would be private streets.

17 The applicant supported by the property
18 owners adjacent to Lingan Way are proposing
19 that this not be connected to Lingan Road.

20 The fire and EMS did express some
21 concerns regarding access to their emergency
22 vehicles. The original plans have been

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1 revised in conjunction with the fire and
2 emergency service to provide an acceptable
3 access and an expanded turning radius from
4 Street A to Street B. This and other
5 transportation issues will be further
6 addressed by DDOT in their report.

7 Regarding the environment, the
8 applicant proposed a variety of environmental
9 protection measures. The wetland area will be
10 enhanced with appropriate vegetation. The
11 revised plans show a reduced height of the
12 retaining walls and a reduction in the
13 canyon-like effect to the rear of the houses.

14 The applicant is proposing what is
15 called a wetland overlook with butterfly
16 gardens and a sitting area in a parkland
17 setting which would create a passive
18 recreational area for residents. Stormwater
19 management system to provide both water
20 quality and water quantity control through a
21 sand filter and pervious pavement and rain garden
22 are also proposed.

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1 The applicant provided a national
2 green building program designer report which
3 shows items to be integrated into the
4 development and would be designed at a bronze
5 level.

6 The Department of Environmental
7 Services has reviewed the application and
8 other information submitted regarding the
9 wetlands stormwater management and other
10 environmental studies and has stated in the
11 report submitted to the file that more
12 detailed review of the proposal will be done
13 if the PUD is approved.

14 Regarding the letter from Urban
15 Forestry and also the Park Service that were
16 incorporated tonight, the Office of Planning
17 did not receive copies of these prior to this
18 hearing and so we have not made an assessment
19 of those two letters.

20 Regarding landscaping, the
21 landscaping plan shows the introduction of
22 trees, shrubs, and groundcover around the

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1 perimeter of the site and would provide a
2 visible buffer to adjacent residences.

3 The applicant has submitted a
4 construction management plan dated October 30,
5 2008 submission. That is supposed to minimize
6 negative impacts on the surrounding community
7 during construction. The plan outlines among
8 other things construction route,
9 communication, work hours, parking, and site
10 management. The Office of Planning did not
11 receive any feedback from the ANC or the
12 adjacent neighbors as to sufficiency.

13 Regarding public benefits and
14 amenities, applicant proposes the following
15 amenities. Two affordable units at 80 percent
16 of the AMI, environmentally sustainable
17 development, improvement to sidewalk along
18 MacArthur Boulevard, participation in the
19 first source agreement with the Department of
20 Environmental Service, and also a commitment
21 to providing \$15,000 to the Palisades
22 Community Fund to assist in the Palisades

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1 Citizens Association projects.

2 One benefit that the applicant has
3 committed to is a cleansing of the wetland
4 areas and the creation of butterfly gardens.
5 The applicant is not proposing to participate
6 in the certified business enterprise program
7 offered by the Department of Small and Local
8 Business Development to engage in the
9 District's small and local businesses in the
10 proposed development. The Office of Planning
11 strongly encourages participation in this
12 program.

13 The application is also covered by
14 Section 2516 which is the exception to
15 controlling residents district. The proposal
16 is to subdivide the existing property into six
17 building lots which each have a principal
18 building and one lot dedicated to the private
19 right-of-way.

20 The applicant has requested
21 flexibility to reduce the required front,
22 side, and rear yard setbacks and the right-of-

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1 way with 20 feet and provide an alternative to
2 the sixty-foot radius for the turnaround area.

3 This reduction would allow the
4 applicant to combine some of the private space
5 and provide larger public open space which
6 would be available to all residents.
7 Generally setbacks are required to provide
8 light and air into buildings. The proposed
9 reduced setbacks would not compromise the
10 light and air of the proposed buildings
11 because of the adjacent open space areas.

12 Regarding the comprehensive plan
13 and public policies the future land use map
14 recommends institutional open space and
15 moderate density residential uses for the
16 property. The proposed recommendation to
17 develop the site with moderate density
18 residential is not inconsistent with that
19 recommendation.

20 However, it seems that a
21 recommendation for institutional use on the
22 site was reflective of the existing use. With

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1 the institutional use it does not seem
2 unreasonable that the property should be
3 developed with a use and at a density that is
4 compatible to the adjacent properties.

5 The land use and housing elements
6 of the comprehensive plan recommends new
7 housing and home ownership through the city
8 and proposed housing would meet these goals.
9 However, the more specific Rock Creek area
10 development plan has more specific
11 recommendation for new developments in this
12 area which the plan complies with.

13 Based on all of the above, the
14 Office of Planning recommends approval of the
15 proposal. Thank you, Mr. Chairman.

16 CHAIRPERSON HOOD: Thank you very
17 much, Ms. Brown-Roberts.

18 Let me just ask in the report dated
19 -- I know you had a supplemental. In your
20 report dated November 21st at that time you
21 mentioned -- it said, "OP notes that in its
22 current form the amenity package appears light

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1 when balanced against the flexibility
2 requested." Is that still the stance of OP?
3 I know even though you do recommend approval.

4 MS. BROWN-ROBERTS: Yes. I think
5 we have been talking with the ANC and the
6 community organizations and even some of the
7 parties. We haven't gotten any feedback as to
8 what else they would like to see to be
9 included as any other amenities. I think it
10 was our stance that they were maybe not
11 interested in anything else.

12 CHAIRPERSON HOOD: Okay. So you
13 said you haven't gotten any feedback.

14 MS. BROWN-ROBERTS: That's correct.

15 CHAIRPERSON HOOD: I don't want to
16 dwell too much on amenities packages. I'm not
17 going to tell you what newspaper to read so I
18 want to stay away from that for a while but
19 that's my only question on that.

20 The other question that I have is
21 you mentioned about the letters we received
22 from UFA and National Park Service. I don't

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1 want to go into somebody else's area and get
2 in trouble but do you think that you could
3 give us the supplemental once you read that or
4 will we be receiving something else?

5 MS. BROWN-ROBERTS: I think we can
6 do that. We would certainly talk to the
7 relevant agencies and with the applicant to
8 see how that will work out and what they want
9 to see.

10 CHAIRPERSON HOOD: Okay. That's
11 all I have. I know Mr. Jennings is going to
12 give a report.

13 MS. BROWN-ROBERTS: Yes, on
14 transportation.

15 CHAIRPERSON HOOD: Okay. My
16 colleagues may have some more questions for
17 you first.

18 Any other questions?

19 COMMISSIONER MAY: I may be
20 stealing Commissioner Jeffries' line here but
21 looking at the aerial photos and even some of
22 the information presented tonight, there is

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1 this -- you get the sense that what is being
2 proposed here is a density that depending on
3 whether you look directly across the street or
4 whether you look left or right it might look
5 in context or out of context.

6 I guess what I'm curious about is
7 whether in the view of the Office of Planning
8 is this the sort of spot where we really are
9 benefitting from tipping toward the more dense
10 development or the less dense development
11 given that the more people you put here the
12 more cars you're going to wind up with.

13 MS. STEINGASSER: Our report does
14 recommend approval, both our original and our
15 supplemental, so we obviously came to conclude
16 that the density was not inappropriate.

17 There is a very well-established
18 zoning pattern along MacArthur that does have
19 lower density detached separated from
20 MacArthur by a moderate density but we did not
21 feel that in its final form this project was
22 inappropriately dense.

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1 CHAIRPERSON HOOD: Does the ANC
2 have any cross examination? Commissioner, if
3 you could turn your microphone one.

4 MS. HAAS: Sorry. Thank you. You
5 mentioned that the highest buildings were
6 inside the development. Were you taking into
7 consideration building six that is right on
8 MacArthur Boulevard and building one whose end
9 unit is clearly four stories?

10 MS. BROWN-ROBERTS: I think I
11 mentioned in my testimony about building six
12 being fronting which was higher than those
13 that directly fronted on MacArthur.

14 MS. HAAS: And you mentioned -- at
15 least I thought I heard you say that you had
16 been talking with the ANC regarding feedback.
17 I'm wondering who you've been talking with.

18 MS. BROWN-ROBERTS: Over the
19 process I have talked to the former ANC
20 commissioner, Mrs. Gates. I have spoken to
21 Mrs. Gates on a number of occasions on this
22 application.

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1 MS. HAAS: Have you received the
2 ANC's November resolution?

3 MS. BROWN-ROBERTS: Yes, I did.

4 MS. HAAS: I thought we came out
5 with -- we were pretty clear there. Okay.
6 Light and air you say are not affected?
7 Buildings one and two are separated by a 20-
8 foot alley with a four-foot buffer on both
9 sides. How would light and air not be
10 affected?

11 MS. BROWN-ROBERTS: Well, I think
12 the light and air that I was talking about was
13 in relation to the surrounding development.
14 When I mentioned the discussion about the
15 light and air, that was in the context of the
16 adjacent development.

17 MS. HAAS: Building six is very
18 close to Fox Hall Muse and is significantly
19 higher than Fox Hall Muse. You don't think
20 that would affect their light and air?

21 MS. BROWN-ROBERTS: As I said,
22 there is a 36-foot setback from building to

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1 building and so I don't think --

2 MS. HAAS: How tall is Building
3 six?

4 CHAIRPERSON HOOD: I think what we
5 need to do is when you ask your question just
6 let her finish and then ask her another
7 question.

8 MS. HAAS: Okay. I guess I have
9 -- how does the Office of Planning measure
10 density?

11 MS. BROWN-ROBERTS: The density in
12 this area is measured over all for the total
13 development and not on the lot by lot. I'm
14 not sure if that's where you're going. The
15 total density in the lot occupancy is a PUD
16 and, therefore, it's for the total property.

17 MS. HAAS: But what are your
18 measurements in computing density? What
19 factors are you measuring?

20 MS. STEINGASSER: Density according
21 to the zoning regulations is either in the
22 lower density zones it's dictated by the

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1 square foot of the lot.

2 MS. HAAS: Lot size. Okay.

3 MS. STEINGASSER: In the moderate
4 and medium and high density zones it's based
5 on floor area ratio which is the amount of
6 square footage of a building to the size of
7 its lot.

8 MS. HAAS: Okay. Would height
9 enter into that then?

10 MS. STEINGASSER: In terms of
11 density height is a result of density. You
12 don't measure density by height. You could
13 have an equal size building that could be very
14 low and cover an entire lot or it could also
15 be multiple stories and have a much smaller
16 footprint. It's not a straightforward
17 measurement of density.

18 MS. HAAS: So side yards and rear
19 yards and front yards could also be part of
20 this?

21 MS. STEINGASSER: It could be part
22 of?

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1 MS. HAAS: A measurement of
2 density.

3 MS. STEINGASSER: I think what you
4 are referring to is perhaps the massing of the
5 buildings on the site and all of the side
6 yards and the height that tends to go towards
7 form and massing of the building, not
8 necessarily density. They are all
9 interrelated. I'm not going to try to parse
10 that but the density itself is a technical
11 measurement set out in the zoning regs.

12 MS. HAAS: Are there any buildings
13 in this neighborhood that approach this
14 density?

15 MS. STEINGASSER: We did not do a
16 comparison of the other developments to find
17 out what the density comparison was in the
18 area.

19 MS. HAAS: Thank you.

20 MR. CREWS: Thank you. In the
21 interest of time I think rather than go
22 through a colloquy on the comprehensive plan

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1 provisions we'll save that for our testimony.

2 I do have some questions for Ms. Steingasser
3 since she is the author of the supplemental
4 report.

5 My first question relates to your
6 discussion of the changes in building facade.

7 Does that discussion relate to high quality
8 development or public benefits? Again, I am
9 directing this to Ms. Steingasser.

10 MS. STEINGASSER: Ms. Brown-Roberts
11 wrote the report.

12 MR. CREWS: Oh, I'm sorry. I guess
13 it says Jennifer Steingasser on it. I'm
14 sorry.

15 MS. STEINGASSER: You guess
16 correctly. It does.

17 MR. CREWS: Does your discussion of
18 changes in the building facade, does that
19 relate to the requirements for a high-quality
20 development or for public benefits?

21 MS. BROWN-ROBERTS: No, neither. I
22 think this discussion was in relation to the

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1 request that the Zoning Commission made and
2 how the applicant responded.

3 MR. CREWS: Okay. So they don't
4 really impact on either one of those standards
5 in terms of how you got to the fact that you
6 could support this under the zoning
7 regulations.

8 MS. BROWN-ROBERTS: I'm not saying
9 that. As I said, you asked me about --

10 CHAIRPERSON HOOD: Mr. Crews, do us
11 a favor. Just step back a little bit. Sit
12 back a little bit. We normally ask people to
13 come forward. Ms. Steingasser at the
14 appropriate time when she gets ready to answer
15 your question she will. As she has already
16 stated, Ms. Brown-Roberts wrote the report so
17 let's direct the questions to her.

18 MS. BROWN-ROBERTS: As I said, this
19 supplemental report was in response to what
20 the applicant submitted and so we talked about
21 what the changes represented here. I don't
22 think this discussion went into whether it was

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1 high quality or not.

2 We think that some of the
3 discussion the Zoning Commission brought up at
4 the December 1st meeting were valid and the
5 applicant responded in an appropriate way
6 which we think was better than what was
7 proposed before.

8 MR. CREWS: Thank you. How about
9 the next section is wetlands. How
10 specifically do the revised retaining walls
11 provide more open space?

12 MS. BROWN-ROBERTS: As the
13 applicant said, they were pulled back from
14 where they were originally.

15 MR. CREWS: But have they created
16 more? Have the buildings been reduced in
17 footprint?

18 MS. BROWN-ROBERTS: No, no.

19 MR. CREWS: I thought that would
20 create more open space. Where is the more
21 open space?

22 MS. BROWN-ROBERTS: I supposed

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1 actually there isn't more open space. I think
2 what I was trying to say is that the applicant
3 talked about the canyon-like effect. What I
4 was trying to say is that with the reduction
5 in the retaining walls what happened was that
6 you had a larger area.

7 MR. CREWS: A larger area of what?

8 MS. BROWN-ROBERTS: Well, it wasn't

9 --

10 CHAIRPERSON HOOD: Let me just say
11 this. She has answered your question. Move
12 onto the next question.

13 MR. CREWS: But --

14 CHAIRPERSON HOOD: Let me say this
15 to you, Mr. Crews. Your questions need to
16 help us. You are not to prove her right or
17 wrong. What your cross examination is to do is
18 to help us.

19 MR. CREWS: I'm trying to help you
20 in the whole context of this submission. The
21 fact that there has been lots of different
22 submissions and we haven't figured out what's

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1 been replaced and what hasn't and that
2 questioning just how -- maybe it's not the
3 role and maybe I'm wrong in terms of thinking
4 that that Office of Planning is supposed to be
5 objective.

6 CHAIRPERSON HOOD: Don't give me a
7 dissertation. Let's just go ahead and ask
8 questions.

9 MR. CREWS: I am trying to help you
10 out. For example, in the volumetric studies
11 there is a super-imposed proposed development
12 to show density at the higher or the lower end
13 of the variety of density within the
14 community.

15 MS. BROWN-ROBERTS: I don't know.
16 I think it says here that it shows the
17 development, that the area is developed with
18 the different unit types and lot size and
19 density of the space and architecture.

20 MR. CREWS: How many buildings are
21 limited to three stories?

22 MS. BROWN-ROBERTS: I don't think

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1 that there is one building that is totally
2 limited to the three stories. There are some
3 units that are three stories.

4 MR. CREWS: Is there a reason why
5 you say that the buildings in the proposal
6 would remain at four stories with a few having
7 three stories and now you're saying that none
8 of them do? I would give you the building
9 three has three stories.

10 MS. BROWN-ROBERTS: Right. I think
11 maybe I just used the wrong term but what I
12 was trying to say is that some of the
13 buildings have four stories, or some of the
14 units have four stories and some have three.

15 MR. CREWS: How many have three?

16 MS. BROWN-ROBERTS: I don't know
17 the exact number.

18 MR. CREWS: All right. How many
19 stories does building six have?

20 MS. BROWN-ROBERTS: I think
21 building six has four stories.

22 MR. CREWS: Is building six

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1 completely internal to the development or is
2 it along a boundary?

3 MS. BROWN-ROBERTS: I think the
4 side is along the MacArthur Boulevard
5 boundary.

6 MR. CREWS: All right. In your
7 sentence the visual height measured from the
8 front of the building to the top of the
9 parapet would now be between 35 and 49 feet.
10 Which parapets are you referring to?

11 MS. BROWN-ROBERTS: When I said
12 the 35 that would be the three-story
13 buildings.

14 MR. CREWS: Or building. We're not
15 sure. Right?

16 MS. BROWN-ROBERTS: Right. Or
17 unit.

18 MR. CREWS: In the next section on
19 roof terraces you note that the fourth floor
20 of most of the units in building one would be
21 visible. Or do you state in the next section
22 that the fourth floor of most of the buildings

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1 in building one would be visible and that the
2 gap created by the lower affordable units
3 would be noticeable from both MacArthur
4 Boulevard and building two?

5 MS. BROWN-ROBERTS: Yes.

6 MR. CREWS: And is that not
7 inconsistent with the comprehensive plan where
8 it talks about affordable buildings being
9 indistinguishable in outward appearance from
10 the rest of the units?

11 MS. BROWN-ROBERTS: That is one of
12 the things that we brought to the attention of
13 the applicant.

14 MR. CREWS: Okay. But it wasn't
15 -- it didn't add into your support, though?

16 MS. BROWN-ROBERTS: No.

17 MR. CREWS: My next question is on
18 the miscellaneous items. No. 1, you state
19 that the table provided by the applicant in
20 the December 1st hearing, which I believe is
21 this one, complies with 11 DCMR Section
22 2403.11(a). Does it comply with 2403.11(b)?

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1 MS. BROWN-ROBERTS: I don't know.
2 I didn't state that here.

3 MR. CREWS: We don't know that.
4 Okay.

5 CHAIRPERSON HOOD: Okay. Let me
6 just say this again. If you could back away
7 from the mic. I don't back all the way. Just
8 back up a little bit.

9 MR. CREWS: I'm sorry. Yeah. I'll
10 watch that. Okay. Is the table even accurate
11 when it says that in matter of right zoning
12 for R-5-A that attached houses and apartments
13 are matter of right in R-5-A or do the not
14 require a special exception?

15 MS. BROWN-ROBERTS: I think they do
16 require a special exception.

17 MR. CREWS: Okay. Does the table
18 comply with Section 2403.11(c)?

19 MS. BROWN-ROBERTS: I don't have
20 that in front of me. That was not alluded to
21 in my testimony.

22 MR. CREWS: I guess I'm not sure,

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1 Mr. Commissioners, who is responsible for
2 making sure that the submissions comply with
3 the requirements, whether it's the Office of
4 Zoning or the Office of Planning but hopefully
5 somebody is.

6 CHAIRPERSON HOOD: Let me just say
7 this to you. Again, I want to remind you to
8 be helpful to us. Right now you're not
9 helping us.

10 MR. CREWS: It's not helpful to
11 point out that the submissions don't comply
12 with --

13 CHAIRPERSON HOOD: Not for you to
14 try to --

15 MR. CREWS: I'm sorry.

16 CHAIRPERSON HOOD: -- testify and
17 be so quick. What you need to do is just ask
18 the questions of cross examination and move
19 forward so we can move on. Other people who
20 want to ask questions, the other people in the
21 audience who want to testify this is not this
22 kind of show.

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1 MR. CREWS: I just have one last
2 question on the record. Does the table comply
3 with Section 2403.12?

4 MS. BROWN-ROBERTS: I'm sorry.
5 Again, I don't have that in front of me.

6 MR. CREWS: Does the table show
7 what the public benefits are and how it shows
8 these benefits are superior in quality and
9 quantity to a matter of right luxury
10 development?

11 MS. BROWN-ROBERTS: From looking at
12 the table it doesn't but I think that the
13 applicant did address those elements in the
14 proposal. This is the applicant's table and
15 not the Office of Planning but -- that's it.

16 MR. CREWS: No. 2, have you seen
17 any assessment of the existing retaining wall?

18 MS. BROWN-ROBERTS: I think, as I
19 said, it's stated here that we haven't
20 received such an assessment.

21 MR. CREWS: Okay. That didn't
22 impact on your decision to continue to approve

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1 the project.

2 MS. BROWN-ROBERTS: I think that is
3 going to be something that as I have spoken to
4 the persons from Canal View Citizens
5 Association that was going to be something
6 that was worked out between the applicant and
7 the association.

8 VICE-CHAIR JEFFRIES: Mr. Crews and
9 also, quite frankly, I mean, they have
10 obviously given a recommendation to approve so
11 if there is something in here it's a given
12 that a particular item did not rise to the
13 level that would prevent them from
14 recommending it.

15 I just don't know how productive
16 you're being here. I understand that you're
17 catching them on a number of places and so
18 forth but I just don't know how productive
19 you're being.

20 MR. CREWS: I think you've -- I've
21 helped you out as much as I can at this point.

22 Thank you very much.

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1 CHAIRPERSON HOOD: Okay. Mr.
2 Hitchcock, Mr. Brown.

3 MR. BROWN: Ms. Brown or whoever
4 wants to tackle this question. What is the
5 percentage increase in density over matter of
6 right density if this application is approved?

7 MS. BROWN-ROBERTS: I'm sorry. I
8 don't have that information in front of me but
9 that is something that I could provide to you.

10 MR. BROWN: Would you agree that is
11 an important consideration for the Commission
12 in evaluating the application?

13 MS. BROWN-ROBERTS: Yes, it is.

14 CHAIRPERSON HOOD: Ms. Brown-
15 Roberts, you just don't have it at this time.
16 As we proceed on just interrupt anytime and
17 let us know when you get that.

18 MS. BROWN-ROBERTS: Okay.

19 MR. BROWN: Ms. Brown, your report
20 dated February 2nd was the same date that I
21 submitted a hearing statement to the
22 Commission so I understand your report doesn't

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1 mention my hearing statement. I wonder if you
2 had an opportunity to review it since that
3 time.

4 MS. BROWN-ROBERTS: Yes, I did.

5 MR. BROWN: Do you have any
6 disagreement with my analysis of the annotated
7 table in that statement?

8 MS. BROWN-ROBERTS: I don't.

9 MS. STEINGASSER: I believe that
10 exceeds the scope of what we testified to. We
11 neither testified to or rebutted your table.

12 MR. BROWN: I would like to have my
13 question answered unless the Chair overrules
14 the question.

15 CHAIRPERSON HOOD: To be frankly
16 honest, I was reading this and I didn't hear
17 your question. What was your question?

18 MR. BROWN: The question was
19 whether they had any disagreement with my
20 hearing statements analysis of the annotated
21 table presented by the applicant.

22 MS. STEINGASSER: I believe, Mr.

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1 Chair, that exceeded the scope of our
2 testimony.

3 CHAIRPERSON HOOD: They didn't
4 comment on that. When you come up for your
5 testimony, as I stated earlier, we will hear
6 what you had to say about the table.

7 MR. BROWN: I was hopeful that the
8 Commission would want to hear the Office of
9 Planning's view on what we submitted but if
10 that's out of order, it's out of order.

11 MS. STEINGASSER: Mr. Chairman,
12 could I just add a little bit? I think there
13 is some confusion about the role of the Office
14 of Planning. We are not a pre-permit
15 screening agency so we don't go through and
16 look at the building plans of these kinds of
17 projects. We look at it in terms of the
18 comprehensive plan and the zoning criteria but
19 we are not a pre-permit screening agency.

20 CHAIRPERSON HOOD: Right. I
21 understand that, Ms. Steingasser. I do know
22 and I am very well aware that the Office of

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1 Planning -- I would encourage others to do as
2 community groups do, especially mine, and
3 invite the Office of Planning out to your
4 neighborhood and let them give you a role of
5 exactly what they do.

6 I know Ward 5 and I ward I live at
7 they come and tell us. Not necessarily Ms.
8 Steingasser but she has been out and others
9 come to the community and tell us exactly what
10 their role is. I never expected I was going
11 to have a community meeting down here at the
12 Zoning Commission but I guess, you know,
13 anything is possible. You may continue.

14 MR. BROWN: I don't have anything
15 further.

16 CHAIRPERSON HOOD: Thank you.

17 Okay. Mr. Ross, Spence Spencer has not
18 come in, has he? Oh, he won't be coming in?
19 Okay. Thank you. I understand. Mr. Ross, do
20 you have any cross examination? Okay. Thank
21 you.

22 Now, and I actually should have

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1 done this before we started cross examination.

2 Mr. Jennings from DDOT.

3 MR. JENNINGS: Good evening,
4 Chairman and fellow commissioners. My name is
5 Jeff Jennings. I work for the District's
6 Department of Transportation. We have
7 reviewed --

8 CHAIRPERSON HOOD: I'm sorry. I'm
9 sorry. We don't want to have to come back.

10 Mr. Feola, did I ask you? I didn't
11 ask you? Okay.

12 I'm sorry, Mr. Jennings.

13 MR. JENNINGS: Thank you. We have
14 reviewed the traffic consultant's report
15 associated with the application. As you can
16 see from our report that's dated November 20,
17 we felt that the fire access played a very
18 heavy role in our decision in not supporting
19 this particular application.

20 We do realize that D.C. Fire and
21 EMS has submitted additional testimony that
22 states that based on revisions to the site

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1 plan submitted that D.C. Fire has no objection
2 to this request as long as fire department
3 access is maintained and construction is in
4 compliance.

5 What we set out to do with this
6 particular application first and foremost was
7 to understand how the applicant planned on
8 making the private streets work with the
9 public right-of-way so you have Langan Way
10 and, if it's helpful, I can sort of point
11 through the schematic over here.

12 Langan Way is the private right-of-
13 way which is right here and the applicant
14 agreed to landscape the small divide area
15 between the private right-of-way and the
16 public right-of-way.

17 What caught DDOT slightly off guard
18 was when we heard verbal testimony earlier
19 back in December how it wasn't going to be
20 landscaped but instead it would have some sort
21 of different composite or something that would
22 include breakable bollards or something to

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1 that effect which, quite frankly, DDOT has a
2 very difficult time approving any kind of
3 bollard, never mind them being breakable or
4 them being under lock and key. We're
5 interested in understanding who would maintain
6 the key if a ladder truck or a fire truck had
7 to gain access to that particular area from
8 Lingan Road into Lingan Way since that is one
9 of the applications I think I heard as far as
10 trying to keep that divide.

11 We were supportive of the applicant
12 keeping the streets private. That was always
13 something that we told them from the very
14 beginning. However, at the December testimony
15 I sitting here listened in on how D.C. Fire
16 and EMS had made the recommendation that some
17 sort of landscaping to divide the private
18 right-of-way from the public right-of-way was
19 not sufficient for a fire truck to drive over.

20
21 Instead D.C. Fire agreed to some
22 different type of application. That is kind

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1 of where our concerns lie. We are aware of
2 the community's concerns that the internal
3 streets may be too narrow. We don't believe
4 that is any really big concern of ours.

5 We think the narrow streets
6 actually encourage slower vehicular movement
7 and, therefore, the pedestrians and vehicles
8 are on streets A and streets B. We feel that
9 the slow vehicle movement would be safe enough
10 for vehicles and pedestrians to travel in the
11 same right-of-way.

12 We are aware also that D.C. Fire
13 signed off on the revised rendering that shows
14 a large turn radius for what I believe to be a
15 43-foot ladder truck to get through the area.
16 Those are kind of where we had some concerns
17 with respect to the overall development that
18 we're dealing with.

19 CHAIRPERSON HOOD: Mr. Jennings,
20 your position has not changed. It's just that
21 you are aware of what the fire department has
22 come back and said.

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1 MR. JENNINGS: Yes, that's correct.

2 What I have in front of me is a November 24
3 memorandum that I think cites a November 10
4 memorandum. The November 10 memo from D.C.
5 Fire to the Office of Planning states, "Based
6 on the site plan submitted D.C. Fire and EMS
7 has determined that the application is not in
8 compliance." It goes on to state the code.

9 On the second page of that November
10 10 memorandum from D.C. Fire the mountable
11 curbs is really kind of, I think, what we are
12 talking about right now. The proposed
13 mountable curb on Lingan Road is prohibited.
14 The vertical curbs shall not be placed at the
15 entrance of or within fire access. Mountable
16 curbs and gutter are not approved by the D.C.
17 Fire Marshall.

18 However, in the November 24
19 memorandum from D.C. Fire back to the Office
20 of Planning it simply states, "Based on
21 revisions to the site plan submitted, D.C.
22 Fire has no objection to this request." It's

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1 not exactly clear what the applicant plans to
2 use to divide Lingan Road from Lingan Way, a
3 private right-of-way from the public right-of-
4 way and that's a concern to DDOT.

5 VICE-CHAIR JEFFRIES: I just want
6 clarity here. I want to be clear in terms of
7 emergency vehicles and fire they will still be
8 able to traverse Lingan Way and get into this
9 development? I'm unclear about this
10 landscaping here that is right at this road
11 there.

12 MR. JENNINGS: I think we are, too.
13 What I was under the impression initially was
14 that the applicant had gone to D.C. Fire, had
15 run the landscaping divide in front of D.C.
16 Fire at which time D.C. Fire said, "We cannot
17 allow the landscaping to happen or the
18 mountable curbs or whatever that particular
19 material was going to be made of.

20 VICE-CHAIR JEFFRIES: We have to
21 have egress.

22 MR. JENNINGS: We have to have

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1 pavement is essentially what I believe D.C.
2 Fire told the applicant. That is where they
3 resorted to we can install breakable bollards
4 on top of pavement and, therefore, we can have
5 large vehicles drive over the pavement instead
6 of trying to mount a landscaping application.

7 VICE-CHAIR JEFFRIES: Okay. What
8 DDOT is saying that there really should be no
9 bollards or landscaping. Clearly this needs
10 to be a through street.

11 MR. JENNINGS: No. That's not
12 right. We support the divide. We support
13 Lingan Road being disconnected from Lingan Way
14 because the applicant is willing to maintain
15 the private streets within the development.

16 VICE-CHAIR JEFFRIES: What about
17 the fire trucks? I guess that's the confusion
18 for me.

19 MR. JENNINGS: We agree and that's
20 where it became slightly confusing for us as
21 well when we began to get the memorandums late
22 in November from D.C. Fire to the Office of

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1 Planning stating on the second page of the
2 November 10 memo mountable curbs. We can't do
3 that.

4 VICE-CHAIR JEFFRIES: Okay. We can
5 stop here because obviously the applicant at
6 some point is going to clear this all up for
7 us.

8 CHAIRPERSON HOOD: Other questions
9 of Mr. Jennings?

10 COMMISSIONER MAY: I'm sorry to
11 keep beating a dead horse but can you say what
12 DDOT wants?

13 MR. JENNINGS: We supported the
14 divide.

15 COMMISSIONER MAY: I'm not asking -
16 - I mean, what physical solution would you
17 want to see?

18 MR. JENNINGS: Our preference is to
19 have landscaping divide the public right-of-
20 way from the private right-of-way. We
21 supported the separation and we still support
22 that today.

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1 COMMISSIONER MAY: But Fire won't
2 accept that?

3 MR. JENNINGS: It appears they will
4 only with what sounds like bollards. These
5 bollards would potentially be under some kind
6 of lock and key scenario. They would be
7 breakable bollards and it's not very often if
8 at all DDOT really ever supports the use of
9 bollards in any kind of context, even when --

10 COMMISSIONER MAY: Okay. Why does
11 the fire department want bollards? I thought
12 that was an alternative to having a landscape
13 divide? I thought they wanted to have paving
14 with bollards. Did I misunderstand that?

15 MR. JENNINGS: That's what their
16 preference is and that is not our preference.

17 COMMISSIONER MAY: Okay. They want
18 paving and bollards and you want the landscape
19 divide.

20 MR. JENNINGS: Correct.

21 VICE-CHAIR JEFFRIES: In either
22 case the fire department needs to be able to

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1 barrel through.

2 MR. JENNINGS: That's correct.

3 COMMISSIONER MAY: They don't
4 really want to have bollards. That's just an
5 alternative way of providing separation.
6 Right?

7 MR. JENNINGS: Bollards was one of
8 the options is my understanding that supports
9 the separation.

10 COMMISSIONER MAY: But if there
11 were a drivable landscape solution that would
12 be okay from their point of view and probably
13 yours as well and probably wouldn't require
14 bollards.

15 MR. JENNINGS: From our point of
16 view that would be fine. That's what we
17 agreed to initially. However, in the November
18 10 memo it states mountable curbs, which I
19 think is the application involving some sort
20 of landscape that would be the division.

21 COMMISSIONER MAY: Okay.

22 CHAIRPERSON HOOD: I don't know who

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1 wants what. Let me just ask this. I'm going
2 to ask the applicant to come up. My colleague
3 the Vice Chair wants you to come up. I know
4 we don't do things sometimes around here while
5 I've been chair in sequence but I believe we
6 are going out of sequence so we understand.

7 Let me ask this, though. You
8 referred to the November 20th memo which is
9 the one I can find. Did you mention what
10 compliance with the international fire code
11 was? You may have. Can you help me with
12 that?

13 MR. JENNINGS: Yeah. Bear with me
14 just for a second. Thanks.

15 CHAIRPERSON HOOD: Which letter is
16 that you're looking at?

17 MR. JENNINGS: This is November 10
18 from Gary L. Palmer, D.C. Fire Marshall,
19 Deputy Fire Chief to the Office of Planning.
20 "Based on the site plans submitted, D.C. Fire
21 and EMS has determined that the application is
22 not in compliance with Section 503.1 of the

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1 international fire code as detailed below.

2 Approved fire apparatus access
3 roads shall be provided for every facility,
4 building, or portion of a building hereafter
5 constructed or moved into or within the
6 jurisdiction.

7 The fire apparatus access road
8 shall comply with the requirements of this
9 section and shall extend to within 150 feet of
10 all portions of the first story of the
11 building as measured by an approved route
12 around the exterior of the building or
13 facility." In the memo they go on stating --

14 CHAIRPERSON HOOD: "Further, the
15 applicant has requested a waiver from zoning
16 regulations which recommends a 60-foot
17 diameter turn-around at the end of the cul-de-
18 sac." I guess I would have to echo what my
19 colleague said, what does DDOT want. Let's
20 hear from the applicant and I want to come
21 back to that question. I don't know if you
22 got your answer but what does DDOT want?

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1 VICE-CHAIR JEFFRIES: Actually, I'm
2 clear about what DDOT wants. I just want to
3 know exactly what's happening.

4 COMMISSIONER MAY: What's the
5 solution?

6 VICE-CHAIR JEFFRIES: I understand
7 what DDOT is looking for. I didn't but now I
8 do.

9 CHAIRPERSON HOOD: Let's make sure
10 we're all on the same page. What does DDOT
11 want?

12 VICE-CHAIR JEFFRIES: They want the
13 landscaping. They don't want to put the
14 bollards there. They don't want this to look
15 like St. Louis. I'm sorry, St. Louis, but
16 it's a fact. Yeah, they just don't want the
17 bollards there. They would like a softer
18 approach to closing off the stub road from the
19 rest of the roadway there.

20 CHAIRPERSON HOOD: What does the
21 fire department want?

22 MR. JENNINGS: According to the

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1 conversation I had with another fire marshall
2 by the name of Chris Rogerson, who provided me
3 these couple of pages from D.C. Fire, Mr.
4 Rogerson let me know that they were receptive
5 to bollards, breakable bollards, bollards that
6 would perhaps be under lock and key at which
7 point during the phone conversation I had with
8 Mr. Rogerson I let him know that it's not very
9 often, if at all, DDOT ever accepts bollards
10 whether they're private roads or public roads
11 it provides the appearance of that much more
12 of a road that is being cut off with no
13 access. The only application that really kind
14 of uses it in abundance is the federal
15 government.

16 CHAIRPERSON HOOD: In a coordinated
17 effort, I'm sure.

18 COMMISSIONER MAY: I wouldn't
19 necessarily agree with that either.

20 CHAIRPERSON HOOD: Notice I said
21 coordinated effort. I'm employed with the
22 federal government. Okay.

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1 VICE-CHAIR JEFFRIES: I'm sorry. I
2 just wanted -- the Chair has --

3 COMMISSIONER MAY: I think what we
4 should be clear about, though, is not that the
5 fire department is advocating bollards. What
6 they want to do is they want to be able to
7 drive through. The solution to providing
8 separation that they would accept so far is
9 bollards.

10 VICE-CHAIR JEFFRIES: Right.

11 COMMISSIONER MAY: Until the
12 applicant comes up with a better solution that
13 satisfies everybody.

14 VICE-CHAIR JEFFRIES: The fire
15 department is not at this point agreeing to
16 the softer approach of the landscaping. Is
17 that your understanding, Mr. Jennings?

18 MR. JENNINGS: That's correct.

19 COMMISSIONER MAY: Because it
20 involved a curb, a drive-over curb.

21 MR. JENNINGS: The softer material.
22 It's my understanding --

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1 COMMISSIONER MAY: Right, softer
2 material, too.

3 MR. JENNINGS: The softer material
4 would not support the weight of a heavy
5 apparatus and, therefore, they wanted
6 something with a much more durable surface.

7 VICE-CHAIR JEFFRIES: Mr. Chair,
8 can you indulge me here and if we could hear
9 from the applicant on this matter.

10 MR. FEOLA: Thank you, Mr.
11 Chairman. The outline of what occurred that
12 Mr. Jennings just testified to is pretty close
13 to being very accurate. The application that
14 was before you in December that was filed, the
15 prehearing submission, had indeed a separation
16 between Lingan Road and Lingan Way which was
17 landscaping with a rolled curb and with like a
18 grass creek base so the fire truck could roll
19 over it. The fire department always wanted,
20 as Mr. May suggested, access to those couple
21 of houses including two existing houses from
22 Lingan Way.

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1 Their initial conversation with us
2 that seemed to be okay as it went up the chain
3 and in the internal fire department review
4 they determined that wasn't acceptable and
5 submitted the memorandum of November 10th, I
6 believe, that Mr. Jennings alluded to.

7 We got that memorandum and we sat
8 down and tried to work out a solution with
9 them. The solution that they have approved to
10 date is the fire access plan that I turned in
11 tonight that was done by VICA, Mr. Goodman, in
12 consultation with the fire department which
13 has collapsible bollards separating the two.

14 We are pretty comfortable that if
15 this project were approved working with the
16 community, the neighbors, and the fire
17 department we could come up with a softer
18 solution. In the rush to get here on December
19 1st with some approval we took the lowest
20 common denominator which was collapsible
21 bollards.

22 VICE-CHAIR JEFFRIES: Let me just

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1 state for the record --

2 MR. FEOLA: If this were approved
3 we would ask the Commission's approval to
4 either allow us to adjust this entrance to
5 meet the fire department's concerns in the
6 softest way possible. If you look at the
7 exhibit that's up there that was part of the
8 December filing you can see the right-of-way
9 of Lingan Road.

10 The public right-of-way is much
11 more narrow than Lingan Way but we have a lot
12 of room to plant on our property even if we
13 put bollards in, I guess that's another way of
14 saying it, on both sides of what would be a
15 drive isle.

16 VICE-CHAIR JEFFRIES: Okay. Thank
17 you. I am certainly in agreement with DDOT.
18 Without actually seeing what the bollards
19 would look like I would be very much opposed
20 to that. I mean, clearly this might be
21 something that the fire department will go
22 forward in but I just think it's not in

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1 keeping with the District. I mean, in a
2 residential zone it's somewhat offensive to
3 me.

4 MR. FEOLA: It's clear it wasn't
5 the applicant's preference.

6 VICE-CHAIR JEFFRIES: I understand
7 that but I just wanted to put that on the
8 record.

9 MR. FEOLA: I also think if we had
10 to go to collapsible bollards we would design
11 something that looks nicer than --

12 VICE-CHAIR JEFFRIES: We don't get
13 there because I think that is quite
14 distasteful. I know you're not proposing
15 this. You are responding to the fire
16 department but I just don't think that is an
17 acceptable solution.

18 CHAIRPERSON HOOD: Mr. Jennings or
19 maybe someone from the Office of Planning --
20 thank you, Mr. Feola -- is there another -- I
21 know that DDOT has another sign-off to a
22 point. I'm not sure what the scope of it is

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1 but what about the fire department? Do they
2 also have another sign-off?

3 MS. STEINGASSER: The project will
4 go through multiple technical reviews both
5 through its building permit and through any
6 use of public space. The public space will go
7 to the public space committee and have to be
8 approved for any use of public space,
9 temporary or permanent. Then the building
10 permits will go through the full agency review
11 of Fire, EMS, WASA, all the different utility
12 and building agencies.

13 CHAIRPERSON HOOD: Okay. All
14 right. Any other questions, Mr. May?

15 COMMISSIONER MAY: Just another
16 question of Mr. Jennings. The Urban Forestry
17 Administration is a division of DDOT. Right?

18 MR. JENNINGS: It's an
19 administration within DDOT. That's correct.

20 COMMISSIONER MAY: Have you all
21 coordinated on that response or was this a
22 surprise for you?

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1 MR. JENNINGS: I received it just
2 yesterday.

3 COMMISSIONER MAY: So it was a
4 surprise to you?

5 MR. JENNINGS: Slightly. They did
6 ask last week if the administration for which
7 I work, Planning and Policy, had submitted
8 comments for this case which I replied yes.
9 He wanted to see those comments and then I
10 just received his comments in turn just
11 yesterday.

12 COMMISSIONER MAY: Okay. I guess
13 what I'm curious about is whether the extent
14 to which the letter that we received
15 represents official DDOT policy or whether
16 there is further discussion that will be
17 happening within DDOT.

18 MR. JENNINGS: I think it does
19 represent DDOT policy. If we put our report
20 together instead of coming in piecemeal the
21 way we did, you know, obviously it would have
22 had the appearance that we collaborated on

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1 this in a much earlier basis.

2 COMMISSIONER MAY: Okay. All
3 right. Thanks.

4 CHAIRPERSON HOOD: Any other
5 questions? Any cross examination, Mr. Feola?
6 Okay. Ms. Haas.

7 MS. HAAS: I have two questions.
8 How big is the turnaround?

9 MR. JENNINGS: How big is the
10 turnaround? The radius that I have on this
11 rendering shows what I believe to be a 28-foot
12 curb radius which would allow -- if I could do
13 the math for you here tonight, I would but I
14 honestly can't. I want to say obviously it
15 meets the specifications of D.C. Fire. They
16 would not have put that in their November 24
17 memorandum if it didn't. I think that's where
18 you're maybe trying to go with this.

19 MS. HAAS: I'm just trying to
20 figure out if 60 feet is what's usual, what
21 they have as an acceptable substitute.

22 CHAIRPERSON HOOD: I think he

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1 answered the question. At least whatever is
2 accepted has already been received and the
3 fire department has already approved.

4 MS. HAAS: Okay. My second
5 question is the exact opposite of the way
6 we've been going and that is I'm interested
7 that DDOT doesn't like the idea of bollards.
8 The thought occurred to me what if there is an
9 emergency within this development and people
10 need to be evacuated. Do those bollards work
11 the other way? Could people get out?

12 MR. JENNINGS: I don't know. I
13 think that's where some of the concern sits,
14 how do these work.

15 CHAIRPERSON HOOD: Thank you, Ms.
16 Haas.

17 MR. FEOLA: I just have a couple of
18 questions of clarification. Currently DDOT
19 still has not approved the development.
20 Right?

21 MR. JENNINGS: That's correct.

22 MR. FEOLA: Part of your

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1 conditions, you have listed a lot of
2 conditions and I won't get into too many of
3 them but I just did want to reemphasize that
4 you believe the development should be excluded
5 from the residential permit parking.

6 MR. JENNINGS: That's correct.

7 MR. FEOLA: I appreciate that. And
8 that your recommendation is that the
9 Commission should approve the application that
10 would include all of your conditions?

11 MR. JENNINGS: We would like to see
12 them happen, yes.

13 MR. FEOLA: Thank you very much.

14 VICE-CHAIR JEFFRIES: Excuse me,
15 Mr. Jennings. Are there a lot of examples in
16 the District of these collapsible bollards,
17 particularly in residential zones?

18 MR. JENNINGS: That's a really good
19 question. We've been tossing this idea around
20 within DDOT for maybe the past couple of weeks
21 or so knowing that this hearing was coming up.

22

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1 I honestly can think of only one
2 example and they are used to safeguard private
3 parking spaces whereby during the day somebody
4 will erect the bollard and you cannot park
5 obviously in that parking space with a bollard
6 that is probably as high as two and a half,
7 maybe three feet.

8 At night when someone comes home
9 the bollard, I presume, is unlocked by the
10 person who is to park in that parking space.
11 The only example I can come up with is private
12 parking right off of U Street closer to 16th
13 and U. There is parking off of an alley and
14 these bollards sit in these private parking
15 spaces.

16 VICE-CHAIR JEFFRIES: Oh, wow.
17 That's my neighborhood. Where is this again?

18 MR. JENNINGS: If you are familiar
19 with where the old Nevin Kelly art gallery
20 used to sit on 16th and U.

21 VICE-CHAIR JEFFRIES: Yes, I
22 absolutely know where that is.

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1 MR. JENNINGS: Travel up through
2 that alley that leads you up to W, I think, or
3 V.

4 VICE-CHAIR JEFFRIES: I travel
5 through that alley.

6 MR. JENNINGS: As you travel north
7 look on your left-hand side and there are
8 bollards in that alley.

9 VICE-CHAIR JEFFRIES: Okay. I
10 will. It just seems like there is so much
11 liability, potential liability associated with
12 something like this beyond the aesthetic piece
13 of it. I mean, it just seems like a slippery
14 slope. You don't want to go there. Again, go
15 to St. Louis, okay? I was there recently.

16 COMMISSIONER MAY: What do they do
17 in St. Louis?

18 VICE-CHAIR JEFFRIES: Just
19 bollards.

20 COMMISSIONER MAY: They block
21 roads?

22 VICE-CHAIR JEFFRIES: I think it's

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1 probably an ugly legacy of a city but, you
2 know, there are a lot of private streets and
3 they are all blocked off with these bollards
4 everywhere. Some of them are very nice but
5 you cannot get around that city in many
6 places.

7 COMMISSIONER MAY: I don't know if
8 they still exist but I do believe there are
9 similar circumstances at some universities.
10 Georgetown University I think have certain
11 places where they don't want vehicles going on
12 a regular basis so they have a single bollard
13 that is actually hinged and lays flat.

14 It's keyed and I believe the fire
15 department has the keys much like they have
16 keys to every fire control room in every
17 office building in the city. That's what I
18 understood the concept to be.

19 MR. JENNINGS: They are common
20 along where a campus walk may sit and if you
21 perhaps need service vehicles to enter onto
22 the campus walk whereby the bollard would then

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1 fold down.

2 VICE-CHAIR JEFFRIES: That's a
3 campus. That's different.

4 COMMISSIONER MAY: It's not a
5 residential application but it's an
6 application.

7 CHAIRPERSON HOOD: Any other
8 questions? Mr. Feola, since we took you out
9 do you have another -- since we took you out
10 of order come on back up.

11 MR. FEOLA: Actually I do have a
12 couple of cross examination questions because
13 I didn't know that the DDOT report was in
14 opposition quite frankly.

15 VICE-CHAIR JEFFRIES: I'm sorry. I
16 didn't --

17 MR. FEOLA: I guess, Mr. Jennings,
18 my question is because the November 20th memo
19 that you referenced says that DDOT believes
20 limiting access on Lingan Road would have no
21 impact on the connectivity of MacArthur
22 Boulevard. Is that still --

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1 MR. JENNINGS: That's still
2 accurate. We wrote that with the idea that --

3 MR. FEOLA: I understand but the
4 concept --

5 MR. JENNINGS: Soft landscaping.

6 MR. FEOLA: That is still the
7 position DDOT supports?

8 MR. JENNINGS: To allow the
9 applicant to install some type of divide from
10 Lingan Way to Lingan Road.

11 MR. FEOLA: All right. Does DDOT
12 have any problem with the traffic impact that
13 would be caused by the construction of this
14 project?

15 MR. JENNINGS: That hasn't been a
16 concern of ours.

17 MR. FEOLA: As I heard you testify
18 DDOT does not have a problem with the width of
19 the streets. Is that correct?

20 MR. JENNINGS: That's right. We
21 actually support the narrow streets in this
22 particular case. We feel that they would

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1 temper speeds and allow for much slower
2 vehicles. If you have no sidewalks, as is the
3 case with this development, pedestrians would
4 not necessarily be in a tough position to
5 compete with slow vehicular traffic.

6 MR. FEOLA: Those are all my
7 questions. Thank you.

8 CHAIRPERSON HOOD: Thank you.

9 VICE-CHAIR JEFFRIES: Mr. Jennings,
10 let me just be clear here in terms of your not
11 approving the PUD and map amendment is based,
12 one, on the Lingan Way situation. Then also
13 what are the other reasons?

14 MR. JENNINGS: I don't think we
15 have any other reasons.

16 VICE-CHAIR JEFFRIES: So that's it.
17 Once that gets settled you could be -- you
18 will side onto this perhaps.

19 MR. JENNINGS: Yes.

20 VICE-CHAIR JEFFRIES: Okay. Thank
21 you.

22 CHAIRPERSON HOOD: Okay. Mr.

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1 Hitchcock.

2 MR. HITCHCOCK: Thank you, Mr.
3 Chairman. Good evening, Mr. Jennings. I'm
4 here on behalf of, for the record, Dr. and
5 Mrs. Shafer and Dr. Sarafian and Mr. Meyer who
6 live on Lingan Way which is the bollards or
7 the landscaping or whatever would go in.
8 Thank you for meeting with them in the past.
9 We do appreciate it.

10 First of all, as a preface, we are
11 delighted that DDOT is opposing the
12 connectivity between Lingan Way and Lingan
13 Road. Am I correct in that?

14 MR. JENNINGS: That's right.

15 MR. HITCHCOCK: Okay. Would DDOT
16 be willing to work with fire and emergency
17 services and the applicant and neighbors on a
18 solution that would be satisfactory to the
19 parties and could be presented to the
20 Commission?

21 MR. JENNINGS: We can work towards
22 a solution. We tried to work with Fire and

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1 EMS in the past and it hasn't always been a
2 happy ending.

3 MR. HITCHCOCK: Okay.

4 MR. JENNINGS: I do want to
5 forewarn you on that.

6 MR. HITCHCOCK: Okay. I appreciate
7 that.

8 Thank you, Mr. Chairman. I have
9 nothing else.

10 CHAIRPERSON HOOD: Mr. Hitchcock,
11 we really appreciate you much success. We are
12 rooting for you. We are rooting for the
13 collaboration you are going to have.

14 MR. HITCHCOCK: I look forward to
15 it as well.

16 CHAIRPERSON HOOD: Okay. Thank you
17 very much.

18 MR. HITCHCOCK: The clients will
19 have to live with the consequences because
20 it's right next to them.

21 CHAIRPERSON HOOD: Okay. Mr.
22 Brown.

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1 MR. JENNINGS: Just so you are
2 aware of my name, my name is Jeff Jennings
3 with DDOT.

4 MR. BROWN: Mr. Jennings.

5 MR. JENNINGS: Hi, Mr. Brown.

6 MR. BROWN: I just have a quick
7 question for you about the November 20th
8 memorandum from Karina Ricks of the District
9 Department of Transportation. Have you
10 reviewed that?

11 MR. JENNINGS: Yes, I authored it.

12 MR. BROWN: Okay. The first two
13 paragraphs on the second page express concern
14 about congestion of traffic on MacArthur
15 Boulevard. How do you square that expression
16 of concern with the statement you made tonight
17 about the traffic impact of the project?

18 MR. JENNINGS: I guess I would
19 square that with if you could show me a
20 roadway in the District of Columbia at about
21 8:30 in the morning that isn't congested, then
22 we should probably get together, especially

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1 around a private school like Georgetown Day
2 School.

3 MR. BROWN: Do you believe that the
4 marginal impact of this project will increase
5 that problem?

6 MR. JENNINGS: Not to the point of
7 where we wouldn't disapprove it, or we would
8 disapprove it I should say. The marginal
9 impact is not to the point of where we would
10 disapprove this.

11 MR. BROWN: But there would be some
12 -- there would be some measurable adverse
13 impact?

14 MR. JENNINGS: I'm sure on some
15 days more than others you may see a queue of
16 vehicles trying to exit this particular
17 development and trying to enter onto
18 southbound MacArthur to get into Georgetown or
19 onto Whitehurst freeway, sure.

20 MR. BROWN: Thank you.

21 CHAIRPERSON HOOD: Thank you, Mr.
22 Brown.

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1 Mr. Ross. Okay. I think I've got
2 all the parties.

3 Now we are going to the report of
4 the ANC-3D. They have requested an hour. I'm
5 going to ask Ms. Haas have you -- you know,
6 let me just say this. We have other reports
7 of other government agencies. I don't think I
8 need to flesh that out. We've talked about
9 that enough.

10 I'm going to ask Ms. Haas as you
11 make your way to the table if you can tell me
12 are you going to need that whole hour? Okay.
13 We're going to take a three-minute break.
14 I'm sorry. We're going to take a five-minute
15 break.

16 (Whereupon, at 9:05 p.m. off the
17 record until 9:10 p.m.)

18 CHAIRPERSON HOOD: Let's continue
19 this hearing. Please come back to order. We
20 are going to have the report of the ANC. I
21 will tell you we're going to go ahead and get
22 started because we are going to try to finish

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1 tonight. That's the goal. I am going to take
2 survey at about -- well, shortly.

3 Let me ask this. We know about the
4 parties. With the exception of the parties
5 are there any individuals here in support?
6 Any individuals here in opposition? In
7 support? Okay. Let me do it one more time.
8 Any individuals here in support? Any
9 individuals in opposition? Any individuals in
10 support with conditions? Any individuals in
11 opposition with conditions? Okay. That
12 covers everybody.

13 Let's go ahead and have the ANC
14 report. We have a proffer from Ms. Julie
15 Moore who is, I guess, an expert on wetlands.

16 Colleagues, we have a proffer in front of us.

17 Let me ask Mr. Feola -- I was going to ask
18 Mr. Feola did he have a problem with that but
19 I guess he doesn't. Silence is golden.

20 Okay, colleagues.

21 MR. CREWS: I don't want to speak
22 for him but I talked with him earlier and he

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1 didn't appear so at that point.

2 CHAIRPERSON HOOD: Okay. Mr.
3 Feola, I was just saying if you had any
4 problems with Mrs. Moore. Does anyone have
5 any problems with Mrs. Moore being proffered
6 as an expert?

7 MR. FEOLA: No, sir.

8 CHAIRPERSON HOOD: Any questions?

9 MR. FEOLA: No.

10 CHAIRPERSON HOOD: Okay. Ms. Haas,
11 she will be proffered as an expert. Okay.
12 You may begin your testimony.

13 MS. HAAS: Before I start I would
14 like to enter into the record a letter today
15 from the president of the Board of the Foxhall
16 Citizens Association supporting the ANC,
17 supporting the Palisades Citizens Association,
18 and supporting the Canal View Homeowners
19 Association. All entities are in accord on
20 this project. Who do I give this to?

21 CHAIRPERSON HOOD: You can just
22 have Mr. Crews give it to Ms. Schellin for us.

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1 MS. HAAS: Can I start? Phil,
2 maybe I should sit by you. First slide. This
3 is going to be a virtual tour of the
4 neighborhood. We heard comments from the
5 Commission in December about a volumetric
6 study so I wanted to provide a bit of context
7 so you could see how the proposal would be
8 integrated.

9 This is, as you can see, the aerial
10 shot. We've got Canal Road, the C&O Canal,
11 Capital Crescent Trail, the Tow Path of the
12 canal, and the old street car right-of-way.
13 Of course, right below this slide is the
14 Potomac River so we are very close here.

15 This is the zoning map. That is
16 the Georgetown Reservoir. The little strip
17 along MacArthur is R-5-A. Everything else, as
18 you can see, in the neighborhood is R-1-B. As
19 you go up Foxhall we have Foxhall Village.
20 That polka dot area is the German Embassy.
21 Further up Foxhall becomes R-1-A.

22 This is the Park Service's map. I

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1 wanted to include this because it shows an
2 important -- the red X is the spot. You can
3 see Foundary Branch and then the C&O Canal
4 meets Rock Creek which goes into the river.
5 What happens on this property will go into the
6 canal and into the river and that goes into
7 the Chesapeake Bay as we know. We've got some
8 significant water issues that we need to be
9 aware of and prepare for.

10 CHAIRPERSON HOOD: No one has a
11 pointer that Ms. Haas could borrow, do you?
12 Can we go back to that other slide?

13 PARTICIPANT: I have one.

14 CHAIRPERSON HOOD: Thank you very
15 much. Appreciate that.

16 Ms. Haas, if you could go back to
17 that slide and repeat exactly what you said.

18 MS. HAAS: Okay. This is the site,
19 the Potomac River, Canal Road. Where is
20 Foundary Branch? Here. In fact, I believe I
21 have a slide of where Foundary Branch flows
22 into the canal and then into the river so that

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1 is extraordinarily close.

2 This is Park Service land here and
3 that is the area they are concerned about.
4 There is also a creek that this water will
5 flow into. If you go down into Georgetown
6 here we have Rock Creek and that goes into the
7 canal and into the river and that goes into
8 the Chesapeake Bay, something that we all care
9 a lot about.

10 Okay. I included this because of
11 the Lingan Road/Lingan Way division but even
12 beyond that we've got Canal View houses here
13 which you can see are single separated. The
14 newer houses on MacArthur are distinguished by
15 their tiny size.

16 This is Foxhall Muse. These are
17 less than 1,000 square feet units. These are
18 the two houses on Lingan Way. These are two-
19 story apartment buildings that as you can see
20 have backyards. This is a three-story
21 apartment building that has both a front and a
22 rear yard. These are both built in 1937 three

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1 years after our elementary school.

2 Okay. Now we are looking at
3 single-family homes. These are victorians
4 along MacArthur Boulevard, five in a row.
5 This is across the street. These are the two-
6 story what they call flats because they are
7 only four units.

8 This is the apartments that have
9 the yards. Here we have the old and the new
10 right next to each other. You don't see a
11 whole lot of a setback there nor here. This
12 is Foxhall Muse, extraordinarily congested.
13 Their green space is actually gray space.

14 This is right next to the hospital.

15 These houses as you can see from the shade
16 from just a tree will be impacted by building
17 six. The tree is fairly far away and yet it's
18 casting a shadow so 36 feet of a 30 whatever -
19 - 40 whatever story building is going to have
20 an impact.

21 This is the parking lot right next
22 to Lingan Way. Now we have the juncture of

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1 the two. Actually here are a couple of those
2 rooftop units that you were asking about.
3 We've got the 12-foot road there. Here is
4 Canal View with the retaining wall, couple of
5 drains and a very narrow neck.

6 On this site the proponent is
7 suggesting two houses would fit. It's a steep
8 slope and it goes down to a culvert which I'll
9 show you in a minute looking through the trees
10 towards Lingan Way from Canal View.

11 This is a stairway behind this very
12 steep retaining wall 30 feet. I just put this
13 in because I thought it was kind of nice.
14 This is our commercial area, office buildings
15 and then a couple of stores on MacArthur.
16 Foxhall is right there.

17 This is the Riverside Hospital.
18 These are the houses that are so close. This
19 is the exercise yard for Riverside Hospital.
20 Pretty close here. The turnaround at the
21 hospital.

22 This is on MacArthur. These are

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1 new houses that were built in 2004 and have
2 been incorporated into the Canal View
3 Homeowners Association. Georgetown Day
4 School. By the way, they have 300 cars
5 entering between quarter of 8:00 and 8:15
6 every day at Georgetown Day.

7 Canal View. You can see there is
8 an ambience here in terms of light, air,
9 space. In fact, the Park Service wanted these
10 houses built in earthtones so that the
11 viewscape from Canal Road and from across the
12 river wouldn't be impaired.

13 Another Canal View shot. They've
14 got three turnarounds. By the way, they've
15 got 65,000 square feet of open space on this
16 five-acre property. That doesn't count the
17 yards. This is the intersection of Foxhall
18 and MacArthur. R-1-B starts here.

19 This is Foxhall Road just around
20 the point. These are duplexes. Not bulky but
21 I think they are 1926. These are turn-of-the-
22 century pistachio and lavender. Foxhall Road.

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1 This is where we start getting into Foxhall
2 Village with the tudor revival architecture.
3 This is a detached house. Although Foxhall
4 Village is basically rowhouses it has semi-
5 detached and detached.

6 That's our school Hardy. It's
7 leased to lab school right now, built in 1934.

8 This is Q Street and Foxhall Village. You
9 can see there is parking on both sides of the
10 street. This is pervious actually and they
11 have frontyard setbacks and there is another
12 circle down here.

13 It's a rowhouse development but it
14 has space. Here's the parkway. That was a
15 duplex and then a semi-detached. These are
16 among the larger houses in Foxhall Village.
17 Quite beautiful. They have rear yards as
18 well. It predates the village.

19 This is a Buy Right site plan where
20 we see the R-1-Bs and the R-5-As, 26, and what
21 we are looking at now is 37 so that is a
22 pretty significant increase. Oh, I should

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1 mention this one house is right in the
2 wetland.

3 Okay. I really hadn't prepared to
4 give a PowerPoint when I marked this up but
5 you can see that the bulk of the property is
6 R-1-B and then MacArthur Boulevard part is R-
7 5-A. This is what Athena has called the
8 concept plan. There is no rain garden and no
9 buffer for the wetland. This is a maximum
10 footprint of 43 lots.

11 What Athena began with was one
12 condo and then 41 units. Now they are down to
13 37. Some of us think they are moving in the
14 right direction but they are not there yet.
15 This is the circulation path. Well, you can
16 see there is kind of an issue. There's no way
17 -- yeah, that's it.

18 VICE-CHAIR JEFFRIES: For the
19 record, say that again.

20 MS. HAAS: There's no way to
21 circulate. The arrows end at deadends.

22 VICE-CHAIR JEFFRIES: Okay.

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1 MS. HAAS: This is probably not
2 even visible for you but it just records that
3 the heights are over what is typical. This I
4 put in because it shows the topography and the
5 steep slope, the wetland area. These are the
6 houses that Athena bought including the
7 private street.

8 This is another slide from Athena
9 that shows the shadows. There is a pretty
10 significant bulk there that we don't see
11 elsewhere in the neighborhood.

12 MR. CREWS: You might also notice
13 that building four, which is the one just past
14 this one in the center, how it does tower
15 over.

16 VICE-CHAIR JEFFRIES: Put the
17 pointer.

18 MR. CREWS: The one behind it.
19 Yeah. That's 4 and how it towers over the
20 Canal Park house to the right.

21 MS. HAAS: Okay. Go ahead. Okay.
22 This was kind of interesting. Commissioner

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1 May mentioned mathematics last time. There is
2 one lot that has the -- it stays within the
3 lot occupancy requirements.

4 Okay, go ahead. This is the most
5 mundane slide I could find but it does
6 actually have educational value in that these
7 two garages are 20 feet wide and, in fact, are
8 20 feet deep. What we're looking at here is
9 400 square feet.

10 Some of the lots in buildings one
11 and two are as small as 800 square feet and
12 some are 900 so that would be two of these
13 garages plus another 10 by 10 bit of building.

14 The other significant thing is that 20 feet
15 is the measurement between buildings one and
16 two plus the four-foot addition on each side.

17 This is what the buildings would be separated
18 by.

19 VICE-CHAIR JEFFRIES: Wait. Back
20 up. Your point here is that if you take the
21 dimension of both garages that totals 20?

22 MS. HAAS: Right.

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1 VICE-CHAIR JEFFRIES: And you're
2 just trying to get us to understand the scale
3 here --

4 MS. HAAS: Right.

5 VICE-CHAIR JEFFRIES: -- as it
6 relates to the distance between buildings A or
7 one and two.

8 MS. HAAS: One and two, right.

9 VICE-CHAIR JEFFRIES: Okay. Thank
10 you.

11 MS. HAAS: We've got a problem. We
12 are losing our tree cover. We're losing trees
13 that help prevent erosion runoff, give us
14 oxygen, absorb carbon dioxide and other
15 pollutants. It's happening mainly because of
16 development.

17 This provides a little economics, a
18 quick lesson, stormwater benefits and air
19 pollution removal. Now we're on site. This
20 is at the top of the lot. This is where water
21 comes in on the Riverside property. This is
22 the wetland and you can see how very close the

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1 marker is to the actual water.

2 Actually, we visited the site and
3 we found two springs earlier this week. They
4 were moving from -- you know, on their own.
5 They were not coming as the result of a pipe
6 dropping water into them. They were just
7 moving and we could see little metallic sort
8 of specks.

9 Here's the stream. I know
10 Commissioner May mentioned boys like to go
11 into the streams but girls do, too. That's a
12 moving part. I put this one in because this
13 is where the retaining wall would be and this
14 is the wetland. This is a piece of paper that
15 is 11 inches so if you go one, two, three,
16 four, five, six or seven feet between the
17 actual wet area and the retaining wall.

18 This is the other end of the
19 property. This is the culvert where the water
20 flows. A Park Service resource person told me
21 that two years ago when we had a terrible
22 drought this culvert was wet. Okay. This

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1 speaks for itself.

2 This was very interesting. In one
3 of these springs that was bubbling we found
4 what he called a macro invertebrate and that
5 provides an indication that this water is
6 still okay.

7 This is for a historical
8 perspective. Actually, I talked with a
9 neighbor last week who is 80 something and has
10 lived in the neighborhood for 50 years. She
11 said there was a pond on this property that
12 she recalls. I guess I would like to comment
13 to Mr. McLaurin's comment about the site being
14 topographically challenging. For this
15 building there was no challenge.

16 This is kind of interesting, a 1937
17 magazine from Good Housekeeping. They said
18 they were going to start coming out with their
19 architectural buildings and furnishing
20 standards to provide a guideline for their
21 readers. This is the beginning of the Good
22 Housekeeping Seal of Approval.

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1 Look what we have, Foxhall Village.

2 This particular stretch they compare it to
3 something up here that is unremarkable.
4 Foxhall Village was built by two different
5 developers but the original one, Boss and
6 Phelps, wanted to have symmetry. Commissioner
7 May mentioned symmetry. There is in Foxhall
8 Village circles.

9 What he did was provide mirror
10 images around circles so there is a lot of
11 imagination there. It's not just carbon
12 copies. This is at the bottom of Volta Place.

13 You can see when the houses were built. They
14 have, again, front yards. Even with the early
15 trees there is space and charm.

16 This is at Canal Road and Foxhall
17 and MacArthur. If you go through here you
18 will go along the tow path and there is, I
19 believe, a spillway from the canal into the
20 river there. I have yet to verify it with the
21 Park Service. This is the tunnel that takes
22 you under Canal Road to the tow path. This is

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1 the spillway. Here it is again.

2 This is the point at which the
3 water comes out from the Riverside Hospital
4 into the canal. I put this in for a couple of
5 reasons. One is that you can see the father
6 is trying to warm his hands. The child is
7 having a wonderful time.

8 These houses are of a scale that is
9 pretty typical of the area.

10 Hardy Field is, as you can see, very popular.

11 It is permitted every day of the week during
12 spring and fall soccer seasons.

13 This report came out right before
14 our first hearing. This is a local
15 conservation group, the Potomac Conservancy.
16 They issued a report and they said how
17 important it is to prevent runoff from city
18 pavements, roofs, and lawns. You probably saw
19 this as well.

20 The Bay has a lot of appeal for a
21 lot of us so what we do in our yards winds up
22 in the river and winds up in the Bay and guess

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1 what's the victim. This was kind of an
2 interesting shot. Actually, this house is in
3 litigation right now.

4 I put this in for inspiration.
5 It's kind of interesting that a commercial
6 building was able to get a platinum rating.
7 First school in the US. Kind of nice that
8 it's here.

9 Keep going. This was a very recent
10 topic. The Palisades Recreation Center was
11 deciding what to do with a lot that became
12 available after a house was removed.
13 Neighbors had a range of opinions of what to
14 do with it. "Make it all parking." "No, keep
15 some trees." "No, have some rain gardens."
16 One person made this comment and I thought
17 isn't that really what it's all about. I
18 guess I would apply the same principle here.
19 That's it.

20 Sorry, I didn't introduce myself.
21 I'm Ann Haas. I'm the single member district
22 commissioner from this neighborhood.

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1 MR. CREWS: At this time I think we
2 would like to hear from Julie Moore.

3 MS. MOORE: As stated, I'm Julie
4 Moore.

5 CHAIRPERSON HOOD: Can you turn
6 your mic on for us?

7 MS. MOORE: I'm afraid I'll be like
8 Bill. I talk too loud. Can you hear we now?

9 CHAIRPERSON HOOD: Yeah, I can hear
10 you and I'm not going to hit the button up
11 here.

12 MS. MOORE: I was asked on several
13 occasions to take a look at this particular
14 property because of my expertise in wetlands
15 and related issues regarding water quality.
16 I've been to the site three times. I started
17 going there in September and have gone there
18 most recently on Monday.

19 One of the things I would like to
20 say is that the site was much more accessible
21 now that most of the weeds and briars have
22 collapsed due to the cold and we were able to

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1 really take a better look at the site than we
2 had ever done before.

3 That is why I think the concept of
4 the springs and whether we have springs or not
5 on this site they are very visible. Whereas
6 before when you were standing in briars up to
7 your neck it was a little hard to find those
8 even though your feet might have been a little
9 damp.

10 I think there is more water on that
11 site than we had anticipated to start with and
12 that's one of the most recent observations
13 I've made at that site. I'm going to make a
14 few points very quickly about my observations
15 while I was there.

16 Certainly this site has been
17 impacted for many years between the hospital
18 that was there, the neighbors, the lab rock
19 place. There has been a lot that has gone on
20 in that site for along time. It has certainly
21 been altered and impacted but it is still a
22 functional wetland. Although it's very much a

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1 linear area and condensed now it does have
2 value.

3 Also the thing that we have said
4 over and over again is the proximity of that
5 property to the Potomac River and to parkland
6 is really pretty unique. In this area is very
7 little buffer and that's why it's so important
8 to keep those wetlands on that property, I
9 think, in a functional state and in a high-
10 quality condition.

11 One of the things that's hard is
12 because there's not much room for that narrow
13 corridor where the stream is running to really
14 function. It's going to change as that
15 property is developed in several ways. One
16 is there is going to be an immediate issue
17 when the property is cleared and all the
18 debris.

19 Where does it go? Inevitably
20 something goes into the lowest elevation. It
21 goes into the wetland or goes down slope.
22 That's going to be during the construction

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1 phase. There's the clearing phase and then
2 the construction phase.

3 Then the long-term impacts are
4 going to happen after construction is
5 completed and basically the runoff from the
6 property. The other part is what do people
7 throw in wetlands and push into wetlands even
8 in upscale neighborhoods in places you don't
9 look at very often.

10 For years I mapped wetlands and we
11 always found wrecked cars in water when you
12 work in rural areas. When you look at this
13 property today the thing that we found along
14 that wetland were pretty interesting, the ones
15 that floated in and the ones that had been
16 deposited. Through the years it has become a
17 receptacle that certainly could be used to be
18 cleaned up.

19 The main thing I'm talking about is
20 function and how to keep that functioning
21 going. Part of it is to protect the site
22 while the construction or clearing of the

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1 construction is happening and then to have
2 really done the planning sufficiently so that
3 the runoff is coming in from that site, though
4 most of it will be treated, does not overwhelm
5 the limited system.

6 The narrow corridor along that
7 wetland high volumes of water in there are
8 basically going to scour that channel out and
9 then that would release all the condensed.
10 Right where the culvert went in, one of the
11 last slides you saw, that is a place where
12 water backs up.

13 We've seen in the past there was
14 actually a small lake there because the drain
15 blocked up and water couldn't get through.
16 With more development, more action on the site
17 the potential of what goes down that stream
18 and tries to get through that little hole is
19 going to be kind of interesting to watch and
20 see how that happens.

21 Certainly it will block
22 construction materials or branches and that

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1 type thing but sediment won't be blocked. It
2 will continue to flush through and go on down
3 through parkland and into the Potomac.

4
5 I'm talking too fast, aren't I?
6 Okay.

7 CHAIRPERSON HOOD: You're doing
8 just fine.

9 MS. MOORE: So the possibility of
10 an increasing in water in that channel is
11 important. The other part of that situation
12 there is we do have a seepage slope and the
13 larger wetland that's depicted where there is
14 going to be a wetland overlook.

15 In that area we found more evidence
16 recently when we were out there of more
17 wetland plant species that indicate there is
18 seepage, active seepage coming off that slope.

19 Certainly it has been impacted in the past
20 but it is a feature of the site and it will
21 continue I suspect. Unless something major
22 happens there it will continue to be a series

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1 of water coming off that slope.

2 One of the things that was
3 mentioned which I think is commendable is
4 enhanced wetland plantings. Well, on one
5 level that sounds like a great idea. Another
6 thing is when you put plantings in, I'm a
7 gardener and maybe many of you all are, you
8 disturb the soil.

9 You dig holes and you put
10 fertilizer in and then you plant plants.
11 Well, that's disturbing the site even more.
12 Certainly you would want to enhance it but
13 there is really a lot growing there already
14 that could use protection rather than it be
15 removed, torment the site, and put more plants
16 in.

17 It's probably not as attractive as
18 it could be but there are a lot of other ways
19 to get it that way rather than to come up with
20 a site design that basically tears out and
21 impacts the existing wetland.

22 One of the things that I'm a little

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1 worried about is the proximity of the
2 butterfly garden, which I think are great
3 ideas, and the overlook to the seepage area
4 and how that's going to affect it.

5 Also, there's a problem, potential
6 problem, of the stormwater coming out of the
7 sand filter. It discharges right on the slope
8 below where the seeding area is going to be so
9 you have a problem of probably eroding that
10 site by extra water coming out of that site.

11 That's going to take a lot of
12 planting to make sure that you don't end up
13 with more of a mess and an expensive thing to
14 clean up by not looking at it in a
15 comprehensive fashion to start with.

16 The changed plans that have pulled
17 the building back and the tall retaining wall
18 is very commendable. That's great that the
19 grotto effect or the cavern will be less than
20 it had been. I think the setback that's been
21 planned of about 10 or 11 feet is really
22 pretty short.

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1 That for a wetland to function in
2 could change with precipitation, with runoff,
3 with all the things that are going to be
4 happening. That's a pretty narrow corridor
5 for that wetland to have to function in. Two
6 things are going to happen.

7 We have a wooden wall on one side
8 and I'm not sure what on the other side. It's
9 going to be concrete or wood. The extra
10 volume coming down there and even with the
11 existing flow it's undermining. It will
12 undermine both walls on both sides.

13 When you put two walls in you have
14 no place for it to go except against those
15 walls. I think there is a greater need for a
16 buffer there just for the safety of the people
17 with the big wall that's there and for the new
18 construction that's going to happen.

19 There are seepages along --
20 drainage along the creek itself but there are
21 also seepages along there. It's a more
22 complicated site than maybe meets the eye is

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1 what I'm trying to say. It is functional.

2 It looks like the water quality is
3 good enough to have a few interesting things
4 living in it today. It needs special
5 attention during the clearing, construction,
6 and the long-term management of the site.

7 And the water quality itself is the
8 big issue. What is going to happen as that
9 water moves off this site and from the
10 adjacent sites because they feed into it also
11 as it goes immediately downstream onto public
12 lands and then into the river.

13 This isn't exactly -- there's not a
14 long system there for filtration. It's a
15 pretty quick movement into a major body of
16 water. Those are my concerns pretty well
17 summed up. Did I forget anything real
18 important?

19 MS. HAAS: Tell them what wetlands
20 do.

21 MR. CREWS: Well, let me -- we'll
22 end up with that, what wetlands do, because

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1 it's very important but you did recommend that
2 a 25-foot buffer between the stream margin and
3 any new construction would be minimally
4 appropriate. Right?

5 MS. MOORE: For this particular
6 area and what I have observed on the Philips
7 property and other properties being developed
8 in the District, I would say that's a minimum
9 that you usually would recommend. There is no
10 ordinance I don't think about that but that
11 allows enough of the wetland to function in.

12 MR. CREWS: The other thing you
13 noticed, I think, on Monday that some of the
14 wetland species are actually -- you referenced
15 this I think when you were talking about the
16 seepage coming off that -- coming out of the
17 ground in that area where the overlook would
18 be and where building five would be that there
19 is seepage coming out and there are wetland
20 plants outside of the current delineation of
21 the wetland.

22 MS. MOORE: Yes, I did make that

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1 observation.

2 MR. CREWS: Then just close up with
3 what are wetlands good for.

4 MS. MOORE: Well, I thought we all
5 knew that by now but they are good because
6 they absorb so much from what comes off the
7 surrounding land. That's not the aesthetic
8 part of it. Usually wetlands can be extremely
9 aesthetic. We have birds. We have plants.
10 There is that value to it which people have
11 always appreciated.

12 Basically in today's world they are
13 extremely important for holding water, slowly
14 releasing it, taking up nutrients. Think
15 about how many places on this property. We
16 are going to have a rain garden that takes
17 water in, too. They do a lot of things that
18 pavement doesn't do. I think that is the main
19 value of this particular property. It's not a
20 gorgeous wetland. It's pretty homely really
21 but it does function.

22 MR. CREWS: Thanks. I will take

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1 the next baton and do the next part. I wanted
2 to do a couple things. It seems like that
3 based on the hearing so far that we are
4 probably going to be asking for additional
5 submissions so that was one reason why we
6 didn't go through our testimony. We have
7 given it to you and you can look at it.

8 I had a couple things to key in on
9 the standards. For a PUD high-quality
10 development. I think we've got a high-quality
11 development but it's supposed to provide
12 significant features that go -- superior
13 features that go significantly beyond a
14 matter-of-right development.

15 A matter-of-right development at
16 this price point is going to have all of these
17 features that they are providing. It appears
18 that they haven't met that burden. We are
19 asking you and advising you as the ANC to
20 really take a hard look at that balancing
21 effort that you have to do.

22 I wanted to also point out again

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1 just for ease of your consideration and
2 deliberation the kind of confusion we got from
3 the Office of Planning on whether or not this
4 -- we don't think the requirements have been
5 met for the information given.

6 This is the stack of the three
7 submissions and the PowerPoints that they've
8 provided and, again, trying to figure out how
9 all of these fit together. I think in our
10 recommendation that Commissioner Tom will get
11 to that helps us to be able to kind of pull
12 all this together because we are an opponent.

13 We do think -- the Commission does
14 think the residential use, high-quality
15 residential use is good. As we've stated,
16 we're concerned about the density, the height,
17 and the wetlands and we'll get into those.

18 I wanted to for lack of not just
19 talk but to be taught to direct you to Exhibit
20 6 -- excuse me, Exhibit 10 in our testimony
21 that we've given you because I think that from
22 my standpoint advising ANC-3D and based on my

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1 experience that we need accurate plans. We
2 need consideration of the regs and we need to
3 look at everything in context.

4 You notice that my questions like
5 cross examination of the applicant today
6 talked a lot about none of their pictures show
7 everything. Other than the volumetric one
8 really show everything in context. You saw a
9 really nice pretty building but you didn't see
10 how close it was to the next building.

11 I don't know if it's appropriate.
12 I do have three copies -- in the interest of,
13 I guess, economics I do have three copies of
14 color pictures that I would be glad to --

15 VICE-CHAIR JEFFRIES: Excuse me.
16 What exhibit are we looking at?

17 MR. CREWS: Ten.

18 VICE-CHAIR JEFFRIES: Ten.

19 MR. CREWS: I'm sorry, 10. It
20 would be helpful to have the color ones. I
21 don't know if that is procedurally right.
22 Probably not. I couldn't find my thumb drive

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1 so we don't have -- you do have the grayscale
2 ones.

3 The first picture is based on a
4 slide that the applicant had in their December
5 1st hearing PowerPoint presentation that
6 purported to show building heights. They
7 purported to show across the street on
8 MacArthur that the buildings -- even tonight
9 in their slide they showed -- you've got a
10 picture across the top that these buildings
11 exceed 40 feet in height. It's hard for me --
12 well, I've had no formal training in
13 architecture and construction and it's hard
14 for me to figure that those buildings exceed
15 40 feet in height.

16 Similar to the building down at the
17 corner of Foxhall and MacArthur that that
18 building is supposed to exceed 40 feet in
19 height. Maybe from the curb to the top of the
20 dome it gets close. I don't think so but the
21 point is these are also all just three-story
22 buildings. Of course, that is what we are

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1 interested in.

2 The building there on Lingan Way
3 very well may be 40 feet high and four
4 stories. As a former zoning administrator I
5 do not understand how that building ever got
6 permitted if the plans were submitted that
7 way.

8 In fact, they are searching now,
9 they are still searching to see if there are
10 building permits for that. Again, it's
11 questionable whether or not that 40-foot
12 building really should be counted at all.

13 On the second slide is a picture of
14 the site from the east from the top of the old
15 trolley embankment looking west. The diagram
16 is one provided by the applicant to the ANC.
17 It's reversed mainly so that the perspective
18 is the same. That's why the words are all
19 backwards or mirror image.

20 The yellow house on the right is
21 the proposed building four, the four-story
22 height. The gray that is on the left is the

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1 Canal View house. You can see the chimney
2 back there. Let me double check to see how
3 well you can see the chimney.

4 Well, you can see the chimney and
5 kind of the outline of the peaked roof on that
6 house. You can see not only from their
7 diagram but actually in the picture itself
8 just how towering that four-story building
9 will be.

10 The next slide is again from the
11 trolley embankment. Excuse me, it's from both
12 different directions, from the hospital
13 driveway and from the trolley embankment. The
14 real thin lines don't show up and I apologize
15 but basically I took the picture from one spot
16 looking at the other spot, went over there and
17 took a picture of that spot looking back at
18 the original spot. I put in, in your case in
19 the black, the bulk of the four-story building
20 five. On the --

21 VICE-CHAIR JEFFRIES: Wait, wait.
22 I'm sorry. The boxes that you are showing

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1 represent the height?

2 MR. CREWS: Approximate height
3 because you can see on the right at the top
4 photo and on the left on the bottom photo is
5 the house on Lingan Way.

6 VICE-CHAIR JEFFRIES: Okay.

7 MR. CREWS: Again, it's not to
8 scale but it's to give you an idea.

9 VICE-CHAIR JEFFRIES: Okay.

10 MR. CREWS: The next slide really
11 does go with Ann's pictures of the wetland and
12 pictures of both of the two springs that we
13 identified and that Julie confirmed that we
14 found on Monday. You can see the rushes and
15 the wetland plants that are there.

16 You can also see on that top and,
17 again, it's probably not in black and white as
18 clear but there is an awful lot of trash that
19 a good neighbor would have probably already
20 picked up.

21 Then, finally, this may help again
22 with the Urban Forestry, pictures of the

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1 Willow Oaks that are in parking. Again, you
2 have the public space delineation of the row
3 of trees along the curb between the sidewalk
4 and the curb called, interesting enough,
5 street trees. The nonconcrete spaces are
6 actually called tree spaces.

7 The applicant is going to do their
8 best to try and keep all of those which is
9 great but it's the three Willow Oaks that are
10 huge and large and that the Urban Forester
11 indicates not only has a tremendous value in
12 cleaning the air, but also in the maturity and
13 how they really are hard to be replaced.

14 Again, rather than go any further
15 and take anymore time I would like to turn it
16 over to Commissioner Ditanto and he'll do a
17 summary for us of both our positions and our
18 conditions that we think these conditions are
19 what make the superior features significantly
20 greater than what would occur as a matter-of-
21 right.

22 MR. DITANTO: My name is Tom

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1 Ditanto.

2 CHAIRPERSON HOOD: Turn your mic
3 on.

4 MR. DITANTO: My name is Tom
5 Ditanto. I'm the ANC Commissioner for 3D-05.

6 One of the things you asked, Commissioner
7 Hood, was for us to help you understand our
8 position and that is what my responsibility is
9 here over the next couple of pages. I'll be
10 succinct and we'll get through this fairly
11 quickly.

12 The Advisory Neighborhood
13 Commission 3D invited the Athena Group to
14 present it's proposed development at four
15 regularly scheduled meetings. A special
16 meeting was held by the ANC on November 11,
17 2008.

18 In addition, the ANC sought a visit
19 with Athena representatives so that they could
20 help the ANC understand the plan for various
21 areas of the property including the wetlands.

22 The site visit made it clear that the current

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1 proposal does not ensure there will not be
2 negative impact to the wetlands. The
3 Commission requested an underlying zone site
4 plan for the entire property but found the
5 developer's suggestions far too dense for a
6 site with both R-1-B and R-5-A zoning and
7 without regard to protection of the wetland
8 streams or the waters of the U.S.

9 Given the preponderance of the R-5-
10 A zoning in the area an R-5-A model was
11 requested. Athena provided the ANC with a
12 site plan showing 43 units but this was not a
13 matter-of-right development and would have
14 needed a special exception.

15 The Commission was also informed by
16 Athena that an unfavorable vote could lead to
17 the property being sold to another developer.

18 Office of Planning notes in its November 21st
19 letter to the Zoning Commission that the
20 amenity package is relatively light when
21 balanced against the flexibility requested.

22 Many of the items listed as

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1 amenities are not fully detailed. The level
2 of commitment is unclear. Office of Planning
3 encouraged the developer to increase the
4 proposed amenities package.

5 The conditions proposed by the ANC-
6 3D dealing with height, density, and setbacks,
7 protection of the wetland, additional open
8 space, and stormwater management are meant to
9 address the balancing of public benefits and
10 amenities for the requested flexibility.

11 The ANC was concerned about the
12 prospect of the property being flipped because
13 Athena would claim it is unable to realize its
14 anticipated profit margin. Therefore, ANC-3D
15 proposes the following conditions:

16 Condition 1. That any approval by
17 the Zoning Commission to this application be
18 granted only to the Athena Group and made
19 nontransferable. The map amendment and PUD
20 approval are only for the instant application
21 of the Athena Group and Zoning Commission
22 approval would not be transferrable should the

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1 Athena Group not undertake completion of the
2 proposed development.

3 Condition 2. Building three shall
4 be 38 feet and three stories high to the top
5 of the roof. All other buildings and units
6 shall be limited to 40 feet and three stories
7 in height. Building three abuts existing
8 homes on Lavarock Place and, therefore, needs
9 to be setback no more than 38 feet and three
10 stories high to the top of the roof to ensure
11 that it does not negatively impact the
12 Lavarock Place residents.

13 We feel that Condition 2 is
14 extremely important because this sets a
15 precedence for the neighborhood. That's one
16 of the things you've heard as a common theme.

17 CHAIRPERSON HOOD: Excuse me. I
18 notice you're reading from the book. What
19 exhibit are you reading?

20 MR. DITANTO: I'm sorry, sir. Page
21 37 of the initial exhibit.

22 CHAIRPERSON HOOD: Thank you.

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1 MR. DITANTO: Condition 3. In
2 advance of construction and cooperation with
3 the U.S. Army Corps of Engineers and the
4 District of Columbia's Department of the
5 Environment the entire delineated wetland area
6 shall be reflagged and the delineated area
7 including the stream shall be flagged and
8 protected in perpetuity through a conservation
9 easement by a uniform setback of 25 feet from
10 all structures and other human interference
11 from the outermost wetland boundary in the
12 event there is disagreement on such boundary.

13 The setback is the minimum distance
14 between any structure or any human
15 interference or grading in the entire wetland
16 area. It would be impossible to preserve the
17 wetland area if the retaining wall is
18 encroaching on a protected area.

19 The protections needed for the
20 future life of the wetland also include
21 sufficient light and air which are not being
22 proffered at this time. It is unclear how

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1 construction grading and retaining walls will
2 interfere with the existing two, perhaps more,
3 natural springs on this property.

4 I just want to reiterate what
5 you've heard from everyone. I did a site
6 visit to this site on Monday and I'm very
7 comfortable and maybe it's because now the
8 site is more easily accessible but there are
9 absolutely two springs running in this
10 wetlands. I know that hasn't been uncovered
11 in the past but I'm very comfortable that I
12 saw that with my own eyes on this past Monday.

13 Condition 4. The entire interior
14 road shall be a minimum of 25 feet. We feel
15 this is a safety issue and a requirement for
16 all theoretical lot subdivisions. The
17 applicant has not indicated why a required
18 road width cannot be supplied.

19 Condition 5. An ample turnaround
20 shall provide access for all types of
21 emergency vehicles. This condition would
22 follow upon Condition 4 and would require a

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1 turnaround area for emergency vehicles.
2 Again, the applicant has not indicated why a
3 turnaround area cannot be supplied. The HSEMS
4 has indicated they find the missing turnaround
5 problematic for their purposes.

6 Condition 6. The site shall
7 contain 25 on-street parking spaces for guest
8 vehicles and service and delivery vehicles.
9 An increase in the number of on-street parking
10 spaces from 13 to 25 is necessary to prevent
11 any spill-over parking on the neighborhood
12 streets. Any day of the week if you were to
13 go up and down that street you would see
14 already that there is very little additional
15 parking available. We feel that the parking
16 that is being proposed is very inadequate.

17 The two affordable housing units
18 shall be indistinguishable from other housing
19 within the development. Both the
20 comprehensive plan and the zoning code, Title
21 11, provide protection for affordable housing
22 units and require all affordable housing to be

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1 indistinguishable in its exterior finish for
2 market rate housing. We do not feel that is
3 the case today and we would like them very
4 much to revisit those two affordable unit
5 housing buildings.

6 Condition 8. The total amount of
7 impervious lot coverage shall not be greater
8 than 50 percent for the entire project.
9 Uncontrolled sheet flow and stormwater runoff
10 into the wetland area are areas of concern
11 given that more than 53 percent surface
12 coverage will be impervious.

13 I think this goes back to the
14 questions that were brought up earlier about
15 the math in terms of density. We are not
16 comfortable. We still don't feel that we've
17 received the answers in terms of what the
18 density is based on the calculation and the
19 mathematic equations that the developer is
20 using. We would certainly like more clarity
21 and ask for you to get more clarity on that
22 area.

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1 Condition 9. By means of a
2 covenant on the title of the land of the
3 proffered green spaces, for example, the
4 central plaza, the butterfly garden, the rain
5 garden and the walking path identified by
6 dimensions in GPS and having a combined total
7 of 13,500 square feet shall be protected in
8 perpetuity as open space and nondevelopable
9 land open to the public.

10 To guarantee the proffered green
11 spaces will remain open to the public for
12 future enjoyment and there is no expansion in
13 the area set aside as open space, the Athena
14 Group would provide a covenant to be attached
15 to the deed of each homeowner and noted in the
16 homeowner's association document.

17 Condition 10. The developer shall
18 not be limited to his design that includes a
19 fountain in the central park. This condition
20 relieves the developer of the requirement that
21 a fountain should be installed in the central
22 park area. It is recognized that the fountain

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1 may well be a liability given the presence of
2 children. It was also felt that it would not
3 serve the same purpose throughout all seasons
4 of the year.

5 Condition 11. That the developer
6 be required to post a bond to pay for any
7 damage to the existing retaining wall on the
8 west side of the wetlands and to pay for any
9 damage incurred by Athena's construction
10 before, during or after development.

11 In it's February supplemental
12 memoranda Office of Planning reports that it's
13 recommended assessment of the wall an
14 acceptance of responsibility for repairing
15 damages by the applicant. Office of Planning
16 and Canal View homeowners association report
17 that the applicant has verbally agreed to such
18 an agreement.

19 Condition 12. At a minimum the
20 amenity shall include an additional 5,000
21 square feet of green space on site shall be
22 protected as described in Condition 9 and open

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1 to the public. Hiring a landscape architect
2 to design and oversee implementation of the
3 beautification of Lowe and MacArthur
4 Boulevard. That is the area along MacArthur
5 Boulevard from its intersection with Foxhall
6 Road to its intersection with Q Street.

7 It is the hope of ANC-3 that the
8 developer will give consideration to
9 contributing to organizations that improve the
10 quality of life in the Palisades and will
11 enhance the project. It is important to note
12 that the representatives of the Palisades
13 Village, the Friends of Hardy Rec Center, the
14 Palisades Community Fund made presentations on
15 behalf of their organization at the special
16 meeting on November 11.

17 Our final advice, we feel that the
18 Athena Group has not met its burden for proof
19 for the flexibility it seeks through a PUD and
20 map amendment. As noted earlier, two issues
21 related to this project are at odds. The
22 developer's need for additional density and

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1 height and the community's need for
2 appropriate density and height that would
3 protect the character and habitat of the
4 neighborhood.

5 The protection of the neighborhood
6 is the responsibility of the Zoning Commission
7 applying the zoning regulations in a
8 comprehensive plan. The Zoning Commission and
9 public need clear, definitive plans,
10 specifications, written commitments, and
11 supporting documentation before a final
12 decision can be advised upon and decided.

13 Based upon the record and testimony
14 in this case so far ANC-3D advises the Zoning
15 Commission that the applicant has not met its
16 burden of proof in this case. The greater
17 height, density, and flexibility sought are
18 inconsistent with the comprehensive plan.

19 While this is a high-quality
20 development the requested height, density, and
21 flexibility comes up with exceptionally light
22 when balanced with the applicant's proffered

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1 public benefits which are not superior and a
2 significantly greater extent than a matter of
3 right development.

4 ANC-3D advises the Zoning
5 Commission to direct the applicant to revise
6 the proposal to comply with the conditions in
7 the ANC's amended resolution of February 4,
8 2009 which is listed in Exhibit 1 and serve
9 the parties with a completely consolidated set
10 of detailed plans, elevations, and all other
11 required material.

12 The Zoning Commission should
13 continue this hearing until a date after the
14 new proposal is served on the parties and the
15 parties have adequate time for review and
16 consultation. When the hearing reconvenes
17 each party should have similar time as for the
18 hearing so far.

19 ANC-3D appreciates the great weight
20 given to this advice by the Zoning Commission.

21 Thank you.

22 MR. CREWS: Not to ruin that great

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1 presentation but I think we did miss on
2 Exhibit 1 that we would like to have the
3 record stay open so that we can cure the
4 letter that was sent in that did not have --
5 that did not indicate the vote at the February
6 4th ANC meeting which happened to have five to
7 two to zero. We would like to cure that
8 quickly.

9 Unfortunately the Chairperson is
10 out of the city for this week. I would
11 encourage you to look at the rest of the
12 testimony as we have gone through and
13 commented on each one of their proposed public
14 benefit and amenities from their December 1st
15 PowerPoint presentation and also extensively
16 talk about the comprehensive plan and how this
17 proposal is inconsistent with many revisions
18 of the comprehensive plan. One final thing.
19 They do provide the information required,
20 especially Section 2403.11 and 12. Thank you.

21 CHAIRPERSON HOOD: Ms. Haas, does
22 that complete your presentation?

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1 MS. HAAS: Yes.

2 CHAIRPERSON HOOD: Okay. Let me
3 just ask this. We have a number of different
4 entries from ANC-3D but can I find everything
5 in this right here? Some of it is duplicate.
6 Some of them are similar, everything that I
7 need to know about the amenities. You talk
8 about additional green spaces that you all
9 look at as an amenity. All that is in here?

10 MS. HAAS: Right.

11 CHAIRPERSON HOOD: Mr. Jeffries.

12 VICE-CHAIR JEFFRIES: Yes. I just
13 want to get some clarity as it relates to in
14 terms of the negotiations. It appears that
15 the applicant has made some significant
16 changes to the original proposal moving more
17 in the direction of what you're looking for.
18 Are there items in terms of number of
19 conditions? I mean, if you had to prioritize,
20 I mean, how would you fall out here?

21 MR. DITANTO: I'll speak first,
22 Ann, and then you can add your comments.

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1 I think one of the things that we
2 spoke at last week at our ANC meeting
3 specifically the three most important items
4 that we take a look at over and over again
5 especially concerning height on building six
6 we feel that is setting precedence in the
7 neighborhood. We feel that is an exception
8 that we cannot accept.

9 The wetlands area are extremely
10 important, especially after having visited
11 that site this past Monday. We realize how
12 fragile that area is and that it needs better
13 care than is being recommended.

14 Lastly, and I alluded to this in
15 the conditions, we keep going back and asking
16 for clarity on density and how the developer
17 is coming up with their mathematical equation
18 for what they see as the density for this
19 development.

20 We are not able to either
21 understand or make their math work in our
22 environment. If you were to ask me what are

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1 the three most important items it would be
2 height, it would be density, and it would be
3 protection of the wetlands.

4 Ann, are you comfortable with that?

5 MS. HAAS: I think you've done --
6 yeah, Tom, I am. I think one --

7 VICE-CHAIR JEFFRIES: Let me just
8 say, though, I guess I was looking probably at
9 more specificity. I mean, those are fairly
10 broad topics you just gave there. You said
11 building six. You actually pinpointed
12 building six as perhaps the one building that
13 really represents too much height. I guess
14 I'm just trying -- I mean, the things you said
15 were pretty broad. I'm trying to zero in.

16 MR. DITANTO: Okay. Thank you,
17 Commissioner. I'll clarify. What we feel in
18 building six is the front of building six
19 exceeds, I think, 40 -- four stories and that
20 is one of the things -- we take a look at what
21 Bill presented earlier from the streetscape.
22 We feel that you don't see any buildings that

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1 exceed three floors.

2 We are seeing the building six, the
3 unit that front MacArthur Boulevard absolutely
4 exceeds three and is a four-story building.
5 We would like to see that reduced because we
6 feel that it's a precedence for the
7 streetscape of MacArthur Boulevard.

8 VICE-CHAIR JEFFRIES: Then in terms
9 of retention of the wetlands or maintenance of
10 the wetlands, I mean, is the proposal 25-foot
11 of distance or are there other mitigants that
12 --

13 MS. HAAS: We have precedent for
14 that, Commissioner Jeffries. The two
15 properties on Foxhall Road that Julie
16 mentioned, these were big estates, 17 acres,
17 that have been converted in the past few
18 years. They have 25-foot buffers. I agree
19 with whoever commented earlier that he was
20 unable to find a regulation that codifies that
21 space but we do have precedent there.

22 VICE-CHAIR JEFFRIES: Commissioner

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1 May, or someone, what agency is really going
2 to regulate the wetlands here? I mean, who
3 is --

4 COMMISSIONER MAY: The Corps of
5 Engineers gets the first crack at it and if
6 they make a determination that it is wetlands
7 under their jurisdiction they would say so. I
8 think in this case they said it's not. Right?

9 MS. HAAS: No, they say --

10 COMMISSIONER MAY: Waters of the
11 U.S. The Corps of Engineers is the first shot
12 but the Department of the Environment comes in
13 as the second layer. They can also step in if
14 the Corps says it's not. Really you have to
15 deal with both of them.

16 Then, of course, you have to deal
17 with the Department of the Environment and
18 issues like the protections during
19 construction and things like that which,
20 frankly, has been quite lacking when other
21 projects have been built around the city.

22 VICE-CHAIR JEFFRIES: So there are

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1 going to be several bites of the apple as it
2 relates to dealing with the wetlands and so
3 forth that are beyond what the Zoning
4 Commission is going to have to oversee. It's
5 possible that we might say yes or no. If we
6 say yes on this, it might have to come back
7 after review from the Department of the
8 Environment or the Army Corps or whatever. Is
9 that what you're saying?

10 COMMISSIONER MAY: I guess it's
11 conceivable that they would want to have a
12 further setback or something like that. It's
13 kind of hard for me to imagine that they would
14 step in in that way.

15 MS. HAAS: They have already
16 expressed interest.

17 VICE-CHAIR JEFFRIES: They have?

18 MS. HAAS: Yes.

19 MR. CREWS: The point I would like
20 to make is this is a PUD application. It is
21 supposed to provide superior features that are
22 significantly greater than matter-of-right.

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1 Right now as you are well aware we are going
2 through a zoning regulations rewrite and the
3 flood plain group met and recommended 35 feet.

4 That apparently got consumed into
5 the sustainability work group that is still
6 meeting but they've had their session on
7 wetlands and stream protection and they are
8 recommending 25 to 100-foot buffers.

9 CHAIRPERSON HOOD: Mr. Crews, I
10 actually attended the last one and all that is
11 fine but right now before us what the
12 sustainability group is working with and all
13 that is not before us.

14 MR. CREWS: No, no.

15 CHAIRPERSON HOOD: Let's just --
16 don't let us know what's going on in those
17 work groups. Help us get through the night
18 unless we are all going to be back down here
19 real soon. We have to deal with the regs that
20 are in front of us.

21 MR. CREWS: I understand that these
22 are not the regs but my point is that this --

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1 CHAIRPERSON HOOD: Get to your
2 point. I've asked you not to keep going back
3 to that. Let's deal with the regs that are in
4 front of us.

5 MR. CREWS: The regs say --

6 CHAIRPERSON HOOD: I've asked you
7 once.

8 MR. CREWS: The regs say superior
9 features significantly greater than matter-of-
10 right. I'm just saying that the 25-foot
11 buffer is the ANC's advice that is a superior
12 feature that is significantly greater than
13 matter-of-right development.

14 VICE-CHAIR JEFFRIES: Okay. Let me
15 move on. The third piece was really getting a
16 clear understanding of the delta between what
17 is matter of right, FAR, and height versus
18 this proposal. Obviously this is a split
19 zone.

20 In fact, I thought, Commissioner
21 Haas, you were starting to try to get there in
22 one of your slides in terms of trying to

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1 determine what the difference is. That is
2 sort of the baseline in terms of your argument
3 about balance like given so much more FAR that
4 is being provided here compared to the types
5 of benefits we are getting.

6 You are saying that those things
7 are really appropriate. My question is it
8 seems that someone can do this calculation, or
9 it has been done. It's really not a difficult
10 calculation.

11 MS. HAAS: I guess --

12 VICE-CHAIR JEFFRIES: Even once you
13 do the calculation it's not scientific. I
14 mean, it's art, right? I mean, in terms of
15 the balance, you know. I just --

16 MS. HAAS: We know something is
17 going to -- this property is not going to live
18 fallow. It's close and it's valuable. It has
19 potential as more than one commissioner has
20 opined. What we would like to see is
21 something that will be a long-term legacy for
22 the community.

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1 Foxhall Village built in the '20s
2 now has historic designation and, as you know,
3 that means it can't be bulldozed. It set a
4 trend. It's 80 years old and it's still
5 looking pretty good.

6 Canal View next door has its own
7 architecture and charm. In fact, I'm kind of
8 disappointed that Athena hasn't come up with
9 an architectural identify for this project. I
10 frankly think it needs a whole lot more work
11 just to be very blunt.

12 I asked Julie what she thought and
13 if she had her druthers what she would like to
14 see done and she said, "Save the green space.
15 Save the wetland area." I think Commissioner
16 May has made some comments that the site has
17 promise that hasn't been acted upon.

18 In terms of four-story buildings we
19 don't have them. We've got two-story, three-
20 story. This is low density. In fact, I think
21 we might be treading into R-5-B if this thing
22 goes through.

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1 VICE-CHAIR JEFFRIES: You do have
2 four stories. I thought I saw --

3 MS. HAAS: No, that's a basement.
4 They took a photo that shows the basement.
5 It's not a four-story community.

6 VICE-CHAIR JEFFRIES: Okay. I
7 recognize it's not a four-story community but
8 I guess I was just trying to draw some
9 exception. I thought I've seen some four-
10 story buildings in a number of the
11 photographs.

12 MS. HAAS: No, it's three stories
13 with the basement.

14 VICE-CHAIR JEFFRIES: Okay.

15 MS. HAAS: We would like to keep it
16 that way. In fact, the comprehensive plan
17 talks about saving residential neighborhoods,
18 especially low density ones. I think this is
19 really kind of out of sync in many ways.

20 VICE-CHAIR JEFFRIES: Okay. Just
21 in the essence of time I'm done, Mr. Chair.
22 Thank you.

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1 CHAIRPERSON HOOD: Let me just ask
2 this question. I'm sorry. Your name is
3 Commissioner --

4 MR. DITANTO: Ditanto.

5 CHAIRPERSON HOOD: Ditanto.
6 Commissioner Ditanto, I think as the Vice
7 Chair was saying you were getting specific.
8 I'm not sure if you mentioned it or Ms. Haas
9 about building six. Help me understand again.
10 I'm looking at building six.

11 MS. HAAS: It's great big.

12 CHAIRPERSON HOOD: Explain to me
13 what building six's concern is in relationship
14 to what is next to it.

15 MR. DITANTO: If you take a look at
16 the streetscape of the project, building one
17 affronts the majority of MacArthur Boulevard.
18 It's three stories.

19 Then there is the driveway split
20 and then there is building six which they have
21 now moved the front door to MacArthur
22 Boulevard. That building is four stories

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1 high. Our concern as we go back to this is
2 that we feel that establishes a precedence
3 with streetscape for MacArthur Boulevard that
4 the community does not desire.

5 CHAIRPERSON HOOD: One other thing,
6 sir. One of the other things that I am
7 hearing is that apparently you believe this
8 whole case is all over the place. It's not
9 really one place you can go and get the
10 information.

11 MS. HAAS: Yeah.

12 CHAIRPERSON HOOD: Welcome to the
13 club. I would agree with that but, then
14 again, I have a number of cases that we have
15 to deal like that all the time. Just welcome
16 to the club.

17 We may ask for some things to be
18 more fine tuned where we can go find and
19 understand it. I pulled a few things out up
20 here. There was another question. In the
21 amenities package you also conveyed, I think,
22 the sentiments of Office of Planning's first

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1 report.

2 The one I reference is dated
3 November 21st about the amenities package.
4 Again, I think Ms. Brown-Roberts mentioned it,
5 her testimony was -- her comments were they
6 really didn't understand what else the
7 community really wanted because there was
8 nothing that wa said.

9 I think, Ms. Haas, you expounded on
10 that but can you go back and tell me exactly
11 what is it maybe the community is looking for
12 necessarily as far as amenities?

13 MS. HAAS: You want me to be really
14 blunt, Commissioner Hood, Mr. Chairman?

15 CHAIRPERSON HOOD: Please. I like
16 straight to the point.

17 MS. HAAS: Green space.

18 CHAIRPERSON HOOD: Okay. That's
19 it?

20 MS. HAAS: That's a start. If we
21 have 37 units here and there is one park that
22 is 7,000 square feet, that is 1.5 R-1-B lots

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1 and there is another figure eight thing that
2 they say is 12,000. We laughed at this at the
3 ANC meeting. Are they going to have to have a
4 sign-up sheet for the benches? It's not
5 realistic in terms of liveability and it's out
6 of character with the neighborhood.

7 CHAIRPERSON HOOD: As you stated,
8 you do know this site is going to be
9 developed.

10 MS. HAAS: Oh, absolutely.
11 Absolutely.

12 CHAIRPERSON HOOD: The main issue,
13 though, is density.

14 MS. HAAS: Right.

15 CHAIRPERSON HOOD: Wetlands
16 protection.

17 MS. HAAS: Yes.

18 CHAIRPERSON HOOD: There was one
19 more you named. Height in building six only.

20 MS. HAAS: Well, no. We have it
21 also in building one. That is also a four-
22 story thing. Building -- what is it?

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1 Actually I guess they are all four stories
2 except for building three that was cut down
3 because it was so close to Lavarock Place.

4 By the way, Mr. Chairman, ANC-3D
5 has asked for models from Athena several
6 times. We have not received them. I
7 appreciate the shadow study slide anyway.
8 That gives us some idea.

9 CHAIRPERSON HOOD: Okay. Okay. I
10 have those three points. Let me just ask -- I
11 will say this, Ms. Haas. I really liked your
12 presentation.

13 MS. HAAS: Thank you so much.

14 CHAIRPERSON HOOD: I just don't
15 think we have slides. Did we get copies of
16 it?

17 MS. HAAS: I have a printout.

18 CHAIRPERSON HOOD: Give us a
19 printout of it.

20 MS. SCHELLIN: We really need to
21 get a color printout.

22 MS. HAAS: Yes, I've got one. I've

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1 got about seven I guess.

2 CHAIRPERSON HOOD: You did a good
3 job with that.

4 MS. HAAS: Thank you so much.

5 CHAIRPERSON HOOD: Okay.
6 Commissioner May.

7 COMMISSIONER MAY: Yeah. Ms.
8 Moore, just to get clarity of the jurisdiction
9 question that came up before reading from the
10 Department of the Environment's letter where
11 they cite the Corps of Engineers establishing
12 that they have jurisdiction over the stream,
13 it says that, "The applicant should also note
14 that any wetland streams or buffers that are
15 not under the Corps jurisdiction fall under
16 the jurisdiction of DDOE."

17 I mean, I guess I'm asking sort of
18 a finer point of language here. If they
19 establish their jurisdiction over the stream,
20 would the surrounding area be considered a
21 buffer that they may assert authority over,
22 that DDOE may assert authority over, or is the

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1 whole thing the Corps of Engineers
2 jurisdiction period?

3 MS. MOORE: The Corps of Engineers
4 will seldom --

5 COMMISSIONER MAY: Microphone.

6 MS. MOORE: The Corps of Engineers
7 will seldom exert their authority beyond the
8 wetland until there is a problem in which this
9 is all tied to the Clean Water Act that has to
10 do with Phil. You don't exert any kind of
11 much beyond identifying it until there is a
12 problem.

13 Then the Corps usually comes back
14 in and asks for some sort of corrective action
15 or something like that. It would be the
16 planning for the local community that would
17 set how things would work within that
18 corridor.

19 COMMISSIONER MAY: Okay. But if it
20 were up to the Corps of Engineers you could
21 build your retaining wall right up to where
22 the wetlands have been delineated?

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1 MS. MOORE: In many cases yes.

2 COMMISSIONER MAY: And in the
3 District is the Department of the Environment
4 going to step in and say anything and tell you
5 no, it's got to be 10 feet off or 15 feet off?
6 I mean, somebody said they have indicated an
7 interest in this.

8 MS. MOORE: I don't know the answer
9 to that.

10 COMMISSIONER MAY: Okay. You
11 mentioned also high volumes of water coming
12 through the stream in certain times. When
13 does that occur and where does the water come
14 from? This is a stream that is coming out of
15 the ground. Right? Where is the high volume
16 that it comes from?

17 MS. MOORE: Off the site itself.
18 Right now you have a lot of parking lot there.

19 COMMISSIONER MAY: Right.

20 MS. MOORE: You can tell by the
21 debris lines almost like a rack line along
22 the --

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1 COMMISSIONER MAY: It's runoff from
2 the existing parking lots right now?

3 MS. MOORE: That is the main part.

4 Also there is the part that comes from the
5 western part of the site and there is a drain
6 that comes from this area that comes out of a
7 wall with a hole that comes into this area,
8 too. There is some drainage coming from
9 Lavarock Place that comes underneath here
10 also. You also have seepage coming out of
11 this wall that's up here.

12 COMMISSIONER MAY: I'm interested
13 in the large volumes, not the seepage.

14 MS. MOORE: The larger volumes are
15 from the site.

16 COMMISSIONER MAY: From the site
17 itself. Okay. Now, have you looked at the
18 drawings carefully to know what they intend to
19 do about drainage on site because I don't
20 believe that they could get a plan approved
21 that would allow for large amounts of runoff
22 from the roadway or what have you going into

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1 the wetland.

2 MS. MOORE: I haven't seen any
3 plans that really address the surface water on
4 this property.

5 COMMISSIONER MAY: Okay. We'll
6 look at that more carefully but I have to
7 believe that there are storm filters or
8 something like that that are going to catch
9 the water and hold it.

10 MS. MOORE: I'm sure there will be.
11 I just haven't been able to find them in the
12 plans.

13 COMMISSIONER MAY: Okay.

14 MS. HAAS: Actually, Commissioner
15 May, could I jump in here?

16 COMMISSIONER MAY: Yeah.

17 MS. HAAS: One of the Park Service
18 resource people told us that he was concerned
19 about water coming down the street right now.

20 COMMISSIONER MAY: Sure. I
21 understand. I mean, right now I don't know
22 what's going on there but in terms of what

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1 we're going to approve, I mean, I know that
2 anytime I've been involved in a building
3 project in the District the authorities who
4 have jurisdiction over water insist that we
5 control all of the water on the site and that
6 it not flow into streams or anywhere else.

7 MS. HAAS: Can I --

8 COMMISSIONER MAY: In fact, if you
9 have an area that is even built up, it's not
10 good enough to sort of keep to the status quo.

11 They want it treated as if it were virgin
12 ground. It could hold the water as if it were
13 virgin ground.

14 MS. HAAS: We have one really
15 unfortunate history here very recently and it
16 was the Philips property, 17 acres.

17 COMMISSIONER MAY: I understand
18 that but that's not complete yet. Right?
19 That's not completed yet.

20 MS. HAAS: It was supposed to have
21 been developed in five sections. It was clear
22 cut and the runoff went into Glover Ashfield

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1 Park.

2 COMMISSIONER MAY: I understand
3 that problem and I think that's a different
4 part of the problem and I am very, very
5 concerned about that part of the problem which
6 is what do we do during construction to make
7 sure there is no runoff, no sediment entering
8 the stream for the same reasons. I mean, one
9 of the things about the Philips property is
10 the tremendous slope and it slopes toward the
11 park.

12 MS. HAAS: Right.

13 COMMISSIONER MAY: And we have that
14 same circumstance here. It's sloping toward
15 the park and the measures that have to be put
16 in place to catch sediment and make sure that
17 only what actually flows is only water and
18 it's controlled have to be exceptional given
19 the amount of area that we have and the nature
20 of the slope. I'm hopeful that we are going
21 to get --

22 MS. HAAS: Can I just applaud now?

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1 COMMISSIONER MAY: We'll do what we
2 can.

3 Let me ask one other question which
4 -- I guess this got clarified, the question of
5 four stories on building six or four stories
6 throughout. I guess you answered that. You
7 have as much of an issue with all of the four
8 story buildings or is it primarily the
9 MacArthur Boulevard building that is the
10 biggest concern?

11 MS. HAAS: I'm concerned about
12 where the neighborhood would go if that
13 standard becomes a reality. We have those
14 small buildings on MacArthur and something is
15 going to happen there and this could very well
16 say this is the standard.

17 MR. DITANTO: But just to clarify,
18 Commissioner, the most important -- we want to
19 feel comfortable that we would like a three-
20 story standard but the changing of the
21 streetscape on MacArthur Boulevard we feel
22 sets a precedence and that is something that

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1 we and the neighbors are very uncomfortable
2 with.

3 COMMISSIONER MAY: Okay. Thank
4 you.

5 CHAIRPERSON HOOD: I'll tell you, I
6 have already asked Ms. Schellin to start
7 looking at another date. I just don't that
8 it's mathematically possible for us to finish
9 tonight.

10 One thing that I do want to do, I
11 do not want to carry this over into May. I
12 don't want to go that far. I'll ask my
13 colleagues to take a few minutes in the back
14 in a moment. What we're looking at is a
15 Wednesday.

16 I know nobody likes to do anything
17 extra but we want to make sure while this case
18 is still fresh on our minds, at least for an
19 old guy like me, that we can try to complete
20 it to a point as quickly as possible. Let me
21 ask. Any other questions up here?

22 VICE-CHAIR JEFFRIES: The only

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1 thing is given the amount of time in terms of
2 finishing this up, I mean, I'm really hoping
3 that the applicant and the ANC and others are
4 going to continue communications and
5 discussions around this plan and so forth
6 because I, for one, am not interested in
7 seeing this thing go on too much longer.

8 At some point obviously this
9 Commission is going to have to make a decision
10 but my hope is that, you know, some of the
11 conditions that have been set forth by the ANC
12 here that you can go back, sit down, and
13 figure out exactly what it is that can
14 reasonably be achieved here.

15 I would ask the applicant the same
16 because it seems from what I'm hearing there
17 is a huge gulf here between what you're
18 looking for and what the applicant has
19 presented. From what I've seen, it seems like
20 the applicant has made some movement.

21 I'm not certain whether I see the
22 movement on your side. Perhaps you have and

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1 it just hasn't been clear to me but I am
2 hoping that as you go forward as we continue
3 this that both the parties and others will
4 continue discussions.

5 MR. CREWS: Point of clarification
6 on that. Does the regs have a burden on the
7 ANC to move or isn't the burden on the
8 applicant to show the superior features are
9 significantly greater?

10 VICE-CHAIR JEFFRIES: I'm not
11 dealing with the regs. I'm dealing with some
12 of the amenities that you're looking for.
13 Obviously they are in here for a PUD and map
14 amendment and you are making the case that
15 there is not sufficient balance. There are a
16 number of things.

17 You are dealing with the broader
18 kind of issues and, you know, I think at some
19 point there can be some practical things that
20 you can really get your arms around that they
21 can meet you halfway and that's fine.

22 I'm just putting that out there and

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1 I'm sorry to go but I just want to manage
2 expectations that, you know, my hope is that
3 you guys will continue having conversations
4 with the applicant as well as others and
5 hopefully we can get a little closer. I, for
6 one, am not interested in seeing this thing go
7 on much longer.

8 MR. CREWS: Understood.

9 CHAIRPERSON HOOD: In answer to
10 your question, we deal with the regs two times
11 a week and probably -- well, here and not what
12 we do at home. Now it looks like it's going
13 to be three times a week so we are very well
14 aware of Chapter 24. Let me just say that --

15 COMMISSIONER MAY: I just wanted to
16 speak on the same point in terms of trying to
17 bring the ANC and the applicant closer
18 together. I think the applicant would make
19 the case that they are meeting the burden for
20 the PUD. Ultimately it's going to be up to us
21 to decide that.

22 But I think that in terms of the

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1 progress that's been made, I think the
2 applicant has made some movement and that has
3 been pretty apparent. You've got a pretty
4 long list of pretty specific conditions. I
5 thought it was very helpful to try to get -- I
6 forgot who suggested it but to try to boil it
7 down to the few points, Commissioner Jeffries.

8
9 I think that was very helpful to
10 focus on the things that are really important
11 and see if you can effect some movement there.

12 I think even the question of the height of
13 the buildings if you can -- if there is some
14 medium ground there where the height of the
15 building on MacArthur is treated differently
16 than elsewhere, maybe there is some room to be
17 able to come closer on this.

18 I, for one, would appreciate it.
19 Ideally I wouldn't mind seeing a different and
20 more innovative approach to the entire site
21 but it's hard to imagine we're going to get to
22 that so I think there has been a lot of

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1 progress. Maybe you can keep pushing it in
2 the same direction.

3 CHAIRPERSON HOOD: I would ask if
4 at all possible if issues that -- I think it
5 was Mr. Brown who mentioned if we can find
6 things in one place. I'm not asking the
7 applicant to go and just come back with
8 something like this. I'm not asking for that.

9 I'm asking for maybe something like
10 this, some of the issues that we've heard
11 tonight. Let's streamline it to two or three
12 pages where we can find everything. That
13 would be helpful. I mean, you know, we're
14 willing. The Commission is willing, I know I
15 am, to go through all this as we eventually
16 figured where this was again. Anyway, we are
17 willing to do that but that would help us as
18 we move forward.

19 Let me proceed with cross
20 examination. Let me just ask, Mr. Hitchcock,
21 do you have many questions? You have two.

22 Mr. Brown, do you? Oh, Mr. Feola,

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1 do you have many questions? Okay, just a
2 couple. Mr. Hitchcock, two. Mr. Brown, how
3 many do you have? No questions? Okay. Mr.
4 Ross. No questions. Okay.

5 What we are going to do is evaluate
6 where we are at 11:00 but I want to get to a
7 point where we can start fresh by maybe 11:30
8 depending upon -- let's just see how it goes.
9 We'll look at it again at 11:00.

10 Ms. Schellin, do you have a date
11 that you can give us so we can start thinking
12 about it? We want to do it as soon as
13 possible. Just call a date out.

14 VICE-CHAIR JEFFRIES: From where I
15 sit I don't see that there is a need for a lot
16 of additional information here.

17 MS. SCHELLIN: Are we talking next
18 Wednesday?

19 CHAIRPERSON HOOD: I can't do next
20 Wednesday.

21 VICE-CHAIR JEFFRIES: Not that
22 soon.

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1 MS. SCHELLIN: The 25th which would
2 be two weeks. Oh, no. That's right. I
3 forgot. You have something planned. I
4 forgot. How about March 4th?

5 CHAIRPERSON HOOD: Let me check the
6 18th. Everybody check their schedules.

7 MS. SCHELLIN: That's next week. I
8 thought that wasn't good.

9 COMMISSIONER MAY: Why don't we
10 just add it to Thursday? We've got nothing
11 big on Thursday.

12 MS. SCHELLIN: Oh, are you kidding?
13 Some of these same guys are going to be here
14 next Thursday.

15 COMMISSIONER MAY: I was just
16 joking. That was a little zoning joke.

17 CHAIRPERSON HOOD: You know what?
18 Actually next Wednesday is fine.

19 MS. SCHELLIN: I need at least
20 three yeses to have a quorum.

21 CHAIRPERSON HOOD: Oh, you see some
22 nos out here? Okay. Let's look into March.

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1 We are trying to do this as soon as possible.

2 MS. SCHELLIN: You want it as soon
3 as possible.

4 CHAIRPERSON HOOD: Saturday
5 morning?

6 MS. SCHELLIN: No. I'm going to
7 say no to that one. March 4th.

8 CHAIRPERSON HOOD: Is that a
9 Wednesday?

10 MS. SCHELLIN: March 4th is a
11 Wednesday. Mr. Hitchcock, Mr. Brown, Mr.
12 Feola, Ms. Haas, Mr. May, please. Mr. Hood.

13 CHAIRPERSON HOOD: Yeah, I'm fine.

14 MS. SCHELLIN: Mr. Jeffries,
15 please. Going once, going twice, gone.

16 CHAIRPERSON HOOD: You know what?
17 If we look good at our oversight hearing,
18 we'll just let them know we're coming to ANC-
19 3D. We'll do it at ANC-3D. No, I'm kidding.
20 Okay, that's not good.

21 MS. SCHELLIN: That's not good.

22 VICE-CHAIR JEFFRIES: What about

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1 the week before? What was the problem?

2 MS. SCHELLIN: That's not good.
3 March 11th.

4 CHAIRPERSON HOOD: Does anybody
5 have anything March 11th? We're going to be
6 11:00 trying to get all our schedules
7 together. We don't have another Monday or
8 Thursday coming real soon where we can do
9 that, do we?

10 MS. SCHELLIN: Everything is
11 booked.

12 CHAIRPERSON HOOD: March 11th is
13 okay with everyone? So we'll do March 11th.

14 MS. SCHELLIN: Mr. Hitchcock, Mr.
15 Feola, Mr. Ross.

16 CHAIRPERSON HOOD: Do we have
17 something March 16th?

18 MS. SCHELLIN: No.

19 CHAIRPERSON HOOD: What's that, a
20 Thursday?

21 MS. SCHELLIN: A Monday.

22 CHAIRPERSON HOOD: Can we do March

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1 16th? If not, we'll go back to March 11th.

2 MS. SCHELLIN: It's a Monday.
3 March 16th. Mr. Brown, Mr. Ross, Mr.
4 Hitchcock, Mr. Feola, Ms. Haas.

5 CHAIRPERSON HOOD: Okay, March
6 16th.

7 MS. SCHELLIN: March 16th.

8 CHAIRPERSON HOOD: 6:00?

9 MS. SCHELLIN: 6:30. Are you guys
10 saying 6:00?

11 CHAIRPERSON HOOD: I was saying
12 6:00 so we won't run into this problem.

13 MS. SCHELLIN: 6:00. 5:00?

14 CHAIRPERSON HOOD: No, no.

15 MS. SCHELLIN: Okay, 6:00.

16 CHAIRPERSON HOOD: We should be
17 able to finish that night.

18 MS. SCHELLIN: So 6:00?

19 CHAIRPERSON HOOD: 6:00.

20 MS. SCHELLIN: 6:00. Okay.

21 CHAIRPERSON HOOD: We need to make
22 sure our other colleagues know it's 6:00.

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1 MS. SCHELLIN: March 16th. Yes.

2 CHAIRPERSON HOOD: All right.
3 Let's do cross examination, Mr. Feola.

4 MR. FEOLA: Couple of questions for
5 Ms. Haas, Commissioner Haas.

6 Commissioner Haas, I think you
7 commented that the open space provided in this
8 application is consistent with the open space
9 in the rest of the community. Is that
10 correct?

11 MS. HAAS: Yes.

12 MR. FEOLA: Do you know what the
13 open space is in the Canal View development?

14 MS. HAAS: I do. It's 65,000
15 square feet.

16 MR. FEOLA: Is that common open
17 space?

18 MS. HAAS: I can't speak to that
19 but I think it's certainly a model.

20 MR. FEOLA: Does it include the
21 streets?

22 MS. HAAS: I believe it does. It

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1 has three turnarounds. It does not include
2 their private yards, however. They pay
3 homeowners.

4 MR. FEOLA: So the open space
5 includes the streets?

6 MS. HAAS: Yeah, and three
7 turnarounds and R-1-B yards. The average lot
8 there is 7,000 square feet.

9 MR. FEOLA: So the paved streets
10 count as open space in your analysis?

11 MS. HAAS: They do according to the
12 real property database.

13 MR. FEOLA: Okay. I was talking
14 about your analysis of what is or isn't open
15 space.

16 MS. HAAS: Well, if you take a walk
17 there you can feel it.

18 MR. FEOLA: Is it green space?

19 MS. HAAS: I wouldn't say green
20 space. It's open space. I think there's a
21 difference.

22 MR. FEOLA: Thank you. I have just

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1 a couple questions for Ms. Moore.

2 Ms. Moore, in your experience is
3 there a different -- are there classifications
4 of wetlands, good, bad, indifferent, lousy,
5 poor quality?

6 MS. MOORE: No. They are altered
7 wetlands. No, there really aren't
8 evaluations. When you map wetlands you do
9 have the category of altered wetlands which
10 would be like farm fields that have been
11 wetlands that have been put into protection, a
12 totally different use.

13 MR. FEOLA: But there is no
14 classification as to quality?

15 MS. MOORE: No.

16 MR. FEOLA: In your opinion.

17 MS. MOORE: Not on a national
18 scale.

19 MR. FEOLA: Okay. Stormwater -- I
20 think you said stormwater runoff generally
21 endangers wetlands. Is that a general
22 statement?

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1 MS. MOORE: It can overpower
2 wetlands.

3 MR. FEOLA: Did I understand you to
4 say that you did not evaluate the stormwater
5 management plan for this project?

6 MS. MOORE: What I looked at I
7 couldn't tell what was going to happen.

8 MR. FEOLA: That's fine.

9 MS. MOORE: I did look at materials
10 that I had but I couldn't figure out the
11 adequacy of the system from the plan.

12 MR. FEOLA: Do you know what
13 stormwater management facilities the current
14 site has?

15 MS. MOORE: I know about the
16 sandfield filter area underneath the parking
17 places and then on the western side and the
18 rain garden and the association --

19 MR. FEOLA: No, no, no. I'm
20 talking about the existing hospital site. Do
21 you know what stormwater management system is
22 in place there?

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1 MS. MOORE: All I have seen is
2 where the water goes into the --

3 MR. FEOLA: So you don't know that.

4 MS. MOORE: I don't know what
5 happens under the ground. I know where it
6 goes under the ground.

7 MR. FEOLA: I understand. You
8 don't know. Okay. Those are all my
9 questions.

10 CHAIRPERSON HOOD: Okay. Mr.
11 Hitchcock.

12 MR. HITCHCOCK: Thank you, Mr.
13 Chairman. I have one or two questions.

14 CHAIRPERSON HOOD: Turn your
15 microphone on.

16 MR. HITCHCOCK: Thank you, Mr.
17 Chairman. One or two questions for Ms. Haas.

18 Ms. Haas, I noticed that the ANC
19 resolution did not make any mention of the
20 issue about connectivity between Lingan Road
21 and Lingan Way and I believe you were here
22 earlier when there was discussion about trying

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1 to find a way to resolve that issue so there
2 would be no connectivity but the various
3 agencies would be happy and the neighbors
4 would be happy. Is that something the ANC
5 would be willing to take part in?

6 MS. HAAS: Sure.

7 MR. HITCHCOCK: Okay. Thank you.

8 VICE-CHAIR JEFFRIES: Get on the
9 record.

10 MS. HAAS: Yes.

11 VICE-CHAIR JEFFRIES: Thank you.

12 MR. HITCHCOCK: Thanks.

13 CHAIRPERSON HOOD: Okay. Let me
14 ask. No one else -- I think no other parties
15 have cross examination of the ANC. Does each
16 of the parties need the full 20 minutes? Mr.
17 Hitchcock, do you need your full 20 minutes?

18 MR. HITCHCOCK: We would probably
19 need I would guess 12, Mr. Chairman, but let
20 me offer a thought. I took your point about
21 waiting until 11:00. Dr. Shaffer and Dr.
22 Sarafian and their families are most concerned

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1 about the issues in their corner and the
2 southeast corner and the connectivity issue is
3 a big one.

4 I mean, we could testify and go
5 forward tonight on that. The fact that we're
6 coming back March 16th does provide an
7 opportunity to try to get some clarity on that
8 so the testimony can be a little more focused.

9 CHAIRPERSON HOOD: I actually was
10 going to try to finish tonight but that's not
11 going to happen. Okay. I think -- let's see.
12 I want to call your name. Come up front, Mr.
13 Tucker. Okay. Come on up, Mr. Tucker. Come
14 forward, Mr. Tucker, Canal View. Let me put
15 your name down here with Mr. Brown's.

16 MR. TUCKER: Mr. Chairman, I was
17 just going to volunteer to do our testimony
18 tonight. I think we can beat the 20 minutes.

19 I don't know if you have time for it or not
20 but if you would like to hear it.

21 CHAIRPERSON HOOD: The problem
22 would be cross examination. I can't dictate

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1 what's going to happen with cross examination.

2 That's my only problem.

3 MR. TUCKER: Okay.

4 CHAIRPERSON HOOD: I don't know
5 what you may say and I don't know what cross
6 examination and that may go on for a moment.
7 I think it's better we stop now.

8 MR. TUCKER: Yes, sir.

9 CHAIRPERSON HOOD: Okay. Thank you
10 very much, Mr. Tucker, for at least trying.

11 Okay. I think this is our cutoff
12 point. I think this is actually a good point
13 where we can stop. When we will continue we
14 will start with Mr. Hitchcock, Mr. Brown,
15 Canal View Homeowners Association, party in
16 support, and the Palisades Citizens
17 Association, Mr. Ross, party in support.
18 That's what is listed. I know they have some
19 concerns there but it seems like everyone is
20 in support.

21 Let me ask this. Do we have any
22 individuals that are here tonight that are in

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1 support? Can you come forward? Can you come
2 forward. We'll try to get --

3 Do we have any individuals here
4 tonight that are in opposition? So everything
5 is in support. Okay. Come forward. We just
6 got to work out a few things.

7 Okay. I don't have the list but
8 that's fine. If you can identify yourself and
9 you may begin your testimony.

10 MS. CASTALDI: I am Mimi Castaldi.

11 CHAIRPERSON HOOD: You may go ahead
12 and begin.

13 MS. CASTALDI: Go ahead and begin?

14 CHAIRPERSON HOOD: Yes.

15 MS. CASTALDI: I just wanted to
16 make a statement. I have actually been saying
17 I am not in support or opposition but I
18 realized I had to pick one so I'm here in
19 support.

20 I live in one of the houses in
21 Canal View on Lavarock Place and it's very
22 close to the property in question. My rear

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1 deck is six feet from the property line.

2 CHAIRPERSON HOOD: Can you point
3 and show us where you are? Okay. That's
4 where you are.

5 MS. CASTALDI: There is a red dot
6 in the middle of my house. Thank you. I just
7 wanted to take a minute to talk about some of
8 the things that Athena has offered to do that
9 have made a huge difference to us in terms of
10 looking at the impact on neighbors that are
11 close to it.

12 As I mentioned, our deck is six
13 feet from the property line. We also have 18
14 windows on that side of the house that will
15 directly face building three. Our concerns as
16 we looked at the possibilities under matter-
17 of-right plans were how close another house
18 could be in proximity to our own home.

19 I should say I'm speaking on behalf
20 of my husband and myself, not the community as
21 a whole. With the matter-of-right it could be
22 as close as 25 feet to our property line.

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1 With this development it's about 80 feet the
2 closest home.

3 The other huge concession the
4 developers made when they asked us what was
5 most important to us we said the air and light
6 facing our home and that is when they agreed
7 to take a story off of building three. For us
8 those are two huge concessions and we are
9 appreciative of that and hope that you will
10 consider that as you review this application
11 or if things change and they are redoing it
12 that you keep those things in mind.

13 CHAIRPERSON HOOD: Can you spell
14 your last name for me?

15 MS. CASTALDI: Sure. It's C-A-S-T-
16 A-L-D-I.

17 CHAIRPERSON HOOD: Okay.

18 MS. CASTALDI: My first name is M-
19 I-M-I.

20 CHAIRPERSON HOOD: Okay.

21 You may begin.

22 MS. CAMPBELL: My name is Sarah

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1 Campbell. I have been a homeowner on
2 Greenplace for 42 years. I'm also a teacher
3 in both D.C. public schools in the
4 neighborhood and in parochial school in the
5 neighborhood so I view the community as a
6 homeowner and a teacher.

7 I just wanted to bring up about the
8 wetlands precedent. Another wetlands -- I'm
9 sure this issue came before you was when the
10 Lab School was built or extended they ran into
11 a wetlands issue between the firehouse on
12 MacArthur. Basically they turned it into a
13 gorgeous what they call the Wetlands Lab.

14 They made it into a place of study
15 but it's accessible to the neighborhood. They
16 have a halloween party there at night. I'm
17 sure the butterfly garden is going to be very
18 lovely but I don't see that as an amenity to
19 the public.

20 I could be wrong but I see it as an
21 amenity for the residents of this development.

22 I would not feel comfortable walking in and

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1 parking myself to enjoy it. It seems to me a
2 PUD needs to extend beyond just the people who
3 will be living there.

4 A second, of course, the green
5 space would tie right in with that. I just
6 would like to point out, and I'm sure it's
7 true throughout all communities, particularly
8 in the District, though, we've had a lot of
9 green space issues.

10 When I first purchased my home they
11 were going to build a maintenance depot next
12 to the Georgetown reservoir and we fought very
13 hard to have the ecological center there.
14 Believe me, it was a tough fight but I just
15 want to point out that this is a community
16 that stands up for green space, appreciates
17 it, and wants to keep it that way.

18 My final point is that MacArthur
19 Boulevard is unique, I think, because, first
20 of all, it's for pedestrians and traffic, of
21 course, is an issue. We also have five
22 schools, public and -- no public schools but

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1 private -- where kids will be walking back and
2 forth.

3 Another very important thing about
4 that is affordable housing. We have apartment
5 buildings on MacArthur Boulevard. I moved
6 into one of them and I have to admit I was a
7 little peeved when they talked about the
8 affordable housing and said it was for
9 teachers and people like that. Well, I have a
10 single family home but only because I'm
11 married to a lawyer.

12 I mean, the thing is you could rent
13 an apartment on MacArthur and we have people
14 who work at Sibley Hospital. These are the
15 people who are cleaning the hospitals. We
16 have custodians of schools.

17 I realize this is a valuable piece
18 of land and you're not going to build low-rent
19 housing but, I mean, I think we have to
20 remember that part of our city whether it's in
21 northwest or southwest or wherever it is we
22 want it to be diverse and, you know, I just

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1 hate to see MacArthur Boulevard turn into
2 another area that is "tony." Thank you.

3 VICE-CHAIR JEFFRIES: Thank you.

4 Comments well appreciated

5 CHAIRPERSON HOOD: Thank you. Any
6 questions of Ms. Campbell? Thank you all for
7 coming out and providing testimony.

8 Is there any other individual --
9 I'm sorry. Hold on. Cross examination
10 anybody? Nobody. I'm sorry, Mr. Feola.

11 MR. FEOLA: No.

12 CHAIRPERSON HOOD: Okay. Any of
13 the parties? Okay. Thank you again for your
14 testimony.

15 Is there anyone else here who would
16 like to testify in support, an individual in
17 support? Individual in opposition?

18 Okay. I think this is the cutoff
19 point for the night because if we get into the
20 parties, we will be here long after 1:00 so we
21 want to go ahead and stop. Again, this
22 Commission is committed to trying to get

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1 through with this case. We only have one or
2 two left probably for the year. Just joking.

3 Okay. What we'll do is March 16th
4 at 6:00 p.m. we will get started and hopefully
5 we will definitely finish on March 16th. With
6 that I want to thank everybody for their
7 participation this evening and with this we
8 will continue this again on March 16th. Good
9 night.

10 (Whereupon, at 10:52 p.m. the
11 hearing was adjourned.)
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