

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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-----: :
IN THE MATTER OF: :
: :
PARKSIDE RESIDENTIAL, LLC AND: CASE No.
PARKSIDE HOMES, LLC : 05-28G
: :
-----: :

Monday,
October 24, 2011

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

The Public Hearing of Case No. 05-28G by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
PETER MAY, Commissioner (NPS)

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

Development Review & Historic Preservation

JOEL LAWSON

STEPHEN MORDFIN

The transcript constitutes the minutes from the Public Hearing held on October 24, 2011.

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

6:38 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the Public Hearing of the Zoning Commission of the District of Columbia for October 24th, 2011. We are assembled in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me this evening are Vice Chairman Konrad Schlater, Commissioner Peter May. We are also joined by the Office of Zoning Staff, Ms. Sharon Schellin, Office of Planning, Mr. Lawson and Mr. Mordfin.

This proceeding is being recorded by a Court Reporter. It is also web-cast live. Accordingly, we must ask you to refrain from any disruptive noises in the hearing room. The subject of this evening's hearing is Zoning Commission Case No. 05-28G. This is a request by Parkside Residential, LLC and Parkside Homes, LLC, for approval of a

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1 modification to a previously approved PUD for
2 property known as Block B and C of the
3 Parkside PUD.

4 Notice of today's hearing was
5 published in the D.C. Register on August 19th,
6 2011, and copies of that announcement are
7 available to my left on the wall near the
8 door.

9 This hearing will be conducted in
10 according of 11 DCMR 322 as follows:
11 Preliminary matters, Applicant's case, Report
12 of the Office of Planning, Report of Other
13 Government Agencies, if any, Report in this
14 case of ANC 7D, Organization and Persons in
15 Support, Organizations and Persons in
16 Opposition, Rebuttal and Closing by the
17 Applicant.

18 The following time constraints
19 will be maintained in this meeting. The
20 Applicant 20 minutes, if needed;
21 organizations, five minutes; individuals,
22 three minutes.

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1 All persons appearing before the
2 Commission are to fill out two witness cards.

3 These cards are located on the table near the
4 door.

5 The decision of the Commission in
6 this case must be based exclusively on the
7 public record. The staff will be available
8 throughout the hearing to discuss procedural
9 questions.

10 Please turn off all beepers and
11 cell phones at this time so as not to disrupt
12 these proceedings.

13 Would all individuals wishing to
14 testify please rise and take the oath? Ms.
15 Schellin, would you please administer the
16 oath?

17 MS. SCHELLIN: Please raise your
18 right hand.

19 Do you solemnly swear or affirm
20 the testimony you will give this evening will
21 be the truth, the whole truth and nothing but
22 the truth?

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1 Thank you.

2 CHAIRMAN HOOD: And, Ms. Schellin,
3 do we have any preliminary matters?

4 MS. SCHELLIN: One proffered
5 expert witness.

6 CHAIRMAN HOOD: Okay. Before I go
7 there, I've been given a note that we have
8 some students, quite a coincidence, from the
9 American University under Professor Eric
10 Morrison to observe our proceedings. I want
11 to welcome you.

12 Can somebody come to the table and
13 just tell me what class. I'm just curious,
14 what class. Architecture or -- is this the
15 instructor?

16 MR. MORRISON: Mr. Chairman, Eric
17 Morrison, Morrison Architects, in adjunct
18 faculty at American University together with
19 Dr. Robert Lipnick. Our class is in the
20 American University School of -- Kogod School
21 of Business Real Estate, Finance,
22 Sustainability Focus.

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1 CHAIRMAN HOOD: Okay.

2 MR. MORRISON: And, in particular,
3 we're focusing on things such as a
4 neighborhood development LEED project and as
5 part of that we also -- we were interested to
6 bring them into a public procedure such as
7 yours to see how it goes.

8 CHAIRMAN HOOD: Okay. So, you all
9 are on campus --

10 MR. MORRISON: We are not here for
11 that today. Thank you.

12 CHAIRMAN HOOD: All right. Okay.
13 Good. All right.

14 So, again, we want to welcome you
15 and hope you find this helpful.

16 Okay. Mr. Feola, you have a
17 proffer of an expert?

18 MR. FEOLA: Thank you, Mr.
19 Chairman, we do. I believe the resume has
20 been passed out. Is that correct?

21 CHAIRMAN HOOD: We have the
22 resume. Mr. Feola, what are you proffering us

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1 again?

2 MR. FEOLA: Residential
3 architecture.

4 CHAIRMAN HOOD: Residential
5 architecture.

6 Okay. Commissioners, we have the
7 resume in front of us. Any questions?

8 Commissioner May.

9 COMMISSIONER MAY: Mr. Johnson,
10 are you licensed in the District or anywhere?

11 MR. JOHNSON: No, sir.

12 COMMISSIONER MAY: Okay. I don't
13 ask that because I'm particularly concerned
14 about that but I know that one of our
15 colleagues who is missing often asked that
16 question so I asked that instead.

17 Honestly, what I see in the resume
18 is not what I would normally expect for an
19 expert in architecture. I mean, it certainly
20 shows good credentials for the kind of work
21 that you're doing, but ordinarily I would
22 expect to see significant listing of previous

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1 design projects for which you were responsible
2 for the design. And that's the kind of thing
3 I would expect for someone proffered as an
4 expert in architecture whether it's
5 residential architecture of any other. It's
6 just not here. I don't know if that's
7 something that can be, you know, Mr. Johnson
8 can testify to to satisfy the concerns, but I
9 really don't see it here.

10 CHAIRMAN HOOD: I would echo that
11 concern. When I looked at the resume it
12 looked like something was missing so maybe he
13 can respond to it orally.

14 MR. FEOLA: I don't think it's
15 critical to our case so if it affects the
16 sense of the Commission we can move on.

17 COMMISSIONER MAY: That's fine.
18 Thanks.

19 CHAIRMAN HOOD: Let's move on.
20 Okay, Mr. Feola, we can start.

21 MR. FEOLA: I'm just sorry that
22 the class at American University is going to

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1 see something so uncontroversial tonight than
2 some of the ones that we usually see.

3 COMMISSIONER MAY: Don't worry
4 about it.

5 MR. FEOLA: Thank you. Thank you,
6 Mr. Chairman. You usually make those comments
7 at the end because you never know what
8 happens.

9 For the record, my name is Phil
10 Feola and with me is Christine Roddy from the
11 law firm of Ghoulston & Storrs and we're here
12 on behalf of the Applicant in this case.

13 As a preliminary first matter I'd
14 like to incorporate as to the records of 05-28
15 and 05-28A be incorporated into this
16 proceeding by reference because this is
17 obviously a modification to a second-stage PUD
18 that's been approved.

19 We're here this evening seeking a
20 modification to a portion of the second-stage
21 approval for the Parkside PUD, the 152 acre
22 parcel of land at the Minnesota Avenue Metro

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1 Stop for which the Commission granted first-
2 stage approval in the Map Amendment change in
3 2007.

4 The second-stage approval for 05-
5 28A authorized construction of a 98-unit
6 senior living facility, entirely affordable
7 units and 112 town homes. Fifty-four of those
8 town homes were designed to 14-foot wide town
9 homes. The senior building is under
10 construction as we speak, but we're here
11 tonight seeking to modify the town home
12 component of 05-28A.

13 The specific changes as you'll
14 hear in a few minutes are driven by the market
15 as the football referees say, upon further
16 review. The Applicant and the contract
17 purchaser, K Hovnanian, came to the conclusion
18 that 14-foot wide town homes would be
19 difficult to market in this area. So, what we
20 are proposing is essentially the same site
21 plan but moving away from 14-foot wide town
22 homes to 16-foot and 20-wide town homes. And

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1 this increase in size results in the same site
2 not being able to accommodate 112 but only 100
3 units. And I'm going to let the Applicant
4 speak about that.

5 One additional piece that we're
6 asking for is a clarification really to what
7 these work force town homes are. We have
8 proposed in the original second-stage
9 application that we would set aside 42 of the
10 112 units for work force housing. We are
11 maintaining that 42 unit notwithstanding the
12 reduction in the total number of units to 100
13 but we want to reinforce in this particular
14 order if it granted the term of condition of
15 that work force housing as it was set out in
16 05-28 which was the first-stage approval.

17 So, with that, I'd like to ask
18 Alison Crowley from City Interests
19 representing Parkside Residential just to give
20 a quick overview of the project.

21 MS. CROWLEY: Thank you. Good
22 evening, Commissioners. My name is Alison

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1 Crowley representing City Interests.

2 As you know, we're here this
3 evening requesting approval for modifications
4 to the Parkside Town Home Project. We are the
5 owner and master developer of the entire
6 Parkside PUD. It received Stage 1 approval
7 back in 2007 for up to 50,000 square feet of
8 retail, up to 750,000 square feet of office,
9 up to 1,500 residential units, new pedestrian
10 bridge and a one-acre park.

11 As you can see from the
12 development time line, we are here tonight to
13 discuss Block C. Currently, as you know,
14 Blocks B, which is the 98-unit senior
15 apartment building, is currently under
16 construction as is Block D, the early
17 childhood education facility. We've also
18 received Stage 2 approval for Blocks E, the
19 one-acre block; Block H, the Community College
20 of DC flagship campus; and Block F, the DCP
21 Primary Care Clinic. And, again, tonight we
22 will be focusing on Block C.

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1 This is just to provide further
2 site context for you with the overlay of the
3 approved Blocks H and F on Parcel 12 as well
4 as the final site plan that was approved for
5 Block E for the one-acre park.

6 And with that, I will take it over
7 to the architects to discuss the changes.

8 MR. IRONS: Thank you. My name is
9 Mike Irons, Vice President of Land Development
10 K Hovnanian Homes. K Hovnanian is like said
11 earlier, K Hovnanian is the contract purchaser
12 of Parcels B and C from City Interest.

13 A little bit of backgrounds on the
14 PowerPoint. Hovnanian has been building homes
15 for over 50 years. It's a publicly traded
16 company, traded under the symbol HOV on the
17 New York Stock Exchange. We're a top-ten
18 national home building, nationally known and
19 our company makes a real strong commitment
20 towards our customer satisfaction in the
21 quality of homes we build.

22 Next slide.

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1 Here's a graphic that shows, you
2 know, the different locations we're building
3 in. Currently, we're building in 17 different
4 states throughout the country with over 200
5 active communities open for sale and under
6 construction right now.

7 Earlier this year we completed a
8 project in Washington called Emerson Park. I
9 was located in Northeast. Here's a picture of
10 some of the completed town homes. This
11 project consisted of 75 town homes. Like
12 Parkside, it was a transit-oriented
13 development. This one was located very close
14 to the Fort Totten Metro. It's also was a
15 redevelopment. This site was previously a
16 industrial use as a concrete manufacturing
17 plant. So, it had a lot of similarities. We
18 just recently completed this one.

19 Go to the next slide please.

20 A little bit about myself. I've
21 been with the company for 17 years. I'm the
22 Vice President of Land Development. I'm

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1 responsible for all our site development
2 throughout Maryland, Delaware, Washington,
3 D.C. and Virginia. I've been with the company
4 17 years. I have a degree in Landscape
5 Architecture from Penn State. I've also a
6 licensed landscape architect in Maryland and
7 Pennsylvania.

8 Troy has been with the company for
9 about a year and he's got a degree from
10 Virginia Tech in architecture and previously
11 worked with Richmond American Homes managing
12 their architectural processes for nine years.

13 This graphic shows our site plan.

14 As mentioned by Phil, our site plan is very
15 similar to what was approved before. The
16 changes that are incorporated into this
17 modification request basically are three
18 things. Number one, it's the size and width
19 of the units, the number of units and the
20 facades of the architecture.

21 I'm going to talk about the number
22 of units and the sizes of them and Troy will

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1 talk about the facades a little bit in more
2 detail.

3 As mentioned by Phil, the previous
4 approval -- you can go to the next slide.
5 Previous approval had 54 14-foot wide units
6 and 48 18-foot wide units and 10 20-foot wide
7 units. Our plan proposes two different house
8 types, 51 16-foot wide which are shown in the
9 yellow and 49 20-foot wide units which are
10 shown in blue.

11 The 14-foot wide unit is a very --
12 it's not a marketable unit. It's not a very
13 liveable unit and we felt it would be a
14 difficult time selling these units. So, we
15 eliminated the 14s and replaced them with 16s
16 and we eliminated the 18s and replaced them
17 with 20s. So, we have two different widths of
18 homes to capture two different segment sin the
19 market.

20 The number of units changed also.

21 Basically, we made everything a lot wider so
22 the number of units went down from 112 which

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1 wa approved previously to 100.

2 Our site plan does not change a
3 lot of things. The work force housing
4 requirement of 42 units is still in place.
5 The existing circulation pattern of the
6 existing street, Anacostia, Foote Street,
7 Barnes Street, those stay the same. The alley
8 circulation is exactly the same as what was
9 proposed previously.

10 The pedestrian network of sidewalk
11 connections to the parks and the adjoining
12 streets is also unchanged. The parking that's
13 proposed in garages and on-street parking is
14 not changed either. The private open space
15 that is around a lot of the homes is
16 unchanged. So, there's a lot of things that
17 aren't changing. This plan is very similar to
18 what was approved previously.

19 I'm going to turn it over to Todd.
20 He can talk a little bit about our
21 elevations. MR. JOHNSON: Troy.

22 MR. IRONS: I'm sorry.

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1 MR. JOHNSON: As you can see, this
2 was a block of five units that was rendered
3 previously with the original submission of
4 this request.

5 The materials they're actually
6 going to be provided are the Hardie plank
7 siding and also a Hardie board which is
8 actually what those projects bays are made out
9 of. They don't have siding in the middle.
10 They're basically just a Hardie board with
11 Hardie trim with the accent colors which is
12 exactly what was approved in the previous
13 submittal. All the windows are still double-
14 hung windows. We have a brick base which is
15 the lighter color you see at the bottom. And
16 some full masonry elements, again, just to
17 break up the monotony, especially if you go to
18 the next slide you might see -- would you go
19 to the next slide.

20 Thank you.

21 Building Number 6 which is a four-
22 unit -- we're going to be pre-siting the whole

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1 community so we'll know exactly which units
2 are going to be beside each other. So, we'll
3 actually color select before it's sold. So,
4 again, we don't have maybe all masonry, for
5 example, or all siding, for example, in a row.
6 So, this was a concept that was, again,
7 previously approved.

8 The colors that were selected -- I
9 think we have a material board as well with
10 the colors on it. We have a greenish -- we
11 also have a bluish and a red which is good
12 accents we feel for the community which
13 actually picks up on the standing seam metal
14 roofs that are in the existing architecture
15 that's out there, especially the green and the
16 blue that's out there actually reflects the
17 existing architecture.

18 Those are also two of masonry
19 samples that we'll be using. So, again, we'll
20 have a lighter brick or a lighter masonry with
21 the Hardie trim and then the field color of
22 the siding up top with the accent bands that,

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1 again, was previously approved.

2 Also, the metal awnings as you can
3 see, after driving the site, it actually kind
4 of reflects the Cesar Chavez school. They
5 have a lot of those metal awnings that
6 actually pulls the whole community together.

7 The next slide you'll see a group
8 of eight. It's building blocks number 18 and,
9 again, it gives you a good example of what one
10 of the longer building strings will look at.
11 Again, it's not monotonous. We break it up
12 fairly, you know, in a good manner so it
13 doesn't have that repetitive feel you see in a
14 lot of town house projects.

15 So, again, one of the major
16 changes from the previously proposed or
17 previously approved with the proposed is the
18 loss of that optional fourth story that was
19 presented and some of the renderings and also
20 in some of the floor plans. The gross floor
21 area that was previously approved, if you add
22 up all of the units, it comes out to about

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1 269,000 square feet. If you add up what we're
2 proposing, it's about 228,000 square feet, a
3 difference of about 40,000. If you average
4 that out throughout 100 of the units, you'll
5 realize that it is the optional fourth floor
6 that was taken out and since it was an option,
7 we couldn't guarantee that everybody would
8 actually buy that option as well. So, we feel
9 like the gross floor area is pretty spot on to
10 what was previously approved.

11 Also, changing from a flat roof to
12 more of a pitched roof, again, reflects the
13 existing architecture and also, again, just
14 brings the whole community together in more of
15 a unified fashion.

16 Go to the next slide.

17 This is a shot of the rear of that
18 five string that you can see. We will have
19 single-car garages. I can think you can see
20 it's an optional two-car garage on the wider
21 units, on the 20 wide. So, again, all the
22 houses will have a standard one-car garage,

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1 again,that will give a lot more space in the
2 garages for bikes and things like that for
3 urban transportation that one might have, but
4 they can also option for a two car if they
5 needed to, but the base house will have one
6 car for all houses.

7 Next slide.

8 This is just a typical side of one
9 of the units with the masonry base. And here
10 are the floor plans. The Adams house plans,
11 20 foot by 34 feet. It's a two-bedroom -- I'm
12 sorry, three bedroom with a study and also
13 there's two different second floor plans that
14 we'll offer. One has a middle kitchen and
15 also one has a little bit more formal space of
16 a rear kitchen with a formal dining room and
17 living up front. So, kind of gives the buyer
18 a little bit of choice as far as how they
19 live, how they want to live in this house
20 since it will be the higher bedroom count,
21 probably small families.

22 The next plan is a Fitzgerald

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1 which is a 16 footer and it's a two bedroom
2 with a study. Just looking at the floor plan
3 you can see probably why we chose to delete
4 this 14 footer. If we had a 14-foot town
5 house, you minus out the stairs. That's three
6 feet plus maybe another three for circulation
7 and you just don't have a usable room to
8 furnish. And also the 14 feet is actually
9 measured center to center so that you subtract
10 out all that shaft wall and fire wall too.

11 We'll go to the street tree layout
12 and Mike will talk about that.

13 MR. IRONS: Mike Irons again.

14 The street tree and landscaping
15 plan did not change much at all except for
16 moving some trees around based on the revised
17 floor plans and footprints. But basically
18 there's no change to the landscaping.

19 You can go to the next.

20 This plan shows a cross section of
21 a typical alley. You can see the allies as
22 proposed before show a reverse crown with

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1 drainage going to the center of the alley.
2 And there's a permeable paving detail there
3 that helps with infiltration and storm water
4 run-off. We're keeping that the same.

5 The cross section also shows, you
6 know, some of the balconies that overhang from
7 the rear of the units as well as, you know,
8 the peaked roofs that Troy spoke about.

9 Here's a blow up of the site plan.

10 In the rear alleys you can see some of the
11 projections, optional projections shown as
12 dash lines. The alley section, once again, is
13 the same as it was before.

14 Next slide.

15 A large percentage of our units
16 are located in front on a private open-space
17 court such as this one. This is very similar
18 to what was on the other plans. These homes
19 to get to the front doors is you have to
20 access them through a pedestrian sidewalk
21 system and these areas are, you know, have a
22 lot of landscaping, open lawns and they also

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1 have bio-retention rain gardens for storm
2 water run off and infiltration, water quality
3 management.

4 Here's another example of a
5 private open space. This one is very similar
6 to the other one, different design. This one
7 also features some sitting areas but has the
8 bio-retention areas as well.

9 Here you can see some of the
10 alleys again in plain view. The orange line
11 shows the permeable pavers in the alley. Also
12 shows some landscaping where we could put it
13 on the garage side.

14 On the west side of the site
15 there's a large Pepco transmissions station
16 and this plan shows a visual buffer that's
17 going to be on the west side of Foote Street
18 that we planted to provide a visual barrier
19 between the homes and the Pepco plant.

20 That's all on that one. Next
21 slide please.

22 Okay. So, in summary, basically

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1 we're changing a few small things on the plan.

2 We just appreciate your time to allow us to
3 present tonight and ask for your support of
4 our modification.

5 MR. FEOLA: Thanks, Mr. Chairman.

6 That ends our direct presentation. We stand
7 ready for questions.

8 CHAIRMAN HOOD: Okay. Thank you
9 very much. Let me open it up for any
10 questions.

11 Commissioners? Vice Chairman,
12 Schlater.

13 VICE CHAIRMAN SCHLATER: Thank you
14 very much, Mr. Chairman.

15 I wasn't sure sifting through the
16 materials here. I want to talk quickly about
17 these affordable units. Forty two work force
18 housing units. Can you tell me, given the
19 definition of work force housing, it's between
20 80 and 120 percent of AMI. Up to what price
21 can you charge for an affordable town home?

22 MR. FEOLA: The sales price?

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1 VICE CHAIRMAN SCHLATER: Yes,
2 please.

3 MR. FEOLA: I don't think we have
4 that information. We can provide it.

5 VICE CHAIRMAN SCHLATER: That
6 would be great.

7 MR. FEOLA: It's based on the
8 average median income at the time.

9 VICE CHAIRMAN SCHLATER: I'm just
10 curious to know the number.

11 Have we set the location of the
12 affordable units?

13 MR. IRONS: Yes, we did. You can
14 see the blue units here. This is our, you
15 know, preliminary plan of where we're going to
16 designate the work force units.

17 VICE CHAIRMAN SCHLATER: And it's
18 a mix of the 14- and 20-foot wide?

19 MR. IRONS: Of the 16 and 20.

20 VICE CHAIRMAN SCHLATER: Sixteen
21 and twenty, sorry, not 14 anymore.

22 MR. IRONS: Yes, sir.

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1 VICE CHAIRMAN SCHLATER: I
2 certainly for one support the move away from
3 the 14-foot wide town homes. That is a very
4 narrow product.

5 MR. IRONS: You know, going back
6 to your original question, I do have some
7 information that would be perhaps helpful,
8 even though I don't remember the exact
9 numbers.

10 VICE CHAIRMAN SCHLATER: Yes.

11 MR. IRONS: We did do the analysis
12 and we did the study based on the buyers at
13 the Emerson community which we just finished.
14 And we looked at all those buyers, income
15 levels with the number of people in their
16 family --

17 VICE CHAIRMAN SCHLATER: Yes.

18 MR. IRONS: -- and way over the
19 required -- like this is obviously 42 percent.
20 Forty-two. It was over 50 percent of those
21 buyers who bought there would qualify under
22 the work force housing. And those homes were

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1 roughly in the low \$300s, just as a ballpark.

2 VICE CHAIRMAN SCHLATER: Okay.

3 MR. IRONS: So, we did the
4 analysis and felt that they would qualify with
5 the AMI standard.

6 VICE CHAIRMAN SCHLATER: And I
7 think that's what I was wondering was whether,
8 you know, the market rate town home was, in
9 essence, a work force town home in and of
10 itself.

11 MR. IRONS: Basically.

12 VICE CHAIRMAN SCHLATER: Pretty
13 close.

14 MR. IRONS: Pretty close.

15 VICE CHAIRMAN SCHLATER: Is what
16 you're saying.

17 MR. IRONS: It's very close. It's
18 very close. Not -- not exactly but --

19 VICE CHAIRMAN SCHLATER: For the
20 market pricing on these would be similar,
21 around \$300,000 or above, hopefully above, I'm
22 sure but, yes.

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1 I think one thing I've heard about
2 national home builders, sometimes they have
3 difficulty complying with the local hiring
4 requirements. Is there any problems with that
5 from Hovnanian's standpoint?

6 MR. IRONS: No, sir, we just
7 recently -- we're working on a project just
8 outside the Beltway in Capitol Heights which
9 had a local work force housing requirement and
10 we met it with no issues.

11 VICE CHAIRMAN SCHLATER: Not work
12 force. Oh, local work force. Okay.

13 MR. IRONS: I mean our
14 contractors.

15 VICE CHAIRMAN SCHLATER: Okay. I
16 got you.

17 MR. IRONS: Yes, we had a
18 requirement there on a community and we
19 submitted all of our contractors', you know,
20 locations and things and so --

21 VICE CHAIRMAN SCHLATER: Very
22 good.

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1 And then I was looking at the
2 second-stage approval and one of the
3 conditions in there is an agreement to fund
4 the Parkside Pedestrian Bridge. And I just
5 thought maybe it would be good to get an
6 update on where that stands today.

7 MS. CROWLEY: The bridge is moving
8 along nicely. We've assembled a consultant
9 development team within DDOT. We've brought
10 on a number of experts and we have begun
11 discussions with Pepco and CSX to talk about
12 the next steps that are needed to move forward
13 with the bridge. WE are still anticipating a
14 fourth quarter 2012 ground-breaking.

15 VICE CHAIRMAN SCHLATER: So, DDOT
16 has funds identified for the bridge?

17 MS. CROWLEY: Yes, DDOT -- \$5
18 million were earmarked many years ago for the
19 pedestrian bridge and very recently we
20 received news that another \$5 million has been
21 earmarked for the bridge project.

22 VICE CHAIRMAN SCHLATER: Okay.

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1 Great. Thank you very much. Look forward to
2 seeing the bridge getting built.

3 COMMISSIONER MAY: Thanks. Not
4 surprising that my questions are mostly about
5 the architecture of the building. And I had a
6 lot of questions about this project the first
7 time around and I had a lot to say about that.

8 I'll try to restrain myself here.

9 First of all, I'm glad to see the
10 presentations materials and some of the images
11 that you've included, especially, the pictures
12 of Emerson Park because I think it gives me a
13 little bit more confidence because, frankly,
14 the drawings that we had received before
15 tonight were not showing the project very well
16 at all. And some of its reproduction, some of
17 it just how large the drawings are or how
18 large the images are on the page. And it
19 really wasn't showing very well. So, it's
20 good to see an example, I think is also
21 helpful.

22 Tell me, was the Emerson Park

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1 project designed by the same architecture
2 firm?

3 MR. IRONS: As far as the site
4 design are you asking or --

5 COMMISSIONER MAY: I mean, was it
6 the Lessard Group that did this? No?

7 MR. IRONS: Yes, yes, sir.

8 COMMISSIONER MAY: It was.

9 MR. IRONS: The Lessard Group did
10 do the architecture for the Emerson town
11 homes, yes.

12 COMMISSIONER MAY: Okay.

13 MR. IRONS: I believe so. I
14 believe.

15 COMMISSIONER MAY: All right.

16 MR. IRONS: I believe so.

17 COMMISSIONER MAY: Well, I'm
18 familiar with their work and I've had numerous
19 discussions with them about the design work
20 that they do trying to offer constructive
21 criticism.

22 MR. IRONS: Those are different

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1 house sites there, sir.

2 COMMISSIONER MAY: I understand
3 they are.

4 MR. IRONS: Yes.

5 COMMISSIONER MAY: But it's the
6 quality of finish and, frankly, I've seen some
7 other work that they've designed around town,
8 both by other companies that I found lacking
9 in the end. And I'm not seeing some of the
10 same design mistakes in terms of the detailing
11 and, you know, my background is in
12 architecture and so I'm also fairly obsessive
13 about detailing. And I think that's where,
14 you know, these things very often that the
15 overall quality of the project it shows in
16 some of these smaller details.

17 Let me also say generally speaking
18 I'm supportive of this change to the different
19 housing types. I was never a fan of the 14-
20 foot town house. I don't know if it was on
21 this case or other cases, but I did my best to
22 try to dissuade them from doing 14-foot town

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1 houses because I've lived in a 14-foot town
2 house and, you know, that's okay if you're
3 like two people and you don't really care
4 about having much in the way of furniture.
5 But it's just not a really practical unit and
6 I'm glad to see that you've moved away from it
7 and I'm going to point to this case in the
8 future anytime anybody shows me anything
9 narrower than 16 feet and I hope others are
10 listening to this case.

11 I don't know that we have anything
12 else that's before us but it comes up from
13 time to time and they say, oh, no. The
14 market, you know, there's a market for them.
15 People buy them. I just don't understand why.

16 So, I'm glad they're gone.

17 I'm also glad that the fourth
18 floor is gone because, frankly, it looked like
19 an unwelcome appendage as it looks on other
20 town houses around town where I've seen that
21 fourth floor and I go by some very frequently
22 and it still bothers me.

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1 I would say that it's okay to make
2 a row of town house, particularly, when you're
3 talking about four or five that are really
4 largely the same. It don't all have to be
5 different and there is this tendency,
6 particularly with suburban town home
7 development to, you know, shift the facades
8 back and forth, to make one brick, to make one
9 siding, even though they're all constructed
10 the same on the inside, it's just a question
11 of how you wallpaper it up front.

12 I have lived in historic
13 neighborhoods and I've lived in very plain
14 flat front brick houses that were all the same
15 except for every third house, you know,
16 pitched up and then the fourth house pitched
17 down, the facade. And that was the entirety
18 of the variety.

19 But if you look at these houses
20 over the years, they've all become very
21 different. They get, you know, people have
22 added either porches or just an entry piece

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1 over the door. The treatments of the doors
2 themselves are different. They are painted
3 differently. The landscaping is different.
4 Lot of ways these things get customized.
5 Maybe they don't have the option of doing that
6 here, but I would not want you to think that
7 in order to make a project interesting, all of
8 the town houses have to have a different
9 character. I don't believe that's true. And
10 I would like to see, you know, actually
11 greater similarity between units than what's
12 represented here.

13 I'm not pushing for you to change
14 anything though. I'm just noting that.

15 I was not a big fan of the pitched
16 roof rather than the flat roof, but you
17 reminded me of the context there. First,
18 there's not a lot of town houses in that area.

19 Tell me though across the street the existing
20 Parkside development, were they flat roof town
21 homes or were they pitched roofs?

22 MR. JOHNSON: Pitched roofs.

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1 COMMISSIONER MAY: They're all
2 pitched roofs. Okay. So, I guess that kind
3 of makes sense and I know that Mayfair
4 Mansions and such those are all apartment
5 units with pitched roofs. So, that makes more
6 sense in that context. Generally speaking,
7 the pitched roof town houses are not common in
8 Washington. They're typically flat roofs.
9 So, I can get along with that.

10 Can you put up the elevation of
11 the, I guess it's on page 11 on mine --
12 numbered 11. So, tell me what's going on with
13 the roofs there. Well, first of all, are all
14 those facades in the same plain except for the
15 bay projections or are there actually things
16 projecting there?

17 MR. JOHNSON: The three units in
18 front are on the same plane and then you see
19 up there kind of separating the roofs, it's
20 almost like a false parapet, again, to
21 reflect, you know, the way we used to build
22 town houses with, you know, the masonry wall

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1 poking through the roof. So, with that, and
2 again not having the room for one to do a lot
3 of jobs along the front, we do have several
4 that are on the same plane and --

5 COMMISSIONER MAY: And that's
6 fine. I like the same plane. But is that
7 separation on the roof actually necessary for
8 fire code or anything like that?

9 MR. JOHNSON: Absolutely not.
10 It's more of just for a visual, again, to tie
11 in. Otherwise, it's a flat plane of about
12 three or four rows on the roof.

13 COMMISSIONER MAY: And, I don't
14 have a big problem with that.

15 MR. JOHNSON: Okay.

16 COMMISSIONER MAY: I mean, it's --
17 I don't know. I'm not going to, you know, my
18 vote is not going to be based on whether or
19 not you get rid of those, but I just don't
20 think it's necessary. I think it's you put
21 enough variation into the facade and then it's
22 okay to have the roofs be very similar.

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1 So, then how far do the eaves
2 project on the town houses on the outside,
3 right, in order to be over the bay. So, how
4 deep is that eave at the deepest part?

5 MR. JOHNSON: The overhang on the
6 ends and the ones in the center of the eave it
7 probably wouldn't be built that way. We
8 wouldn't have that. It would probably look
9 like the next slide with the parapets on the--
10 in the centers as well. So, we would have --

11 COMMISSIONER MAY: What I'm
12 curious about is let's stay with this image.
13 The unit all the way on the left where you
14 have the bay and then you have the pitched
15 roof coming out and it has to go obviously
16 past the bay, how much farther does it project
17 past the bay because it looks uncomfortably
18 close to the edge of the bay there?

19 MR. JOHNSON: It's at least six
20 inches, six inches to a foot.

21 COMMISSIONER MAY: I would look at
22 that because you see how close the bay is to

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1 the corner of that pitched roof. It looks --
2 when you see a pitched roof you want it to
3 overhang a little bit. You don't want it just
4 sort of go like that.

5 MR. JOHNSON: Absolutely.

6 COMMISSIONER MAY: Out a little
7 bit. And you're losing that with that bay
8 projection.

9 You're even kind of losing it on
10 the unit on the right.

11 MR. JOHNSON: It might be a
12 rendering mistake but we are planning to have
13 some --

14 COMMISSIONER MAY: One of the
15 things that I liked about the versions of the
16 Emerson Park is that there was depth in the
17 details of the facade and so things like this
18 actually, you know, there was some projection
19 to the roof overhangs and things like that and
20 I think that makes a big different for making
21 it feel very solid. And this I think just
22 that roof the way it sits on top of the facade

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1 is -- just makes it feel weak.

2 Okay. I don't think on any of
3 these you're showing nay gutters. I'm sorry,
4 you're probably showing a gutter imagined
5 there but there are no down spouts but there
6 are going to have to be down spouts, right?

7 MR. JOHNSON: Correct.

8 COMMISSIONER MAY: Okay. I would
9 like to see a drawing with the down spouts on
10 it --

11 MR. JOHNSON: Okay.

12 -- because that is part of the design
13 composition of the front and this is actually
14 -- if you went back and looked at the
15 transcript on this original case, I'm
16 absolutely certain I asked foro down spouts
17 that time too.

18 MR. JOHNSON: Okay.

19 MR. FEOLA: I think you ask for
20 them on all cases.

21 COMMISSIONER MAY: Well, it's a
22 common theme but sometimes people come to us

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1 with the down spouts drawn in.

2 Another reason why flat roofs have
3 certain advantages. You don't need to drain
4 the water off the front typically on a flat
5 roof at all. It just goes off the back.

6 So, that brings up the other
7 question is when you bring it down here, does
8 that mean that you're going to -- this is a
9 sustainability question. When the water comes
10 down the front are you actually going to put
11 it into some sort of LID feature or is it just
12 going to go straight into the sewer?

13 MR. IRONS: That's a great
14 question. I believe they're all planned to go
15 into the bio-retention rain gardens that I
16 mentioned that are in and around the adjacent
17 -- around the homes that are planned.

18 COMMISSIONER MAY: So, in the
19 fronts of all the homes you've got bio-
20 retention for --

21 MR. IRONS: I don't know if it's
22 in each -- front of each unit but they might

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1 be piped to a --

2 COMMISSIONER MAY: Piped to one.
3 Okay.

4 MR. IRONS: One that serves
5 multiple homes. I don't think that's been
6 designed in detail yet.

7 COMMISSIONER MAY: Okay. I think
8 it would be nice to know what the concept is
9 there if that is, in fact, the case. So, if
10 you can just confirm that I would appreciate
11 knowing that.

12 The elevations show Juliet
13 Balconies off the back. Is that right?

14 MR. IRONS: Correct.

15 COMMISSIONER MAY: Is there any
16 thought to giving actual real balconies so
17 that people have a place to put their barbecue
18 or something like that because right now the
19 only place to do that is in your garage or on
20 your front walk?

21 MR. IRONS: I think we may be
22 limited in depth just looking at the site

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1 plan. We sketched in four feet which is
2 pushing it to the envelope. If we can go
3 deeper, by all means, we will go deeper.

4 COMMISSIONER MAY: Okay. But the
5 Juliet Balcony is actually four feet deep?

6 MR. JOHNSON: Correct.

7 COMMISSIONER MAY: And how wide?
8 It's just the width of the window?

9 MR. JOHNSON: It's the width of
10 the--

11 COMMISSIONER MAY: Or the sliding
12 door or whatever it is? Okay.

13 MR. JOHNSON: It's about --

14 COMMISSIONER MAY: I mean for
15 Juliet I was picturing something less
16 substantial than four feet deep.

17 MR. JOHNSON: No, it will be about
18 three to four feet deep.

19 COMMISSIONER MAY: Okay. So, you
20 could actually put a barbecue out there?

21 MR. IRONS: Yes, the cross section
22 detail shows that overhang about four feet.

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1 COMMISSIONER MAY: Okay. Right.

2 Okay. That's right, I did see that.

3 Can we go back -- there we go.
4 Can we go back to the front elevation -- one
5 of the front elevations? Yes, one that gets a
6 little closer. Yes, that will be fine.

7 So, we see these little covers
8 over the entries and it looks like it's a
9 metal construction. Is that correct?

10 MR. JOHNSON: Correct.

11 COMMISSIONER MAY: Okay. So, is
12 it a wooden structure with metal rapping or it
13 going to be just a complete metal piece
14 that's --

15 MR. JOHNSON: It's truly metal.

16 COMMISSIONER MAY: Truly metal all
17 the way through.

18 MR. JOHNSON: All the way through,
19 all the way around and --

20 COMMISSIONER MAY: Looked like a
21 cast iron piece kind of thing? Okay.

22 MR. JOHNSON: Similar, yes.

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1 COMMISSIONER MAY: All right.
2 Now, the material board that you showed us
3 showed the Hardie board and the Hardie siding
4 and even the garage door all showing a wood
5 grain. Is that your intention to put wood
6 grain on everything?

7 MR. JOHNSON: On the solid pieces
8 they come in 4 x 8 sheets, smooth.

9 COMMISSIONER MAY: Yes, that's got
10 to be smooth, right. But the siding that we
11 see here --

12 MR. JOHNSON: The trim we can get
13 smooth as well.

14 COMMISSIONER MAY: Okay.

15 MR. JOHNSON: The actual trim but
16 that was just a color sample.

17 COMMISSIONER MAY: That's good.
18 Well, I guess what I'm really curious about is
19 the horizontal siding that we see there that
20 looks like a --

21 MR. JOHNSON: We can get it either
22 one. We just had the sample of the wood

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1 grain.

2 COMMISSIONER MAY: Okay. All
3 right.

4 I'm not a big fan of the wood
5 grain. I don't know that it really adds
6 anything other than something that collects
7 dirt if you really want that.

8 MR. JOHNSON: Luckily it's so high
9 you can't -- you won't even be able to touch
10 it until you're up there.

11 COMMISSIONER MAY: Okay. Well, I
12 would discourage the wood grain.

13 MR. JOHNSON: Okay.

14 COMMISSIONER MAY: But, again,
15 that's not -- my vote is not going to hinge on
16 that. So, as you can see, I do get into the
17 details on this and I appreciate your patience
18 with me. And I would just look for a little
19 bit more information on an elevation that
20 shows the down spouts and then some
21 information on where the water is going to go.

22 MR. JOHNSON: Okay.

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1 COMMISSIONER MAY: Thanks.

2 CHAIRMAN HOOD: Okay. Thank you.

3 Any other questions? I actually don't have
4 any questions.

5 Do we have anyone here
6 representing ANC 7D? Not seeing anyone, we
7 will go to the Office of Planning's Report.

8 Mr. Mordfin.

9 MR. MORDFIN: Good evening
10 Commission, Chairman. I'm Stephen Mordfin
11 with the Office of Planning.

12 And the Applicant proposes
13 modifications to the second stage that the
14 Office of Planning supports. The
15 modifications increase the widths of the
16 units, reduces the number of units by
17 approximately 11 percent, eliminates an
18 optional fourth floor resulting in a decrease
19 in building height, GFA and FAR. It modifies
20 the facades including the addition of peaked
21 roofs, consistent with the residential use of
22 the units. It modifies the landscape plan

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1 with slight variations to the site plan and
2 also the Applicant has asked for permission
3 that there be no control period for the 42
4 work force housing units which would be
5 consistent with the first stage approval of
6 the Parkside PUD.

7 The application continues to be
8 not inconsistent with the Comprehensive Plan
9 and that it would provide new private public
10 sector row housing for families in vacant land
11 within close proximity to a Metro rail
12 station. Therefore, the Office of Planning
13 recommends approval of the application.

14 Thank you.

15 CHAIRMAN HOOD: Okay. Thank you
16 very much, Mr. Mordfin.

17 Commissioners, any questions of
18 the Office of Planning?

19 Commissioner May.

20 COMMISSIONER MAY: Yes, I'm just
21 curious about the change to the order with
22 regard to the affordable units and whether it

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1 should be applicable only to first purchase
2 and so on. I mean, I don't remember how we
3 when we took up that case. That was in the
4 Phase I that was actually done?

5 MR. MORDFIN: Yes, it's in the
6 Phase I.

7 COMMISSIONER MAY: Oh, okay. So,
8 that's a good reason why I don't remember that
9 because I don't think I was part of the Phase
10 I.

11 So, do you concur that that was
12 the intention that it would be just the first-
13 time sales and so then after that it would go
14 -- there wouldn't be any sort of restriction
15 on it?

16 MR. MORDFIN: Yes, and I did
17 discussion this with OHU, said that that is
18 how the first phase is written that there
19 would be no control period. And all this does
20 is just reaffirm what's written in the first.
21 It doesn't change anything.

22 COMMISSIONER MAY: Okay. All

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1 right. Thanks.

2 CHAIRMAN HOOD: Any other
3 questions? Does the Applicant have any
4 questions of the Office of Planning?

5 MR. FEOLA: No, sir.

6 CHAIRMAN HOOD: Okay. And not
7 seeing anyone here from ANC 7D.

8 It's already mentioned in the
9 Office of Planning's Report, other

10 MR. ADAMS: Okay. Agencies who
11 responded was DDOT who, I believe, had no
12 objection and I think that's pretty much all I
13 saw.

14 Report of ANC 7D, we have a letter
15 here, Exhibit 16 from Chairperson Seward, ANC
16 7D, which said the 7D commission voted
17 unanimously seven to zero with a quorum to
18 support the development of this modification.

19 We urge the Zoning Commission to approve
20 their request and has a number where she can
21 be contacted. So noted.

22 Again, let me call for anyone from

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1 ANC 7D. Not seeing anyone. We don't have any
2 organizations or persons who have signed up to
3 testify in support and we don't have any
4 organizations or persons who have signed up to
5 testify in opposition. Is there anyone who
6 would like to testify? Not seeing anyone,
7 let's do any rebuttal.

8 Mr. Feola, your closing remarks?

9 MR. FEOLA: No, sir. I learned a
10 long time ago to quit when you're ahead. So,
11 I have nothing else to add.

12 Thank you.

13 CHAIRMAN HOOD: Same thing the
14 judge told me a couple of weeks ago. Quit
15 while you're ahead. Okay. It was a legal
16 issue, a tax issue but anyway. He said quit
17 while you're ahead.

18 Okay. Commissioners, we have this
19 case in front of us. Ms. Schellin, could you
20 tell us when we will be taking this up?

21 MS. SCHELLIN: On November 14th, I
22 believe. Let me double check. Yes, November

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1 14th.

2 CHAIRMAN HOOD: Tonight we'll be
3 doing proposed action, right?

4 MS. SCHELLIN: If you were to take
5 action it would be proposed actions, yes, sir.

6 CHAIRMAN HOOD: Okay. So, let's
7 do this. Commissioners, if we all agree,
8 let's see how we move tonight and some of the
9 things that were asked for and requested, if
10 we could do it at final, I think would be a
11 good way to proceed. Okay.

12 Would someone like to make a
13 motion. I'll accept a motion, entertain a
14 motion.

15 Okay.

16 VICE CHAIRMAN SCHLATER: Mr.
17 Chairman, I'll make a motion that we approve
18 Zoning Commission Cast Number 05-28G,
19 Modification to Modify and Approve the Planned
20 Unit Development on Squares 5041, Lots 809,
21 814, 815, 818, 820, 824 and 827.

22 CHAIRMAN HOOD: It's been moved

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1 and a second?

2 COMMISSIONER MAY: Second.

3 CHAIRMAN HOOD: It's been moved
4 and properly seconded. Any further
5 discussion?

6 COMMISSIONER MAY: Mr. Chairman, I
7 just want to note that I really appreciate the
8 fact that the ANC was fully in support of
9 this. I think that is helpful and
10 particularly with this PUD since we've had
11 some second stages where there were issues.

12 CHAIRMAN HOOD: Okay. Any further
13 discussion? Are you ready for the question?

14 All those in favor? Aye.

15 (AYES)

16 CHAIRMAN HOOD: Not hearing any
17 opposition, Ms. Schellin, would you record the
18 vote.

19 MS. SCHELLIN: The staff will
20 record the vote three to zero to two to
21 approve proposed action on Zoning Commission
22 Case Number 05-28G. Commissioner Schlater

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1 moving, Commissioner May seconding,
2 Commissioner Hood in support. Commissioners
3 Turnbull and Cohen not present, not voting.

4 And if we could go ahead and set a
5 date for these additional documents that are
6 due?

7 CHAIRMAN HOOD: Yes.

8 MS. SCHELLIN: If we could those
9 by October 10th. I'm sorry, November 10th.
10 Looking at the wrong calendar. November 10th,
11 3:00 p.m. and then that would give the ANC
12 until November 17th, 3:00 p.m. to file a
13 response thereto if they choose to do so.

14 And if we could have the draft Finding, Facts
15 and Conclusions of Law also by that date.

16 MR. FEOLA: So, Mr. Chairman, does
17 that mean Final Action is in December?

18 MS. SCHELLIN: November 28th.

19 MR. FEOLA: Oh, okay.

20 CHAIRMAN HOOD: We have two
21 meetings in November, right? We have two
22 meetings in November?

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1 Ms. Schellin, we have two meetings
2 in November.

3 MS. SCHELLIN: Correct.

4 CHAIRMAN HOOD: So, that will be
5 our second meeting, I believe.

6 Okay. Anything else, Ms.
7 Schellin?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: I want to thank
10 everyone for their participation tonight and
11 also thank the American University for joining
12 this proceeding.

13 With that, this hearing is
14 adjourned.

15 (Whereupon, the above matter was
16 concluded at 7:28 p.m.)

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