

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
 IN THE MATTER OF: :
 :
 Application of Lano Parcel : Case No.
 12 LLC for Final Approval of : 05-28F
 a Planned Unit Development :
 and Zoning Map Amendment :
 (Square 5041, Lots 811, 812, :
 and 822; and Square 5056, :
 Lots 806, 812, 814, and 821 :
 (the AProperty@) :
 :
 -----:

Monday,
September 19, 2011

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

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

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
GREG M. SELFRIDGE, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
STEPHEN MORDFIN

The transcript constitutes the minutes from the Public Hearing held on September 19, 2011.

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TABLE OF CONTENTS

PRELIMINARY MATTERS 7

Z.C. CASE NO. 05-28F

VOTE TO DENY POSTPONEMENT OF HEARING 10
APPROVED

CHRISTINE RODDY 13
GOULSON & STORRS

ALISON CROWLEY 17

SHARON BRADLEY 24
LANDSCAPE ARCHITECT

REPORT BY THE OFFICE OF PLANNING 45
STEPHEN MORDFIN

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

2 6:30 p.m.

3 CHAIRMAN HOOD: Okay. We're ready
4 to begin.

5 Good evening, ladies and
6 gentlemen. This is a Public Hearing of the
7 Zoning Commission for the District of Columbia
8 for Monday, September 19th. My name is
9 Anthony Hood. Joining me are Commissioners
10 Selfridge, May and Turnbull. We're also
11 joined by the Office of Zoning staff, Ms.
12 Charon Schellin, Office of Planning, Mr.
13 Lawson and Mr. Mordfin.

14 This proceeding is being recorded
15 by a Court Reporter and is also being webcast
16 live. Accordingly, we must ask you to refrain
17 from any disruptive noises or actions in the
18 hearing room.

19 The subject of this evening's
20 hearing is Zoning Commission Case No. 05-28F.

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1 This is a request by Lano Parcel 12 LLC for
2 approval of a second stage PUD for property
3 located at Square 6041 and 5056.

4 Notice of today's hearing was
5 published in the D.C. Register on July 22nd,
6 2011, and copies of that announcement are
7 available to my left on the wall near the
8 door.

9 The hearing will be conducted in
10 accordance with the provisions of 11 DCMR 3022
11 as follows. Preliminary matter, Applicant's
12 case, report of the Office of Planning, report
13 of other Government agencies, report of ANC
14 7D, organizations and persons in support,
15 organizations and persons in opposition,
16 rebuttal and closing by the Applicant.

17 The following time constraints
18 will be maintained in this meeting. The
19 Applicant 20 minutes, organizations five
20 minutes, individuals three minutes. The
21 Commission intends to adhere to the time

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1 limits as strictly as possible in order to
2 hear the case in a reasonable period of time.

3 All persons appearing before the
4 Commission are to fill out two witness cards.
5 These cards are located to my left on the
6 table near the door.

7 Upon coming forward to speak to
8 the Commission please give both cards to the
9 Reporter sitting to my right before taking a
10 seat at the table. When presenting
11 information to the Commission please turn on
12 and speak into the microphone, first stating
13 your name and home address. When you are
14 finished speaking, please turn your microphone
15 off so that your microphone is no longer
16 picking up sound or background noise.

17 Please turn off all beepers and
18 cell phones at this time so as not to disrupt
19 these proceedings.

20 Would all individuals wishing to
21 testify please rise to take the oath.

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1 Ms. Schellin, would you please
2 administer the oath?

3 MS. SCHELLIN: Yes. Please raise
4 your right hand. Do you solemnly swear or
5 affirm the testimony you will give this
6 evening will be the truth, the whole truth and
7 nothing but the truth? Thank you.

8 CHAIRMAN HOOD: Okay. Ms.
9 Schellin, do we have any preliminary matters?

10 MS. SCHELLIN: The Applicant has
11 submitted their affidavit of posting. It is
12 in order and I believe they have proffered one
13 expert for this case.

14 CHAIRMAN HOOD: Okay. And we also
15 have another request.

16 MS. SCHELLIN: Yes, I'm sorry.
17 The ANC did submit a request, ANC 7D. Ms.
18 Seaward, submitted a request that was received
19 on Friday morning asking that the Commission--
20 they're saying the Commission is requesting an
21 extension of time regarding the case 05-28F in

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1 order to provide freight weight input on the
2 proposed City Interest park.

3 CHAIRMAN HOOD: Let's do this
4 first. Let's go with the expert witness and
5 then we'll take that action up right after
6 that.

7 Good evening, Ms. Roddy. I think
8 you're proffering Ms. Bradley.

9 MS. RODDY: Yes, that's correct.

10 CHAIRMAN HOOD: And we have Ms.
11 Bradley's resume?

12 MS. RODDY: Yes, it's Exhibit B,
13 it's on top of my submission.

14 CHAIRMAN HOOD: Landscape
15 architect, right?

16 MS. RODDY: That's correct.

17 CHAIRMAN HOOD: Okay. Has she
18 been proffered before, I assume not. No, she
19 has not. Not in front of us.

20 MS. RODDY: She participated in
21 the ABDO New York Avenue PUD, our replaced

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1 PUD.

2 CHAIRMAN HOOD: Is that the one on
3 New York Avenue?

4 MS. RODDY: Yes.

5 CHAIRMAN HOOD: The one that
6 didn't happen. Okay. I just wanted to know.
7 That's in my area, but anyway, won't hold
8 that against her. No, I'm just -- did we make
9 her an expert witness at that hearing?

10 MS. RODDY: Yes, she was accepted
11 as an expert.

12 CHAIRMAN HOOD: Let's just see
13 because normally we use the recording when we
14 do that, we will know. We usually don't go
15 through this step. Let's see if there's any
16 objection. Any objection?

17 No objections so Ms. Bradley will
18 be an expert witness. Okay.

19 Let's look at the ANC letter,
20 Commissioners. Is Commissioner Seaward
21 present? Let the record reflect that

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1 Commissioner Seaward is not present.

2 Commissioners, if you look at
3 Exhibit 23. Commissioner Seaward on behalf of
4 the ANC who is the chairperson, probably there
5 was a misfortune happen as to who was going to
6 present, Ms. Crowley from city interest who
7 was going to present at the ANC meeting.
8 Apparently, she had an unfortunate accident.
9 So, with all that, Ms. Seaward is asking us to
10 postpone the case. My recommendation,
11 Commissioners, is that we not postpone the
12 case but the record be left open for Ms.
13 Seaward and the ANC to be able to provide any
14 correspondence that will give them great
15 weight and comment in this particular case.
16 But I'll open it up for any discussion.

17 Do we have a general concensus?

18 COMMISSIONER TURNBULL: Yes, Mr.
19 Chair, I think we should go ahead. I think
20 the Commissioner from the single member
21 district, Mr. --

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1 CHAIRMAN HOOD: Mr. Woods.

2 COMMISSIONER TURNBULL: -- Woods
3 is very familiar with the project and has
4 reviewed the project and talks about the
5 presentation. So, I think that there's enough
6 for us to continue on. And I think if the
7 whole ANC wants to submit a letter later on, I
8 think that's fine. But I think we can as a
9 body go ahead.

10 CHAIRMAN HOOD: Okay.

11 COMMISSIONER TURNBULL: I mean, I
12 feel fairly comfortable with going ahead.

13 CHAIRMAN HOOD: One comment.

14 COMMISSIONER SELFRIDGE: I would
15 just agree with Commissioner Turnbull on this.

16 CHAIRMAN HOOD: Okay.

17 COMMISSIONER MAY: We will still
18 have the opportunity to receive a report
19 before final action is taken certainly.

20 CHAIRMAN HOOD: Right. The record
21 will be open which will give them plenty of

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1 time to give it great weight because even
2 though Commissioner Seaward and Woods have
3 submitted something, we will still have to
4 have it from the full ANC to give it great
5 weight. While we appreciate his comments, we
6 cannot afford his letter great weight. We
7 have to get it from the full ANC.

8 So, with that, I would move that
9 we not postpone the hearing tonight with the
10 caveat that the ANC will be allowed time prior
11 to our taking -- I don't know. They might get
12 it before proposed. I don't know when we're
13 going to do proposed or final action. It
14 depends on the Commission Case 05-28F and ask
15 for a second.

16 COMMISSIONER TURNBULL: Second.

17 CHAIRMAN HOOD: Okay, it's been
18 moved and properly seconded. Any further
19 discussion? Now, that doesn't mean if we
20 don't get anything we're going to wait on it.

21 It would be just to make sure that they know

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1 that we're giving them up until final action.

2 Okay. So, it's been moved and
3 properly seconded. Any further discussion?

4 All those in favor? Aye.

5 (AYES)

6 CHAIRMAN HOOD: Not hearing any
7 objection, Ms. Schellin, would you please
8 record the vote.

9 MS. SCHELLIN: Yes, staff records
10 the vote four to zero to one to deny the
11 postponement request by ANC 7D but leaving the
12 record open for a date. I imagine it will be
13 announced at the end of the hearing, for their
14 written documentation that would be given
15 great weight if they choose to submit
16 something.

17 Commissioner Hood moving,
18 Commissioner May seconding. Commissioners
19 Selfridge and Turnbull in support.
20 Commissioner Schlater not present, not voting.

21 CHAIRMAN HOOD: Okay. Do we have

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1 anything else? Anything preliminary?

2 MS. SCHELLIN: No, sir.

3 CHAIRMAN HOOD: Okay. So, Ms.
4 Roddy, you may begin.

5 MS. RODDY: Thank you. Good
6 evening, my name is Christine Roddy and I'm an
7 attorney with Goulson & Storrs. And with me
8 this evening is Phil Feola also of Goulson and
9 Alison Crowley of City Interests and Sharon
10 Bradley who is the landscape architect. And
11 we are representing Lano Parcel 12 LLC in
12 this application for a review and approval of
13 a second stage Planned Unit Development and
14 PUD-related map amendment for the property
15 located in Squares 5041 and 5056 of the
16 Parkside neighborhood.

17 The subject of the hearing this
18 evening is a one-acre parcel of land that was
19 approved for use as a park and operative
20 amenity in connection with the first stage PUD
21 for the Parkside Planned Unit Development.

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1 And the Parkside PUD as you may recall is a
2 two-stage PUD for over 15 acres of land east
3 of the Anacostia River in Ward 7.

4 And I'm sure you all are familiar
5 with the site. We were recently before the
6 Commission in connection with a modification
7 of the first-stage PUD and also in connection
8 with two second-stage applications. One for
9 the Community College of the District of
10 Columbia and the other one for the District of
11 Columbia Primary Care Association.

12 We also have two application
13 pending for the same PUD. One is to extend
14 the first-stage PUD and the other is for
15 another modification of the town home
16 component.

17 The approved PUD includes a mix of
18 residential, retail, office and institutional
19 uses. And this park is a central feature of
20 the development. And in a development this
21 size which is nearly 3 million square feet of

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1 development and approximately 1,500
2 residential units we think that this park is
3 an essential component of the development and
4 will allow for recreation.

5 Tonight we are seeking approval
6 for the landscaping and hardscaping of a one-
7 acre park as well as approval of a PUD-related
8 map amendment from the C2B zone district and
9 the R5A zone district to the C3A zone
10 district.

11 We'd also like to request
12 flexibility from Section 246.7 of the Zoning
13 Regulations which requires sending a Notice of
14 Intent to file an application at least 10 days
15 before filing the application. And we
16 actually sent that notice four days before
17 filing the application.

18 The notice goes to those residents
19 within 200 feet but upon filing the
20 application, they immediately contacted those
21 residents and we actually have three

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1 charrettes that involved and invited those
2 residents to the charrettes so that we could
3 gather their input in putting together a
4 design and Ms. Crowley will actually go into
5 that in a little bit more detail.

6 And she will also elaborate that
7 the notice that we did send regarding the
8 charrettes went well beyond that 20-foot
9 requirement.

10 And with respect to the ANC's
11 letter, we obviously are happy to go to their
12 October 11th meeting so we appreciate the
13 action that you took earlier this evening and
14 we'll make that presentation at their next
15 public meeting.

16 Parkside has really made every
17 effort to solicit community input in the
18 proposed designs and as you mentioned we did
19 receive the letter in support from the single
20 member district representative. We are also
21 pleased to have the support of many neighbors

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1 as well as the Office of Planning and the
2 District Department of Transportation. And we
3 understand that DDOT has some concerns and we
4 will address each of those concerns in our
5 presentation this evening.

6 We will have two witnesses testify
7 tonight, Alison Crowley and Sharon Bradley.
8 And with that I will move to Alison to start
9 her presentation.

10 MS. CROWLEY: Good evening,
11 Commissioners. My name is Alison Crowley.
12 Christine did a great review of the project.
13 We've been before you a number of times and
14 we're coming here tonight to discuss Block E
15 for stage 2 approval.

16 Just for a refresher, what we've
17 got going on in Parkside at this moment.
18 Blocks B and D here are currently under
19 construction. That is a 98-unit senior
20 apartment building in Block B being developed
21 by Victory Housing and Bank of America. And

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1 in Block D we have the Educare early childhood
2 education facility that's currently under
3 construction. We also recently were awarded
4 stage 2 approval for Blocks H and F for the
5 Community College of D.C. and the DC PCA
6 Primary Care clinic. So, tonight we'd like to
7 move that a little further and move forward
8 with Block E.

9 This is an AO perspective that we
10 showed during our CCDC stage 2 hearing earlier
11 this year. It's a massing perspective that we
12 really wanted to show for the context of the
13 site in which this park will be built.

14 Most importantly, beginning with
15 high density development along Kenilworth
16 Avenue and tapering down into the residential
17 neighborhood beyond that. You'll see that
18 reflected in our site plan this evening
19 beginning with greater programming of the park
20 closer toward Kenilworth Avenue and tapering
21 off into a much more passive natural landscape

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1 toward the residential homes. So, this is how
2 we envision the park fitting into the overall
3 Parkside PUD once it's completely built out.

4 So, we have a number of
5 community's charrettes throughout the summer
6 in order to solicit community input on the
7 site design. We began the charrettes by
8 sending out first an electronic notice to
9 about 20 community leaders from the
10 neighborhood communities of Parkside Town
11 Homes, Lotus Square Apartments, Mayfair
12 Mansion, Paradise, Ethan Gardens and
13 Kenilworth Courts. Essentially, all of the
14 neighborhoods that are on the western side of
15 295 that we felt would be most directly
16 impacted by the park that we hoped would all
17 spend time at the park.

18 We also had volunteers from the
19 Groundwork Anacostia D.C's Green Team which
20 are neighborhood youth led by Dennis Chestnut,
21 Executive Director, Groundwork Anacostia. We

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1 had volunteers to and flyers in the
2 neighborhood on foot. They knocked on doors,
3 they spoke with residents and they dropped
4 flyers off at the front desks of the apartment
5 complexes. So, we did make quite an effort to
6 reach out to residents in advance of these
7 meetings.

8 We scheduled three meetings on
9 July 12th, August 2nd and August 16th, all of
10 which were advertised at once so residents
11 could plan accordingly. And we had a pretty
12 good turnout at all three of those. The first
13 and the third being the most representative of
14 the community.

15 We began the charrette process
16 with our landscape architect Bradley coming
17 forward with three conceptual designs, all
18 very different in nature and sort of spoke
19 with the community about what it is about each
20 design that they preferred and didn't prefer.

21 The overwhelming consensus was that residents

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1 preferred a park that was as natural and
2 passive as possible, maintaining as much
3 landscaping as they could. They really enjoyed
4 the thought of the increasing number of
5 planting beds, the trees and the landscaping
6 in the area. So, you'll see when we discuss
7 our park design that that's something that we
8 really wanted to take into consideration.

9 Other elements that the community
10 considered to be extremely important was the
11 pavers that we used. They were interested in
12 making sure they wouldn't be too slippery and
13 that they would be ADA compliance because
14 there are a number of elderly residents in
15 this neighborhood. And they also liked the
16 idea of incorporating water into a central
17 feature of some kind. We'll discuss the
18 central feature at more length later on, but
19 that is something that we are happy to do and
20 we're looking forward to trying to make happen
21 within this park.

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1 So, the meetings were a great
2 cross section of town home owners and
3 residents at Lotus Square, Mayfair Mansions
4 and Eastland Gardens. And we felt that this
5 was an ample opportunity for residents to
6 voice their concerns and questions and
7 preferences toward the park.

8 Back in June we got the District
9 Department of the Environment involved in the
10 park as well. We just wanted to talk about a
11 couple of community involvement and
12 discussions we've had with D.C. agencies.

13 Sharon Cooke from DDOE approached
14 Dennis Chestnut about finding some sort of
15 community activity in which she could have all
16 DDOE's employees volunteer for the afternoon.

17 So, we used the park as a great place to get
18 started with that. We planted 32 trees on the
19 parcel bearing cherry trees and Zelkova street
20 trees and we hosted a neighborhood barbecue
21 that was open to all the residents afterwards.

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1 This was sort of the kick-off for the park
2 and it was also a great way to alert residents
3 to the fact that the development would be
4 happening and hopefully draw them into those
5 charrettes that occurred later on in the
6 summer in July and August.

7 We're also planning a number of
8 innovative measures for the development of
9 this park, one of which we think is
10 significant. Groundwork Anacostia D.C. won a
11 grant from the EPA called the DC Green Jobs
12 Training Corps. They're going to use that
13 grant to work with a local mason producers,
14 Ernest Maier who will then train local
15 residents in the laying of the pavers and the
16 grant money will be used to purchase the
17 materials, the pervious pavers for the park.
18 So, in this way we'll be engaging a local
19 small business, Ernest Maier, and helping
20 train local residents in green jobs. So, this
21 is one of the many ways in which we want to

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1 engage the community in this park and also
2 Groundwork Anacostia is committed to bringing
3 residents in as volunteer teams to learn how
4 to maintain the park in the future.

5 We've seen the Office of
6 Planning's note about the park and they're
7 concerns and they had two comments that we're
8 both happy to comply with. The first being
9 that there be no fences around the park which
10 we agree with entirely. And also that we try
11 to use pervious pavers which is something we
12 are going to discuss at length.

13 And I will now move on to Sharon
14 Bradley, our landscape architect who will go
15 over the site design with you.

16 MS. BRADLEY: Good evening. I'm
17 Sharon Bradley, landscape architect with
18 Bradley Site Design. And I wanted to give you
19 a little bit of background because it's
20 relevant to this project.

21 In the 1980s I worked with Oehme

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1 van Sweden as one of the project managers to
2 do the original design for the town homes of
3 Parkside. So, I actually produced the grading
4 plans, planting plans, various site plans for
5 the original town homes surrounding this park.

6 I also worked around the same time with the
7 developer of Paradise Manor near by and then
8 currently involved with the renovation design
9 of Paradise Manor. So, I'm very familiar
10 with the neighborhood, with the site and with
11 the evolution of the project as a whole.

12 This design sought to accomplish
13 three goals. First to provide a logical and
14 attractive terminus to the long central
15 access, the pedestrian way that goes all the
16 way from the pedestrian way over the highway
17 through the new high density development to
18 the west and finally ending in the park in
19 question tonight.

20 Secondly, we hope to provide a
21 transition from that high-density development

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1 across the park to the quieter, low-density
2 development of the residential neighborhood.

3 And then, finally, hopefully to
4 create an oasis for everybody involved in the
5 area whether it's office workers, retail
6 shoppers or the residents themselves. So,
7 those were the three design objectives.

8 This is the existing conditions
9 here out at the site. You'll notice there are
10 three mature existing trees and we will be
11 preserving all three of them. And not only
12 that, we'll be working with Casey Trees to
13 treat them, currently a little bit stressed
14 for lack of attention.

15 You'll notice that the park is
16 largely flat but it has a gentle slope across
17 to the left-hand side of this image and we'll
18 be dealing with that with storm water
19 measures, landscape-oriented fashion.

20 This is the site plan of the
21 proposed design. You'll notice that there is

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1 a central feature that I spoke of earlier as
2 the focal point. The element that will draw
3 the pedestrian along the new path in the
4 development to the west. And that central
5 development will be surrounded by a ornamental
6 paved plaza with what we hope will be smooth-
7 polished granite walls embracing that space
8 and providing sort of contemplative space
9 there.

10 On either side of that central
11 space will be two 25 by 25 cafe sort of spaces
12 with honey locust trees providing light ample
13 shade and cafe style tables and chairs to
14 provide gathering and eating areas.

15 And then the landscaped areas you
16 see going toward the east along that central
17 path will be both masses of perennials and
18 shrubs and ground covers and it will also
19 incorporate some storm water management
20 measures such rain gardens, bio-swails and
21 that will pick up the run off so that very

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1 little actually at the site.

2 We're proposing permeable pavers
3 throughout the site. A permeable paver system
4 that will pick up most of the storm water that
5 lands in that space and we're proposing a
6 palette of terracottas, creams and tan colors
7 for that palette, thinking head to the
8 proposed materials to the west and also trying
9 to be comparable with the materials in the
10 existing town homes.

11 The planting will be predominately
12 native and certainly non-invasive. We're also
13 proposing furnishings that will be of recycled
14 materials and the tree grates we're proposing
15 an iron age tree grade that will be ADA
16 compliant and also composed of recycled
17 materials.

18 Our materials board gives some
19 examples of the furnishing, plantings that
20 we're proposing. The standard District bike
21 racks. We'd like to locate at least six bike

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1 racks on either side of the square plaza, if I
2 can go back to that. You can see on either
3 side of the square cafe areas. We're
4 providing for bike racks also on a pervious
5 surface.

6 Massings of perennials and shrubs
7 and ground covers as you can see in the
8 planting image in the center and cherry trees,
9 Zelkova trees which are very similar to elms.

10 The acorn-style fixture which is also
11 compatible with the District fixtures. And an
12 example on the top left you see of the wall
13 with -- we would love to put an inscription on
14 that wall that is meaningful to the community
15 and we thought we'd open it up to the
16 community to try to see what would be
17 appropriate.

18 This is the entry looking from the
19 east toward the west. You'll see an aerial
20 image and then from the other side of the
21 plaza looking toward what will be the new

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1 development. And then again from the
2 northeast corner looking across the plaza.

3 This is two sections. The top one
4 runs east/west so you can see how we're
5 manipulating the grade a little bit so the
6 grade rises up to the back of the granite
7 walls and gives a platform for the cherry
8 trees to sit on. So, it unguates land forms
9 a little bit and provides a little b it of
10 depth across the parks since it is rather
11 flat.

12 Below you see the image looking to
13 the east and so you have an idea of what we're
14 proposing for the entry sign that was derived
15 from community input. They named the park and
16 also had a lot of input into what the sign
17 would look like.

18 I think Alison covered the DDOT
19 concerns. There was a concern about trash
20 collection under the grates but the grates
21 that we're proposing only have quarter inch to

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1 three-eighth inch openings per ADA
2 regulations. And so, therefore, trash can't
3 really collect there. We are providing
4 environmentally friendly paving with the
5 pervious paver and they did recommend a foot-
6 wide sidewalk to change the current five to
7 six foot walk around the edge of the park to
8 eighth feet. We feel that that would increase
9 pavement to a greater degree. We prefer to
10 keep the pervious surfaces across the park as
11 much a percentage of the site as possible.

12 And then addressing their final
13 suggestion, the four-foot wide continuous
14 strip around the perimeter of the park we
15 assume that they intend that to be the
16 planting strip for the street trees, but the
17 street trees currently in place from the DDOE
18 planting are actually in the park area itself
19 just inside the sidewalk which will give a
20 much greater root growth area than a four-foot
21 strip would. So, we'd prefer to leave the

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1 existing trees where they are so they have
2 room to grow.

3 Our sustainability elements are
4 the pervious pavers, the rain gardens that
5 will be incorporated into the central path
6 feature. Our planting beds will be largely
7 native. The dark sky fixtures with the cut
8 off so that we don't create light pollution.
9 Most of our site furnishings, in fact, I think
10 all of our site furnishings are made of
11 recycled materials as are the tree grates.

12 And that concludes are
13 presentation this evening.

14 CHAIRMAN HOOD: Okay. Just have
15 two quick questions.

16 I noticed from the diagram, I saw
17 the lighting but I only see the lighting on
18 the street. Is there lighting back up in the
19 park or did I miss something?

20 MS. BRADLEY: We have a
21 photometric plan. We've been working with the

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1 lighting consultants on photometrics
2 throughout the park. It's a little bit hard
3 to read but there's an example of the acorn
4 fixture but you can see we are starting to
5 work on details like the photometrics to make
6 sure we get an even distribution across the
7 park for security reasons. We're also
8 recommending uplighting the wall and the trees
9 in the plaza and the cherry trees around the
10 wall.

11 CHAIRMAN HOOD: Okay. And I
12 thought, Ms. Roddy, you said you all agree
13 with everything DDOT said but actually you
14 didn't.

15 MS. RODDY: No, I'm sorry. I just
16 meant that we were able to address -- in our
17 mind we had a response to their concerns and
18 that we believe that what we're proposing is,
19 I guess, consistent with the intent. But, no,
20 you're right. I guess I misspoke.

21 CHAIRMAN HOOD: I might have got

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1 it wrong but, Ms. Roddy, can you tell me again
2 the next to the last one I think is where the
3 issue is. Everything I think we're in
4 agreement with DDOT, am I correct?

5 MS. RODDY: Yes, the eight-foot
6 wide?

7 CHAIRMAN HOOD: Yes. Could you
8 address that again for me what you all
9 perceive it should be versus what DDOT is
10 asking?

11 MS. RODDY: There is currently a
12 five- to six-foot sidewalk all the way around
13 the park and to increase it to eight feet
14 really does increase the amount of impervious
15 surface on the park which we didn't feel would
16 be a very good idea.

17 We also already have in place the
18 Zelkova trees from the DDOE planting that we
19 did and we would have to move those inward.
20 We would prefer not to put them on a four-foot
21 wide strip which would go along we assume with

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1 the eight-foot sidewalk to give the trees more
2 growing room.

3 We also felt that in keeping with
4 our second goal which is to provide that
5 transition from the high-density to the
6 residential quieter character that eight-foot
7 wide really is a larger scale than we'd really
8 like to keep. We wanted to keep the scale of
9 the sidewalk more of a residential scale and
10 move toward that area.

11 CHAIRMAN HOOD: Okay. All right.

12 Let me open it up. Commissioners,
13 any questions? Mr. Turnbull.

14 COMMISSIONER TURNBULL: Thank you,
15 Mr. Chair.

16 Those trees, was that part of the
17 32-trees you had mentioned earlier?

18 MS. RODDY: Yes.

19 COMMISSIONER TURNBULL: So,
20 they're in, they're planted and, you know,
21 what's deceptive about -- if you look at the

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1 plan, but then you go to the view, the
2 perspective view, it looks twice as large. I
3 don't know if that's a deceptive shot, but it
4 just looks huge.

5 MS. RODDY: What looks huge?

6 COMMISSIONER TURNBULL: Well, if
7 you look at your plan and then you look at the
8 photograph taken right in front of it, and you
9 can see the two trees in the background. You
10 can see the one tree and the three existing
11 trees. But if you look at the photograph
12 that's taken right in front of where the
13 fountain is, I'm just amazed. It looks twice
14 as big.

15 MS. CROWLEY: Sir, do you mean the
16 rendering with the fountain view?

17 COMMISSIONER TURNBULL: No, no,
18 no. No, I meant this existing --

19 MS. CROWLEY: Existing site, okay.

20 COMMISSIONER TURNBULL: The
21 existing site photograph.

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1 MS. RODDY: I think it's the
2 angle.

3 COMMISSIONER TURNBULL: I'm sure
4 it is because the cars look so tiny and you
5 look at the perspective, you look at the plan
6 and it's like, did you put some kind of magic
7 drops on the ground and it just kind of grew,
8 but it looks huge.

9 You mentioned about the existing
10 trees being stressed. How far along are they?

11 I mean, is there an arborist looking at these
12 or --

13 MS. CROWLEY: Yes.

14 COMMISSIONER TURNBULL: I mean,
15 what kind of a life span do these existing
16 trees have? I mean, they look really nice. I
17 mean, they're huge.

18 MS. CROWLEY: They do and they
19 still have many years in them and the issue
20 that they have are really quite treatable.
21 They just need to be done and I wanted to note

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1 that it was being done.

2 COMMISSIONER TURNBULL: Once the
3 park is done and finished is there a
4 maintenance? I mean, is there a -- is
5 somebody going to come by annually or how do
6 you look at treating this after awhile?
7 Because it's still -- I guess it's still
8 classified as a private park but open to the
9 public.

10 MS. CROWLEY: Yes, the park will
11 be owned and maintained in perpetuity by
12 Groundwork Anacostia D.C. We are deeding that
13 land to Groundwork and so they will be
14 responsible for maintenance going into the
15 future and they will be provided with a budget
16 for that maintenance. So, it will really be
17 the role of Dennis Chestnut and his
18 organization to insure that the trees, the
19 existing trees and the ones that we plant will
20 be properly maintained and looked after as
21 well as replacing site furnishings, removing

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1 debris, dealing with any kind of broken site
2 furnishings, anything that may occur. They
3 are ready to be responsible for that and
4 maintain it.

5 COMMISSIONER TURNBULL: How does
6 that work, the funding or the money? How do
7 you raise that or how does that --

8 MS. CROWLEY: The budget for the
9 park is actually part of a master association
10 that's being developed within the Parkside
11 PUD.

12 COMMISSIONER TURNBULL: Okay.

13 MS. CROWLEY: So, owners of other
14 parcels within the PUD, essentially the
15 parcels closest to Kenilworth Avenue, between
16 Kenilworth Avenue and Parkside Place --

17 COMMISSIONER TURNBULL: Okay.

18 MS. CROWLEY: -- will be
19 responsible for a nominal fee annually that
20 will go toward the maintenance of the park as
21 a common area for the entire site.

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1 COMMISSIONER TURNBULL: Okay.

2 Good. Thank you.

3 Well, I want to congratulate you.

4 I mean, we can get into some of the aspects
5 of this but I think what you did from a
6 community standpoint I think was just really
7 well done. I mean, planning the barbecue, I
8 think going out and setting up these meetings,
9 I think that's -- after sitting on a certain
10 BZA case where a certain government agency
11 that didn't really -- it's good to see someone
12 getting out and involving the community like
13 this and really getting the input back. I
14 really think that's very worthwhile. You need
15 to be commended on that. I think that was a
16 very good job.

17 I'll sit back and let others chime
18 in.

19 CHAIRMAN HOOD: Did you go to the
20 barbecue?

21 COMMISSIONER TURNBULL: No, I did

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1 not go to the barbecue.

2 CHAIRMAN HOOD: I was wondering
3 what kind of food they had. Okay.

4 Commissioner May?

5 COMMISSIONER TURNBULL: But if
6 they have another maybe we could do that.

7 COMMISSIONER MAY: Ms. Crowley, I
8 understand you were the one that got into the
9 accident on the way to the meeting?

10 MS. CROWLEY: I did.

11 COMMISSIONER MAY: Are you okay?

12 MS. CROWLEY: I'm fine. It was
13 entirely my fault and it only involved me and
14 a pole.

15 COMMISSIONER MAY: Oh, okay. I'm
16 just glad you're fine.

17 MS. CROWLEY: Thank you.

18 COMMISSIONER MAY: A couple of
19 minor questions. I'm really confused about
20 the four-foot strip. You sounded like you
21 were objecting to the four-foot strip around

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1 the perimeter but it looks like you have a
2 strip around the perimeter.

3 MS. BRADLEY: There is currently
4 the two-foot strip with a five- to six-foot
5 sidewalk. And we were just going to leave it
6 as it is.

7 COMMISSIONER MAY: Okay. The two
8 foot seems like it's not enough to, I don't
9 know, be healthy and survive. Is that what
10 there is right now and is it fine?

11 MS. BRADLEY: There is. You can
12 see that it is lawn and it's remaining lawn.
13 It's actually in quite good shape. But we
14 don't want to put a tree in that.

15 COMMISSIONER MAY: No, I would
16 agree with that and I agree with you on the
17 sidewalk. The eight-foot sidewalk is out of
18 scale for the setting of this neighborhood and
19 this park. So, I think that's the right move.

20 Tell me a little bit more about
21 the lighting. Where exactly is there going to

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1 be lighting? Are you lighting the path all
2 the way through?

3 MS. BRADLEY: Yes, we are. We'll
4 probably alternate. In fact, we are
5 alternating the acorn fixture, pole fixture as
6 it proceeds along the central path, and then
7 into the plaza area. And I believe they've
8 located two poles in the central circular area
9 and then in more poles in the two side plazas.

10 And then the trees are uplight as well. So,
11 that will give some ambient light.

12 COMMISSIONER MAY: Okay. And is
13 it a different version of this, because these
14 are not -- the one that's shown here, the
15 standard D.C. street fixture, that throws a
16 lot of light up.

17 MS. BRADLEY: Right. We're
18 putting the cap on it. It won't be a full
19 cut-off. The acorn fixtures you can't get the
20 full cut off.

21 COMMISSIONER MAY: Right.

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1 MS. BRADLEY: But it will be a
2 partial light cut off.

3 COMMISSIONER MAY: Okay. On the
4 top, right?

5 MS. BRADLEY: Correct, right.

6 COMMISSIONER MAY: Although they
7 get painted. People paint the side of --

8 MS. BRADLEY: They're baffles and
9 we may do that just for the residents' sake.

10 COMMISSIONER MAY: Right.

11 MS. BRADLEY: The ones that are
12 closer to windows.

13 COMMISSIONER MAY: Okay. Yes, my
14 only caution is I would not overdo the
15 uplighting because, you know, it's sort of an
16 interesting feature and interesting effect.
17 But sometimes it just gets overdone and you
18 wind up with sort of unintended lighting
19 effects. So, I would just be cautious about
20 that, that's all.

21 Early on in an early version of

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1 this we had seen sort of a phasing of the
2 work. It looks like all of this is going to
3 be built out at one time and there are no
4 future phases of development of this park,
5 right?

6 MS. CROWLEY: That's currently the
7 plan to build it out at one time.

8 COMMISSIONER MAY: Okay. And the
9 last thing is, I see it providing seating for,
10 you know, tables and chairs under the trees.
11 Is there a plan to do any sort of vending in
12 the vicinity or is it going to be close enough
13 for people to, you know, go to the retail
14 along Kenilworth and just walk over there with
15 their lunch or whatever?

16 MS. CROWLEY: There will be no
17 vending in the facility. We do hope to have
18 ground floor retail on the parcel adjacent to
19 the park, what is Parcel 9 right now. So, our
20 hope is that people if they food or lunch they
21 can walk to the park.

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1 COMMISSIONER MAY: So, it's right
2 across the street or something like that?

3 MS. CROWLEY: Yes, it's right
4 across the street from the pedestrian
5 easement.

6 COMMISSIONER MAY: Okay. All
7 right. Thanks.

8 CHAIRMAN HOOD: Okay. Any other
9 questions? Okay.

10 No one is here representing the
11 ANC so we will go to the Office of Planning.
12 Mr. Mordfin.

13 MR. MORDFIN: Good evening, Chair
14 and Members of the Commission. I'm Stephen
15 Mordfin with the Office of Planning.

16 And the provision of this park is
17 an amenity to the entire Parkside PUD that
18 will be improved with a fountain, seating and
19 trees and lighting that the Applicant has
20 shown tonight. OP does recommend that also
21 the use of pervious materials within the park

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1 to minimize storm water run off. The
2 Applicant has also discussed the lighting plan
3 this evening and OP suggests that perhaps the
4 Applicant submit the lighting plan to the
5 Commission for review prior to final action.

6 The development of this park will
7 further many of the policies of the park
8 preservation open space element policies of
9 the Comprehensive Plan and, therefore, OP
10 recommends that the application be approved
11 subject to the conditions contained within the
12 staff report.

13 Thank you.

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

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

18 Does the Applicant have any cross
19 examination of the Office of Planning?

20 MS. RODDY: No.

21 CHAIRMAN HOOD: Okay. Thank you

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1 very much.

2 Report of all government agencies.

3 We discussed I think at length what DDOT has
4 mentioned. I'm not sure if we have any other
5 agency's report?

6 MR. MORDFIN: I did get reports
7 from -- I got one from -- is the report from
8 DDOT that I think you have received. I did
9 get a comment from the Department of Parks and
10 Recreation stating actually what it says
11 exactly. It says "Looks good to us." That's
12 the entire report.

13 CHAIRMAN HOOD: Let them know we
14 appreciate their report.

15 MR. MORDFIN: And also they said
16 they had no issues with the overall design but
17 they did suggest that the area be well lit and
18 that shrubs and plantings used are not too
19 dense and/or high because of concerns have
20 created an environment that anticipates
21 criminal behavior and activity.

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1 CHAIRMAN HOOD: Okay. Great.
2 Thank you, Mr. Mordfin. Again, I always
3 commend you on getting reports from some of
4 those agencies that never report. So, we
5 appreciate you doing that.

6 Report of ANC 7D. We discussed
7 that at length early on. We do have a report
8 form the single member district, a
9 Commissioner who is very enthusiastic but we
10 are willing to give great weight to that ANC
11 so we'll see if they respond, Ms. Schellin, to
12 what we spoke about earlier.

13 I was informed we don't have
14 anyone on the list, any organizations or
15 persons in support tonight that are here -- do
16 we have anyone that would like to testify in
17 support? Okay, because we didn't have any
18 names on the list.

19 Anyone who is here, organizations
20 or persons who are in opposition?

21 Okay. I don't think there's a

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1 whole lot of rebuttal, Ms. Roddy, but if you
2 have any closing remarks?

3 COMMISSIONER MAY: Mr. Chairman,
4 can I ask a follow-up question?

5 CHAIRMAN HOOD: Sure.

6 COMMISSIONER MAY: It seemed like
7 the OP's mention of MPD's report and it made
8 me think again about the wall, a low wall that
9 rings the circular area of the plaza. And it
10 looks like, I don't know, it could be four or
11 five feet in the rendering that we have and
12 I'm wondering how tall is that actually
13 intended to be?

14 MS. BRADLEY: We're recommending
15 it be about three and a half to four feet tall
16 so we're trying to be too tall to sit on
17 comfortably. People in the neighborhood were
18 not comfortable with a lot of people just sort
19 of setting up camp on the wall edge, but not
20 so tall that it starts to impede vision across
21 the space. So, we'd like to keep the site

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1 lines open but give that sense of enclosure to
2 the space.

3 COMMISSIONER MAY: And behind the
4 wall is there going to be --

5 MS. BRADLEY: The earth will be
6 level with the top of the wall.

7 COMMISSIONER MAY: To the top of
8 the wall?

9 MS. BRADLEY: Yes, so the wall
10 will retain.

11 COMMISSIONER MAY: Okay.

12 MS. BRADLEY: And the earth behind
13 it will be level with the top of the wall and
14 then slope down to the existing grade.

15 COMMISSIONER MAY: Okay.

16 MS. BRADLEY: And the cherry trees
17 will be sitting at that top level.

18 COMMISSIONER MAY: Okay. Yes, my
19 only suggestion is that when that wall meets
20 the pathway and the square sections of the
21 plaza that the wall itself might want to

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1 follow the grade a little more closely.

2 MS. BRADLEY: And step down with
3 the grade.

4 COMMISSIONER MAY: And step down
5 rather than staying up. Because, you know,
6 provides a hiding place --

7 MS. BRADLEY: Right.

8 COMMISSIONER MAY: -- and things
9 like that. So, thanks.

10 CHAIRMAN HOOD: Okay. I'm sorry,
11 Ms. Roddy, did you want to have any closing
12 remarks?

13 MS. RODDY: Well, just that we
14 appreciate your time this evening. We're very
15 excited about this. We think the community is
16 very excited about this and we're just excited
17 to move forward with this one last parcel of
18 another parcel of the Parkside PUD.

19 So, thanks again and we would just
20 hope that you would move to approve this
21 application.

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1 CHAIRMAN HOOD: Okay. Thank you.

2 Commissioners, I think is pretty
3 straightforward. I think some of the things
4 we've asked for, the lighting plan, whatever
5 else. Ms. Schellin, do you know what else
6 we're --

7 MS. SCHELLIN: I think the only
8 thing was just the lighting plan and the ANC
9 report and, of course, we need an updated set
10 of labels for the 200 foot radius if we could
11 have that. And I think that was it, unless
12 Mr. May had something else?

13 COMMISSIONER MAY: No, I just want
14 to say with regard to the lighting plan. I
15 wouldn't want to necessarily probe it down to
16 the last light bulb, you know. I think that
17 whatever we wind up approving, assuming we
18 approve it, that we'd want to leave them some
19 flexibility because it's the sort of thing
20 where I'm not sure you always get it right
21 the first time around and we don't want to

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1 have to come in with a PUD modification and,
2 you know, in five years if they need to add
3 more lighting or something.

4 MS. SCHELLIN: Do you want it or
5 not want it in the record?

6 COMMISSIONER MAY: I don't know if
7 we need it in the record. I just think that
8 whatever decision we make ought to reflect
9 certain flexibility.

10 MS. SCHELLIN: Reflects
11 flexibility. Okay. So, we still need the
12 lighting plan. Okay.

13 CHAIRMAN HOOD: I think Office of
14 Planning has asked us to get that and I would
15 agree with Commissioner May. We don't want to
16 have a hearing for one light bulb or two so I
17 think we can still ask the plan but we leave
18 the flexibility. So, I would agree with
19 Commissioner May.

20 And also the baffle order.

21 MS. SCHELLIN: If the Commission

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1 desires to take proposed action this evening,
2 staff can probably have a baffle order ready
3 for issuance on Thursday because if the
4 Commission takes proposed action this evening,
5 final action will not occur until the November
6 meeting.

7 CHAIRMAN HOOD: Okay. Does anyone
8 have anything else? Let me just ask my
9 colleagues.

10 Are we ready to move tonight or
11 would we like to set this up for a hearing
12 date?

13 COMMISSIONER MAY: I have a
14 question for the Applicant with regard to the
15 scheduling. I understand wanting it as soon
16 as possible because there's something driving
17 the deadline or do we have the time to allow
18 the ANC to make their report before we take
19 any action?

20 MS. BRADLEY: If the proposed
21 action could take place at the October 17th

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1 meeting, then there would be no time issue.

2 COMMISSIONER MAY: Okay. I would
3 prefer to wait for the ANC report before we
4 take proposed action if that works for the
5 Applicant. That's my suggestion.

6 COMMISSIONER TURNBULL: I can go
7 either way. I can either do proposed tonight
8 or wait until the 17th. I don't think there's
9 anything --

10 MS. SCHELLIN: The Commission will
11 -- I mean, I don't think it's a big deal. We
12 just wouldn't have, based on the Applicant not
13 going before the ANC until October 11th,
14 they're probably going to need a couple of
15 days. So, you may not be see the ANC's report
16 until that night which I don't think is going
17 to be a big deal. It shouldn't be that long
18 if you're okay with that.

19 CHAIRMAN HOOD: Yes, let's do
20 that. I agree.

21 MS. SCHELLIN: We give them as

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1 late as possible.

2 CHAIRMAN HOOD: Let's give the ANC
3 an opportunity to weigh in even though for me
4 if they would have given me an opportunity
5 after the proposed, I still would have dealt
6 with it before final. But either way, I think
7 we still end up with the same results. So,
8 we'll just hold off on moving tonight if
9 everyone agrees and wait until we get a
10 response. And we'll ask Ms. Schellin to follow
11 up with Chairperson Seaward.

12 MS. SCHELLIN: We'll go ahead and
13 set the dates on the record because she may be
14 watching this evening.

15 If we could have the ANC report
16 along with the lighting plan and the labels
17 from the Applicant by October 14th, then we
18 can consider along with the draft findings of
19 facts and conclusions of law the same date,
20 then we can take this up at the October 17th
21 meeting for proposed action.

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1 CHAIRMAN HOOD: Okay. Are we all
2 on the same page?

3 COMMISSIONER TURNBULL: Yes, I
4 just have one question. The perimeter street
5 lighting is going to be within that two-foot
6 wide piece of lawn or is it on the other side?

7 MS. BRADLEY: The existing
8 lighting which would remain is in that two-
9 foot strip.

10 COMMISSIONER TURNBULL: Okay. And
11 you're adding more along the sidewalk then?

12 MS. BRADLEY: Not in that
13 sidewalk. In the central sidewalk, the new
14 sidewalk.

15 COMMISSIONER TURNBULL: The
16 central, okay. But along the perimeter
17 sidewalk then it's going to remain in the two-
18 foot section and that happens every 30 feet
19 or--

20 MS. BRADLEY: I used to have that
21 number in my head and I don't anymore.

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1 MS. CROWLEY: You can see from
2 here, half the length of the park.

3 MS. BRADLEY: It's hard to tell.
4 It looks like they're about every 40 feet or
5 so.

6 COMMISSIONER TURNBULL: Forty
7 feet. Okay. Now, as part of the overall park
8 maintenance, are the lights part of D.C. or
9 are they part of the park? Would the
10 perimeter lighting be part of the park's
11 maintenance?

12 MS. CROWLEY: Those lights are
13 public space so those will be maintained by
14 the city as they currently are to my
15 knowledge.

16 COMMISSIONER TURNBULL: Okay.
17 Okay. I just know that sometimes the city
18 doesn't get around to replacing lights as
19 frequently as -- so, I'm just worrying about
20 the lighting within the park staying, you
21 know, there's a concern. But I'm just

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1 throwing that out. It has happened. It's
2 happened up on Capitol Hill because we took
3 over those lights. But it's just an issue if
4 you're worried about security and safety
5 within the park. It's the lamp replacement
6 that it could be awhile before a light gets
7 replaced.

8 CHAIRMAN HOOD: Anybody else?
9 Anything else? Okay.

10 Where are we, Ms. Schellin?

11 MS. SCHELLIN: Just to guarantee
12 our own end that the additional documents and
13 the ANC report are due by 3:00 p.m. on October
14 14th and we will take this up at our October
15 17th meeting for proposed action.

16 CHAIRMAN HOOD: Okay. Thank you.
17 If we're all on the same page, I want to
18 thank everyone for their participation tonight
19 and this hearing is adjourned.

20 (Whereupon, the above matter was
21 concluded at 7:19 p.m.)

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