

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
 :
2950 Tilden Street, N.W. : Case No. 05-26
Consolidated Approval of PUD :
and Map Amendments :
-----:

Thursday,
June 22, 2006

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

The Public Hearing of Case No. 05-26 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, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
ARTHUR JACKSON

OFFICE OF THE ATTORNEY GENERAL

JACOB RITTING, ESQ.

The transcript constitutes the minutes
from the Public Hearing held on June 22, 2006.

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

6:41 p.m.

CHAIRPERSON MITTEN: This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, June 22, 2006. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Michael Turnbull, Greg Jeffries, and John Parsons will be with us in just a moment.

The subject of this evening's hearing is Zoning Commission Case No. 05-26 and it is a continuation of our June 5, 2006, hearing. The case is a request by Clark Realty Capital, LLC, for approval of a consolidated planned unit development and related map amendment for property located at 2950 Tilden Street, N.W. and known as Lot 800 and Square 2234.

I'm not going to read the entire opening statement that I had before because I think most people were here at the last hearing but I'm just going to review where we left off in the hearing.

We are going to begin tonight with the testimony from the Department of Transportation and Mr. Laden is here. Then we'll take reports of any other Government agencies. We'll have the report of

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1 Advisory Neighborhood Commission 3F. Then we'll take
2 organizations and persons in support. We'll hear from
3 the parties in opposition and then we'll take
4 organizations and persons in opposition.

5 I'll just remind the parties they are each
6 going to have -- the parties in opposition when it's
7 your turn you'll each have 30 minutes each to make
8 your presentation and then organizations will have
9 five minutes and individual will have three minutes.

10 I'm just reminding folks that we are being
11 recorded and webcast live so anybody who has a beeper
12 or cell phone I would ask you to turn it on vibrate or
13 turn it off so that we don't pick up any background
14 noise or disruptive noises.

15 I guess the last thing I'll just end with
16 is anybody who wasn't sworn at the last session of our
17 hearing who plans on testifying this evening. Is
18 there anybody who wasn't sworn? Mr. Laden. Anyone
19 else? If you are planning on testifying this evening,
20 if you would rise now and raise your right hand and
21 direct your attention to Mrs. Schellin and she'll
22 administer the oath.

23 (Whereupon, the witnesses were sworn.)

24 CHAIRPERSON MITTEN: Okay. Great. Then
25 we'll start with Mr. Laden if you're ready.

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1 MR. FEOLA: Madam Chair?

2 CHAIRPERSON MITTEN: Oh, I'm sorry.

3 MR. FEOLA: That's okay. Phil Feola for
4 the applicant. There was a request from the
5 Commission to make additional submissions.

6 CHAIRPERSON MITTEN: Yes.

7 MR. FEOLA: We can do that now or later
8 after the hearing.

9 CHAIRPERSON MITTEN: If you have it now,
10 why don't you just pass it up now and we'll get it
11 distributed.

12 MR. FEOLA: There are a number of them.
13 The first was a report from the Fire Marshall on the
14 sufficiency of the fire lane that exist between the
15 two buildings. Attached to that is a report of our
16 fire engineer.

17 CHAIRPERSON MITTEN: Are you just going to
18 do written submissions or are you going to make a
19 presentation?

20 MR. FEOLA: We were just planning written
21 submissions unless there are other questions.

22 CHAIRPERSON MITTEN: Okay. That's great.
23 You don't need to tee it all up. Just pass it in to
24 Mrs. Schellin and she'll pass it out.

25 MR. FEOLA: Do you want me to go through

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1 them?

2 CHAIRPERSON MITTEN: I don't think so.

3 MR. FEOLA: Okay.

4 CHAIRPERSON MITTEN: Make sure all the
5 parties get copies, too, please.

6 MR. FEOLA: Then the only one, and I would
7 ask leave of the Commission to file this, is a five-
8 story study of the building that the Office of
9 Planning has asked for.

10 CHAIRPERSON MITTEN: Okay. We might --

11 MR. FEOLA: As you look at it we are here
12 until the end so you can ask questions.

13 CHAIRPERSON MITTEN: That's great. Thank
14 you.

15 MR. FEOLA: Thank you.

16 CHAIRPERSON MITTEN: Please begin, Mr.
17 Laden.

18 MR. LADEN: Thank you very much. My name
19 is Ken Laden. I am the Associate Director for
20 Transportation Policy and Planning in the D.C.
21 Department of Transportation. With me this evening is
22 Jeff Jennings who is the Ward 3 transportation planner
23 who has helped with the preparation of the testimony
24 for today's hearing.

25 We have taken a look at the transportation

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1 analysis prepared by the applicant and we also did
2 some independent investigations. Certainly the access
3 to this property is an important issue. Again, we've
4 taken a look at existing conditions and did find that
5 intersection at Connecticut and Tilden is a problem at
6 certain hours of the day. I think the applicant
7 acknowledged that there was a level of service F
8 during portions of the AM and PM peak.

9 We also found that taking a look at the
10 property and the intersection there that there is a
11 lot of congestion there. However, in looking at the
12 nature of the development and the type and level of
13 traffic that it would generate, we also joined or
14 agreed with the basic assessment of the applicant that
15 it would add perhaps in the neighborhood of 20
16 additional trips during that peak period.

17 Because of its proximity to the Van Ness
18 Metro rail station, which is just several blocks away,
19 that we could expect a significant number of peak
20 trips to use Metro.

21 We also recognize the problems that were
22 stated by the community that with the median strip the
23 way it's constructed now forces and right in and right
24 out situation at the property which means that traffic
25 wanting to head west towards Connecticut Avenue will

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1 need to either maneuver through the neighborhood or
2 would need to make a U turn. I believe the closest
3 gap in that median is at 29th Street.

4 Again, I think the number of trips we are
5 anticipating is relatively light compared with the
6 overall base traffic that occurs during the peak
7 hours. During nonpeak, again, we don't think this is
8 a particular problem because the level of service
9 there is pretty good, I think, during the rest of the
10 day. There are some things that could be done to
11 perhaps mitigate some of the queuing that was
12 reported, some of the queuing of traffic that we
13 found, especially during the morning peak.

14 One of the recommendations that actually
15 came out of our Connecticut Avenue transportation
16 study which was done several years ago is to try to
17 develop a small right-turn bay on westbound Tilden by
18 perhaps removing three to four parking spaces that are
19 currently marked between the closest alley to
20 Connecticut Avenue and the intersection at
21 Connecticut. That would, again, only be during peak
22 hour times to help perhaps reduce the amount of
23 queuing. Again, at this point, I think this pretty
24 much summarizes our assessment of the situation.

25 We recognize that, again, this project

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1 will increase the level of traffic but we think given
2 the amount of traffic that we would expect from it
3 during peak times is relatively slight when compared
4 to the overall traffic volumes. Other than peak hour
5 times the travel generated by the building would not
6 be a significant problem for the existing
7 infrastructure.

8 CHAIRPERSON MITTEN: Thank you. Questions
9 for Mr. Laden from the Commission? A couple of the
10 issues that we talked about that I was hoping you
11 could address in more detail, you mentioned the right
12 in and right out.

13 We were talking about particularly during
14 the peak hour if people are making that right turn but
15 they really want to go up or down Connecticut Avenue
16 and the traffic is backed up on westbound Tilden past
17 the 29th Street turnaround. If there are multiple
18 people wanting to make that U turn at a given point in
19 time, then traffic will back up on eastbound Tilden?

20 MR. LADEN: That is correct.

21 CHAIRPERSON MITTEN: And given it's just
22 one lane that gets by, is that a concern of yours?

23 MR. LADEN: Yes, it is but, again, the
24 question is how often that would occur and for how
25 long a duration would that backup occur. I think the

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1 report that we got from our traffic services staff who
2 went out and took a look at it was that there was a
3 backup but the queuing that occurred westbound didn't
4 back up past that intersection. At least during the
5 times they were looking at it it didn't back up past
6 29th Street.

7 Again, there will be times when that would
8 occur and the only possibility is if that occurs, we
9 could try to find other ways of increasing the queuing
10 capacity of that corridor from 29th Street to Tilden,
11 again, by adding a right turn during peak hours at
12 Tilden and Connecticut Avenue. That would allow a
13 couple of cars to queue there shortening the line.

14 If I remember correctly, though, from the
15 traffic counts that they did during the morning AM
16 session, most of the traffic was through on that
17 portion of Tilden. The second highest amount was left
18 turns and then the least amount was right turns during
19 the morning peak.

20 CHAIRPERSON MITTEN: Oh, okay. Another
21 thing that we talked about was the configuration of
22 the loading dock. It's at the front of the building
23 on Tilden and so a truck that would be using the
24 loading dock has to back -- if they pull in forward
25 they back out and they back out into Tilden Street.

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1 We did get a commitment from the applicant that they
2 would restrict the hours for use of the loading dock.
3 I'm interested in your reaction to just that need to
4 pull out into a one lane street by backing up a truck.

5 MR. LADEN: Yeah. That definitely is a
6 concern and we would definitely want to request that
7 the applicant ensure that deliveries are scheduled
8 such that they are not occurring during the AM or PM
9 peak times. Again, it is an unfortunate situation
10 that probably exist too often throughout the city
11 where we have various kinds of traffic whether it's
12 people pulling out of their driveways or trucks
13 pulling out of storage areas that either need to back
14 in or back out, one or the other. Yes, it is a
15 concern and we would join you in requesting that
16 deliveries be restricted to non-peak travel.

17 CHAIRPERSON MITTEN: Okay. Anyone else
18 have questions? Okay. Commissioner Perry did you
19 have --

20 Actually Mr. Feola first. Did you have
21 any questions?

22 MR. FEOLA: No questions.

23 CHAIRPERSON MITTEN: Okay. Commissioner
24 Perry, did you have some questions?

25 MS. PERRY: My name is Karen Perry from

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1 ANC-3F.

2 Mr. Laden, would you describe Tilden
3 Street and the system of streets in that area? I
4 mean, is it a complete grid of streets? You mentioned
5 people could weave through the neighborhood. Isn't it
6 true the only other street is 29th Street?

7 MR. LADEN: That is correct. From Tilden
8 if you are heading eastbound your only option is 29th
9 Street or you are basically headed towards the park.

10 CHAIRPERSON MITTEN: You shut your
11 microphone off there.

12 MS. PERRY: Is there a complete grid of
13 streets as there are in other parts of the city in the
14 neighborhood?

15 MR. LADEN: No. At this neighborhood it
16 does not have a complete street grid system.

17 MS. PERRY: Okay. What designation is
18 Tilden Street?

19 MR. LADEN: I would have to double check.
20 I'm guessing it's a collector. I was going to say
21 collector or higher because --

22 MS. PERRY: We just received -- I guess I
23 can't testify but we will put --

24 CHAIRPERSON MITTEN: Thank you.

25 MS. PERRY: Your report indicated that

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1 Tilden Street runs north. Isn't it true that it's an
2 east/west street?

3 MR. LADEN: Correct. It's an east/west
4 street.

5 MS. PERRY: In your report you indicate
6 that trucks would use the lay-by in front of the
7 building. Are you aware that the plans have changed
8 and there is no lay-by anymore?

9 MR. LADEN: I understand that for a while
10 the lay-by was perhaps withdrawn but I understand more
11 recently today that the latest information we had, at
12 least, was that the lay-by was back in play.

13 CHAIRPERSON MITTEN: That's news to us if
14 that is the case. Why don't we just deal with the
15 testimony that we've heard from the applicant so far,
16 that there would be no lay-by.

17 MS. PERRY: Do you know what the makeup of
18 the building will be as to who will move in, how many
19 people will work, where they will work?

20 MR. LADEN: No.

21 MS. PERRY: So there really isn't any way
22 if judging how many rush hour trips there will be, is
23 there?

24 MR. LADEN: I think there are some
25 industry standards as to how much traffic a

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1 residential apartment building or condominium would
2 generate based on the number of units, and also I
3 think factors that are fairly accurate in terms of
4 what one can assume would be attracted to mass transit
5 given the proximity to a transit station. Also there
6 is a substantial number of bus routes along
7 Connecticut Avenue.

8 MS. PERRY: Has DDOT ever conducted a
9 survey in this area to show how many people living in
10 the high rises now are currently using Metro versus
11 driving?

12 MR. LADEN: I would have to double check
13 and see if there was an analysis done in the
14 Connecticut Avenue transportation study but, other
15 than that study, there would not be, no. Again, I
16 think there are some general statistics available from
17 Metro and from the Office of Planning and from other
18 sources that indicate how many trips one can
19 anticipate would come through mass transit.

20 MS. PERRY: Would you be surprised if I
21 told you that Arlington shows that only 9 percent of
22 the people use Metro?

23 MR. LADEN: Again, that's Arlington and I
24 wouldn't -- it depends on the specific location as to
25 what their level of transit usage is. I know we did

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1 surveys in Columbia Heights area and found that
2 transit use was up in the 40 percent.

3 MS. PERRY: Okay. In your report you
4 state that a vehicle backup occurs on Tilden Street to
5 about 30 feet west of the 29th Street intersection
6 based on your field studies.

7 MR. LADEN: Correct.

8 MS. PERRY: How far is 29th Street away
9 from Connecticut Avenue would you roughly say? Is it
10 like one street over, two, three?

11 MR. LADEN: My recollection is it was a
12 fairly long distance but I don't have the exact
13 dimensions for that with me.

14 MS. PERRY: Okay. Where is Upton Street
15 with relation to this project?

16 MR. LADEN: Upton Street would be to the
17 north.

18 MS. PERRY: Was your office or you
19 involved in two BZA cases involving the Burke School
20 and the Levine School of Music in which traffic from
21 the neighborhood was a major issue?

22 MR. LADEN: Absolutely, yes.

23 MS. PERRY: I brought with me today the
24 two traffic studies conducted for the Burke School
25 which was two years ago and the Levine School of

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1 Music. Isn't it true at that time the intersection of
2 Connecticut and Tilden was operating at a level C and
3 29th Street is at a level A?

4 MR. LADEN: I would have to go back and
5 take a look at the findings and also double check and
6 see what the times of day were for those level of
7 service.

8 CHAIRPERSON MITTEN: I just want to be
9 clear. Mr. Laden didn't testify about either of those
10 cases here.

11 MS. PERRY: Okay.

12 CHAIRPERSON MITTEN: Either you are going
13 to have to make a real quick connection or move on to
14 something else.

15 MS. PERRY: In your current report you
16 said that you would monitor traffic and make
17 adjustments if the backups became unbearable, etc.
18 Isn't it true that is the same thing that was said in
19 both of those cases and both of those schools use 29th
20 Street which is what is being proposed here?

21 MR. LADEN: Again, I think we did talk
22 about using or looking at ways of optimizing traffic
23 signals or making other adjustments if necessary.
24 There were also a host of other recommendations with
25 respect to traffic mitigation for the Burke School

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1 case.

2 MS. PERRY: Okay. Is it possible in
3 reality for DDOT or for an applicant to mandate when
4 delivery trucks will come to a building and aren't
5 there other delivery trucks other than just moving
6 vans such as UPS, FedEx, furniture delivery vans, Deer
7 Park Water?

8 MR. LADEN: First of all, yes, the
9 Department of Transportation cannot direct when
10 deliveries would occur. I believe the Zoning
11 Commission could offer recommendations or instructions
12 or conditions associated with whatever decisions it
13 makes.

14 Ultimately I think one would need to rely
15 on the property owner to try to manage deliveries in
16 such a way so as not to cause congestion. I think it
17 is to their advantage as well as the community's
18 advantage to try to manage their traffic operation so
19 as not to cause congestion that would harm deliveries
20 as well as other local traffic.

21 MS. PERRY: Since Tilden Street is really
22 only one lane in each direction because of the
23 installation of the bicycle lanes and parking, if a
24 moving van came during rush hour or the Deer Park
25 Water or FedEx or whatever, and double parked on

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1 Tilden Street, what would be the result?

2 MR. LADEN: If a truck or any vehicle
3 double parked on Tilden, it could significantly block
4 traffic while it was there.

5 MS. PERRY: This is a small loading dock
6 area being proposed with the turnoff off of Tilden
7 Street. If something isn't convenient for a truck to
8 turn in or out of since I know for a fact UPS is 27
9 feet long, what would the result be? Would they use
10 it if it is not conveniently and easily accessible?

11 MR. LADEN: Again, I think in our review
12 of the design plans determine whether or not the
13 loading dock was going to be usable for the type of
14 trucks that would be making deliveries there. Again,
15 I don't think we had any problems with the way that
16 the loading docks were established. The only other
17 option if for whatever reason that is not a convenient
18 location for delivery would be to use some of the
19 curbside parking. If they were to double park that
20 would cause congestion.

21 MS. PERRY: Has DDOT followed all of the
22 recommendations in the Connecticut Avenue traffic
23 study?

24 MR. LADEN: I think most of the
25 recommendations have been implemented. Again, one of

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1 the ones associated with Tilden is not and that is to
2 restrict rush house parking for that short segment of
3 Tilden Street.

4 MS. PERRY: That is residential parking.
5 Is it not?

6 MR. LADEN: Correct.

7 MS. PERRY: Would DDOT need a petition to
8 remove residential parking?

9 MR. LADEN: No. Petitioning is one
10 mechanism for establishing or removing residential
11 permit parking but it's not the only.

12 MS. PERRY: Okay. Isn't this a
13 neighborhood that has told you repeatedly that it
14 needs parking?

15 MR. LADEN: Absolutely.

16 MS. PERRY: So wouldn't it not be an
17 inconvenience to the neighborhood to remove parking to
18 establish that westbound lane but for delivery trucks
19 to a building?

20 MR. LADEN: Correct.

21 MS. PERRY: Okay. Have you obtained any
22 traffic accident data for Connecticut and Tilden or
23 for Tilden Street?

24 MR. LADEN: I'm trying to remember. I
25 vaguely recollect that there was some traffic data or

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1 crash data that we have but I don't have it with me.

2 MS. PERRY: Okay, because it was not
3 contained in your report and we would appreciate
4 receiving that if you can for accidents. Have you
5 taken guest and visitor parking into account in your
6 report?

7 MR. LADEN: We did, I think, in terms of
8 the number of parking spaces that the building was
9 providing inside. There seemed to be more than a two-
10 to-one ratio which I think would account for a
11 reasonable number of parking spaces for visitors.

12 MS. PERRY: You weren't at the last
13 hearing but they indicated that only 10 spaces were
14 going to be assigned for guest parking. Do you think
15 that is enough for 49 units?

16 MR. LADEN: I'm thinking. Under most
17 circumstances it might be. On New Year's Eve probably
18 not.

19 MS. PERRY: Are you aware that the Zoning
20 Regulations allow home occupancies in apartments and
21 that the holder of such a license is entitled to have
22 eight clients or customers on the premises in any one-
23 hour period and would that change your mind?

24 MR. LADEN: I'm aware of the first part of
25 that, that there is a possibility of allowing some

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1 types of home businesses. I was not aware of as many
2 as eight clients. Again, if this were a building that
3 had a significant number of units that were used for
4 business purposes, then, yes, I think they would -- we
5 would need to relook at the allocation of parking
6 within the building.

7 MS. PERRY: In the Wells traffic report
8 they talk about the Sheridan School even though it
9 wasn't just on Tilden Street. They don't talk about
10 the other construction projects going on in the area
11 such as the Chinese Embassy and the Moroccan Embassy
12 on Van Ness Street. Is that not going to have an
13 impact on traffic and further deteriorate Connecticut
14 Avenue and possibly Tilden?

15 MR. LADEN: Yes, that would put additional
16 traffic on Connecticut and Tilden. Correct.

17 MS. PERRY: Okay. The Wells traffic
18 report and DDOT's was basically only done on one day
19 during the rush hour periods but isn't there going to
20 be -- has anybody done an analysis of the other hours
21 of the day and Saturdays and Sundays because that
22 usually is included in a traffic impact study.

23 MR. LADEN: We did not look at Saturdays
24 or Sundays. We have been out there during mid-day
25 other days to see whether or not the rush hour

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1 conditions extended significantly into other portions
2 of the day. I think this was, again, maybe just
3 another two or three times. It seemed as though from
4 those times we have been out there that the main
5 congestion was during the peak periods.

6 MS. PERRY: Okay.

7 CHAIRPERSON MITTEN: Anything else?

8 MS. PERRY: One other question. When you
9 were out there during the rush hour isn't it true
10 that there is no parking at that time on Connecticut
11 Avenue and that we have the reversible lanes going?

12 MR. LADEN: That's correct.

13 MS. PERRY: Okay.

14 MR. HOOD: Madam Chair, can I follow up on
15 a question that Commissioner Perry asked?

16 CHAIRPERSON MITTEN: Sure.

17 MR. HOOD: You shook your head no.

18 CHAIRPERSON MITTEN: I wasn't shaking my
19 head to you. I'm sorry.

20 MR. HOOD: Mr. Laden, when a community is
21 trying to get residential parking they petition and
22 that's how that's done. In your testimony I heard now
23 to do away with it is not done by the petition
24 process. How is that done? Can you expound on that?

25 MR. LADEN: What I said was that the

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1 petition process is one mechanism for requesting
2 residential permit parking or for removing residential
3 permit parking. I believe the Director of the
4 Department of Transportation also has authority under
5 certain circumstances to unilaterally either establish
6 or unestablish residential permit parking. For
7 instance, we did that in certain areas around the RFK
8 Stadium. We imposed residential permit parking and
9 new standards without going through a permit process.

10 MR. HOOD: Okay. If a neighborhood
11 petitioned the director could have the option he saw
12 fit. He has that delegation or he can delegate and he
13 can take the residential away.

14 MR. LADEN: I believe so.

15 MR. HOOD: Okay. Thank you. That's in
16 the statute?

17 MR. LADEN: I believe so.

18 MR. HOOD: Okay. Thank you.

19 MR. LADEN: It may be by regulation. I'm
20 not sure if it's by statute or regulation. I think
21 the authority is delegated by statute and the
22 specifics on that with respect to the director's
23 authority is by regulation.

24 CHAIRPERSON MITTEN: Did you have a couple
25 questions?

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1 MS. WISS: I have one question. This is
2 Commissioner Cathy Wiss. When you looked at this
3 project did you examine the driveway into the garage,
4 its width and the turn into the garage and the width
5 of the turn into the garage?

6 MR. LADEN: Yes, I believe so.

7 MS. WISS: And what were your findings?

8 MR. LADEN: Again, I think we found that
9 under normal circumstances the driveway widths and
10 angles were sufficient. Again, there could be unique
11 circumstances with truck deliveries or other movements
12 where again people would have to use reasonable
13 judgment for safety. By in large we felt that it was
14 adequate.

15 MS. WISS: Do you recall what those widths
16 are?

17 MR. LADEN: I don't have those with me,
18 no.

19 MS. WISS: Okay.

20 CHAIRPERSON MITTEN: Okay. Thank you. We
21 have one or two other opportunities for cross
22 examination, Mr. Laden if you just bear with us.

23 Mr. Rose, did you have questions for Mr.
24 Laden?

25 MR. ROSE: I'll pass to my council.

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1 CHAIRPERSON MITTEN: I know who that is.
2 That would be Leslie Brown.

3 MS. BROWN: Yes.

4 CHAIRPERSON MITTEN: Okay.

5 MS. BROWN: Hi. Leslie Brown.

6 CHAIRPERSON MITTEN: I need you on a mic.
7 Turn on the mic. There you go.

8 MS. BROWN: I'm Leslie Brown. I'm counsel
9 for the Unit Owner's Association at 3883 Connecticut
10 Avenue. We have no questions for DDOT and I'm not
11 sure if this is an opportune time but the Board of
12 Directors of the Association has approved withdrawing
13 the association's opposition to the variance
14 application and we have something that we can submit.

15 CHAIRPERSON MITTEN: Okay. If you would
16 submit that to Mrs. Schellin. You are basically
17 declining your status as a party going forward?

18 MS. BROWN: Yes.

19 CHAIRPERSON MITTEN: Okay. That will
20 streamline things. Okay. And then we have Mr.
21 Hitchcock.

22 MR. HITCHCOCK: Thank you, Madam Chair.

23 Good evening, Mr. Laden. Your testimony
24 talked about people simply making a right turn going
25 eastbound on Tilden. Is that correct?

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1 MR. LADEN: Yes, with the median being in
2 place persons leaving the property would need to turn
3 right.

4 MR. HITCHCOCK: Okay. Your testimony
5 indicated that you had studied the report submitted by
6 the applicant. Isn't it true that that report talked
7 about the possibility of cutting a 100-foot cut into
8 the median to permit left turns?

9 MR. LADEN: Yes.

10 MR. HITCHCOCK: Did you department
11 consider that possibility?

12 MR. LADEN: Yes, we did take a look at
13 that possibility.

14 MR. HITCHCOCK: But you didn't mention it
15 in your testimony?

16 MR. LADEN: Correct, I did not.

17 MR. HITCHCOCK: Does that mean DDOT has
18 foreclosed that possibility?

19 MR. LADEN: We haven't foreclosed it but
20 I think that would be an alternative that we would
21 only consider if there were significant problems
22 resulting from the proposed development.

23 MR. HITCHCOCK: How would you define
24 significant problems resulting from the development?

25 MR. LADEN: I would think if there were

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1 the type of conditions described by Commissioner
2 Mitten with significant backups where cars are not
3 able to make that turn on 29th Street and there were
4 backups on eastbound Tilden, we would consider putting
5 a median cut there but it would not be something we
6 would want to do if we didn't have to.

7 MR. HITCHCOCK: Okay. In other words,
8 it's possible that approving this particular
9 development could lead to chopping up the median if
10 predictions are as some have said. Correct?

11 MR. LADEN: I wouldn't quite go that far.
12 I think if conditions are significantly worse than
13 what we estimate, one alternative would be to remove
14 a portion of the median. I'm not sure how wide that
15 cut would be but we would want to do sort of a minimal
16 removal of the median. Again, that is something our
17 traffic services folks and my administration within
18 DDOT would be reluctant to do.

19 MR. HITCHCOCK: What would be the minimum
20 footage that you would have to cut into the median
21 strip to permit the left turn?

22 MR. LADEN: Again, I would need to check
23 with our traffic operations people to find out what
24 the appropriate turning radius would be.

25 MR. HITCHCOCK: Okay. Thank you. Another

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1 question on a related subject. Did you examine left
2 turns -- let me back up. Did you examine or find in
3 your study traffic going westbound on Tilden making a
4 U-turn right at the corner of Connecticut and then
5 going eastbound on Tilden?

6 MR. LADEN: The report that I saw from my
7 staff did not indicate that.

8 MR. HITCHCOCK: Do you know why that was?

9 MR. LADEN: I do not. I would have to
10 ask.

11 MR. HITCHCOCK: Okay. So they may not have
12 examined that possibility.

13 MR. LADEN: Correct.

14 MR. HITCHCOCK: Okay. Could you clarify
15 for the record? You talked about a turnaround that
16 would eliminate some parking spaces. Could you
17 specify where that would be?

18 MR. LADEN: It would be on westbound
19 Tilden, the north curb edge. There is an alley fairly
20 close to Connecticut Avenue. Maybe 100 feet from
21 Connecticut Avenue where there currently is a
22 designated area for three to four cars. What I said
23 was that one possibility would be to remove those
24 spaces on the north curb line of westbound Tilden
25 adjacent to Connecticut Avenue during the peak hours

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1 to allow some cars to queue there and make right
2 turns.

3 MR. HITCHCOCK: Okay. Thank you. I have
4 no further questions.

5 CHAIRPERSON MITTEN: Thank you, Mr.
6 Hitchcock and thank you, Mr. Laden.

7 MR. LADEN: Thank you.

8 CHAIRPERSON MITTEN: I don't think we have
9 any other Government agencies represented here tonight
10 so I will move to the ANC for their testimony.

11 MS. PERRY: Hi again. Just so I can --
12 it's not in my testimony but DDOT recently provided
13 our ANC with the map of the transportation area. For
14 the record, Tilden Street is a minor arterial and 29th
15 Street is designated as a residential street just so
16 we have that in the record.

17 I was a commissioner when Clark built 3883
18 Connecticut Avenue so I found it quite amusing when
19 one of the first meetings Clark had with the community
20 they indicated that the new building they were
21 proposing would mask 3883 Connecticut. I remember the
22 lot we are discussing tonight and the residents
23 chained themselves to the more than 30 100-year-old
24 trees on this lot that were destroyed.

25 I also remember when the crane fell on the

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1 Kuwaiti Embassy and the Army Corps of Engineers issued
2 a notice violation for grading and grubbing the ravine
3 there which contained waters of the U.S. unnamed
4 tributary. This is a neighborhood that has been quite
5 active for sometime in trying to preserve the
6 character of the neighborhood and the precious park
7 land adjoining this neighborhood.

8 It also led, as you will remember, to our
9 ANC coming to the Zoning Commission for a tree and
10 slope overlay with the destruction of all the trees on
11 these lots. That building was a matter of right and
12 this building isn't.

13 Adrienne Coleman weighed in on that
14 project and I brought a copy of her letter with me
15 tonight so if you want to see it. A lot of her words
16 for that lot 800 are also pertinent to this lot as
17 well. I am going to quote from her. "Melvin Hazen
18 not only joins the lot proposed for development but it
19 is downstream from it.

20 I represents unique concerns and
21 challenges since drainage waters and silt from erosion
22 will flow into the park. It is important to avoid
23 undesirable channel erosion in the park that would
24 result from the increased flow that new pavement,
25 rooftops, and similar impervious surfaces inevitably

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1 cause.

2 Drainage from indoor parking areas within
3 the building we have been told will be connected to a
4 sanitary sewer line on Connecticut Avenue so that
5 waste flows from cleaning and maintenance are not
6 discharged into the park."

7 She also wrote, "I am concerned about tree
8 losses on the land surrounding Melvin Hazen.
9 Maintaining tree cover on lands adjoining the park
10 provides a highly beneficial buffer for all park
11 resources. It is not clear that the removal of trees
12 to date is respecting this need. There is an option
13 available to retain or reestablish a wooded buffer for
14 the park and that should be evaluated."

15 We also know from the letter sent to David
16 Murphy at the Park Service from Bowman Consulting that
17 there is the potential presence of a seat running
18 through this subject site but we don't have the
19 information because we haven't heard testimony on
20 that.

21 I was also confused by the testimony of
22 the Office of Planning, especially that of Mr.
23 Jackson. I have given you a copy of the base map
24 showing this area. Using Mr. Jackson's analogy of
25 drawing a straight line and letting the park be the

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1 buffer for high density development, then you would
2 have to include the Kuwaiti Embassy.

3 Mr. Jackson said the Kuwaiti Embassy was
4 appropriately zoned at R-2.

5 We've done some research into this entire
6 parcel of land using the landmark application for 3902
7 Connecticut Avenue. All of this land in the 19th
8 Century was all part of an estate named the Vineyard.
9 In 1887 Mr. Ryan purchased 109 acres of this property
10 all south of Pierce Mill and renamed his estate
11 Fernwood.

12 Fernwood extended to the present location
13 of the Broadmoor. He then began subdividing it.
14 Fernwood eventually gave its name to the cluster of
15 houses along Upton and Tilden Street. The large
16 estate of Fernwood was then subdivided and most of the
17 estate was purchased by the various company
18 representatives and the related Chevy Chase Land
19 Company.

20 Contrary to what the Office of Planning
21 indicated, the eastern side of the long block of
22 Connecticut Avenue between Porter and Tilden Streets
23 was once entirely owned by one owner. The land for
24 Tilden Hall was sold in 1922, 3901 Connecticut Avenue
25 in 1927, and the Broadmoor Corporation purchased their

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1 parcel in 1928.

2 The United States purchased the eastern
3 most portion of Melvin Hazen Run on December 9, 1940.
4 It wasn't until -- by 1964 lot 802 was purchased by
5 the Kuwaiti government. In about 1990 Clark purchased
6 lots 800 and 804 and built 3883 Connecticut but they
7 were all part of the same square, 2234. This case is
8 almost a case within a case. First there is the
9 zoning consistency and, second, the planned unit
10 development. Our ANC believes, just as Councilman
11 Mendelson testified, that lot 804 was intended to be
12 an R-2 lot and there is a mistake on the land use map.

13 We believe that the R-2 zoning is
14 consistent with the Ward 2 plan which calls for high
15 rises on the arterials and not the residential
16 streets. We also know of no other high-rises on any
17 of the residential streets east of Connecticut Avenue
18 with the exception of the Van Ness community which was
19 a planned unit development and there are no
20 residential houses on Van Ness Street.

21 We have read the Kennedy-Warren case and
22 while there are similarities, there are also
23 differences. The Kennedy-Warren is on Connecticut
24 Avenue. It was originally designed with the added
25 wing in the 1930s and it was only a change from R-5-D

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1 to R-5-E to allow an increase in FAR.

2 The Appeals Court quoted that the site of
3 the Kennedy-Warren was in the high-density residential
4 land use category. High-density residential land uses
5 are generally located adjacent to central employment
6 areas, major employment centers, major arterial
7 streets. That does not fit the residential single-
8 family character of Tilden Street.

9 This project also differs in that we do
10 not have an amenity as extensive tree preservation and
11 tree replanting plan as a buffer to Melvin Hazen.
12 Mistakes happen and we believe that there is a mistake
13 here. What makes superior design? Something that the
14 Zoning Commission has to consider if they want to
15 approve this PUD. Is it just a pretty building or a
16 building that fits and blends in with the surroundings
17 and does no harm?

18 Attached to our ANC resolution are all the
19 parts of the Ward 3 plan we feel pertain to this
20 project and I think Dan is going to talk about
21 character and Cathy so I'm going to skip that.\

22 We believe that this building will be
23 another standout, another statement building just as
24 3883 Connecticut Avenue was. By building only 49
25 units instead of 50 they circumvent the zoning

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1 requirement for a loading dock, loading area, and for
2 screening of delivery areas from residential
3 neighbors.

4 Trucks and visitors will pose a
5 transportation problem on Tilden Street. It's not
6 just moving vans that come to a building. Trucks come
7 on a daily and regular basis, be it the cable company,
8 UPS and FedEx, the Deer Park Water truck, the mail
9 truck, and many of these trucks are larger than 15
10 feet and the building cannot control them.

11 From property line to property line this
12 line will be carved out for underground parking.
13 Large canopy trees will never be able to grow and/or
14 survive. Will this be a good neighbor and keep its
15 word? We watched construction trucks for 3883 drive
16 over the median strip and destroy the trees. Clark
17 repeatedly said they would relandscape the median and
18 the promise was ignored until two weeks ago at this
19 hearing.

20 We believe that Clark issued an easement
21 for the construction of 3883 Connecticut Avenue to
22 3901 Connecticut by saying they would only construct
23 townhomes on lot 804 and that easement was necessary
24 for the underpinning of 3883. Now because of the size
25 of the building on this small lot, they are also

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1 proposing to landscape the property in another
2 adjacent building.

3 Are they offering enough amenities? We
4 don't believe so. Housing is an amenity but Ward 3
5 needs affordable housing and we are only getting three
6 affordable units, not as the Ward 3 plan states in
7 Section 1402.3.

8 "Where a new development is permitted or
9 is prescribed in the land use element, such
10 development is to provide additional housing,
11 particularly for the elderly and low-income
12 populations and encourage a mix of populations with a
13 new or renovated multi-family structures with up to 20
14 percent of the units set aside for low and moderate-
15 income units." We are only getting three.

16 Not only will these units be smaller than
17 the other units essentially setting low-income
18 families apart but Clark will retain ownership of the
19 units so that these units and low-income families will
20 not even have a vote at the condominium meetings
21 because it is the owner of the apartment that has the
22 vote.

23 Even after two years of meetings with the
24 Office of Planning, we still don't know the size of
25 the units, how guest parking will be handled, what

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1 will happen if the UPS trucks and moving vans arrive
2 at the same time, or how long these affordable units
3 will even be available to the city. Is it five years,
4 ten years, or forever?

5 We also believe that Clark should be made
6 to live up to its promises when they built 3883 and
7 that the Zoning Commission should reject this project.
8 We believe that an attractive townhouse project can be
9 developed on this land using now eight separate
10 driveways as Clark stated, but one driveway that would
11 connect all the houses. We believe the neighborhood
12 would be very supportive of that type of project.

13 MS. WISS: My name is Cathy Wiss. I am
14 going to talk a bit about the zoning of the area, the
15 urban design and landscaping. The Office of Planning
16 rationalized rezoning this property by arguing that
17 Connecticut Avenue and Melvin Park serve as natural
18 boundaries for high density zoning. This may be the
19 case for other nearby properties along Connecticut
20 Avenue but it does not apply to this property. OP's
21 construct ignores the fact that Clark's property is
22 bounded neither by Connecticut Avenue nor by Melvin
23 Hazen Park. It is on Tilden Street, a side street,
24 and has residential neighbors adjacent to it and
25 across the street.

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1 One can understand the character of the
2 neighborhood by examining the aerial map in Exhibit 1
3 attached to the Office of Planning Report. I don't
4 know if you have that available to you or if you can
5 see it from here. Clark LLC's property is in the
6 middle of the block that is zoned R-2. It is right
7 here. On the other side of the street R-2 properties
8 extend both east and west of where this property is.

9 There are semi-detached houses there. No
10 wonder the residents across the street oppose this
11 project. Rather than mirroring and balancing the low-
12 density scale and character of their houses with a
13 similar project on the other side of the street, this
14 project would bring high-density uses of Connecticut
15 Avenue into their block and change the character of
16 their neighborhood.

17 This character is protected by the
18 existing zoning. The zoning for Tilden Street shows
19 an orderly and quick progression from the high-density
20 apartments along Connecticut Avenue to the very low-
21 density area east of 29th Street. In fact, the R-2
22 zoning of Clark's property is transitional. Were
23 Clark's application to be approved, the transition
24 would be lost.

25 East of 29th Street the zoning is

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1 primarily R-1-A. This area includes several embassies
2 on very large lots. Four of them were products of a
3 PUD in the 1970s. Two of these were rezoned R-5-D but
4 the Zoning Commission used R-1-A standards as the
5 maximum height, number of stories, and lot occupancy
6 for these embassies and required a very low FAR.

7 For example, the Polish embassy, which is
8 hardly visible in the trees on the center left of this
9 exhibit, although it was rezoned R-5-D as part of the
10 PUD, it was held to R-1-A standards but a maximum FAR
11 of 0.4. Generous 15-foot setbacks from the street
12 were also required and removal of trees for anything
13 but structures, driveways, or disease was prohibited.
14 You can see this in Zoning Order 106.

15 The squares along Tilden Street east of
16 29th Street where these embassies are located are in
17 the Forest Hills Tree and Slope Protection Overlay.
18 Exhibit 1 shows the extent of three cover here. Most
19 of this is Melvin Hazen Park but you'll get a sense of
20 this. This is the Polish Embassy right here. It's
21 not visible from the street and even if you walked
22 down the lane into it, it's very hard to find because
23 it is really very, very low density and covered with
24 trees.

25 Clark's project put the Kuwaiti Embassy in

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1 an untenable position. Currently it is part of an R-2
2 zone along with Clark's property where the adjacent
3 property would be held to three stories 40 feet in
4 height, 40 percent lot occupancy and an eight-foot
5 side yard. Now it is faced with a wall six stories
6 high on the common property line.

7 This is an extreme deviation. Clark
8 maintains that it won't be so bad because the
9 Kuwaities have a one-story building along the property
10 line. In fact, the Kuwaities have a brick security
11 wall around their property and a series of open-sided
12 carports along the common property line with the
13 exception of a small guard house right next to the
14 sidewalk in what is probably public space.

15 These carports do not constitute a
16 building. There are no sides, at least on the side
17 where people drive in. One has only to observe the
18 number of guards outside the Kuwaiti Embassy to know
19 that they value security. Obviously this very high
20 structure will breach that security which would be
21 easier to protect at existing R-2 zoning.

22 We also noted in a resolution that this project
23 goes against what residents of nearby apartment
24 buildings were told about Clark's intentions to build
25 semi-detached houses.

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1 One of the most obvious features of this
2 project is that it is simply too big for the site. It
3 pushes the boundaries. For instance, there is a wall
4 against the Kuwaiti Embassy property. That is unlike
5 any other apartment building in the area because in
6 this area to the south of Tilden Street the apartment
7 buildings are stand-alone. They have side yards and
8 front yards. They are surrounded with trees. Well,
9 not all of them have big trees. Some of them have
10 wonderful park-like settings.

11 In this case there is no room for planting
12 on the Tilden Hall side of the property. In fact, the
13 trees will have to be planted on Tilden Hall's
14 property in the very small space between Clark's
15 driveway and the Tilden Hall driveway. There is very
16 little space in the rear.

17 There is only 26 feet -- actually only six
18 feet between the fire lane easement and this building
19 and 56-foot deep courtyard which the Office of
20 Planning said was about the width of a street in the
21 city, not in Ward 3. The local streets in Ward 3 are
22 90-feet wide. Usually 30-foot wide roadway and 30
23 feet on each side of that.

24 This building will sit closer to the
25 street than any of the others on the street. As I

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1 mentioned, when those embassies were part of the PUD
2 they were required to be 25 feet back from the street.
3 The Kuwaiti Embassy is significantly back from the
4 Street as is Tilden Hall.

5 Again, this building itself is larger in
6 scale and width than any of the adjacent buildings.

7 As for landscaping this project will look
8 much more commercial than anything in the area. Why
9 is landscaping important here? Well, we have already
10 talked about how this is very close to the Tree and
11 Slope Overlay. The lot used to be wooded. Many of
12 the apartments in the area and many of the homes have
13 trees.

14 In fact, Tilden exhibits a naturalized
15 landscape with tall trees, shrubs, and flowers. As
16 Ms. Sorg testified the other day, the standard in this
17 area is for buildings and homes to stand alone
18 surrounded by gardens. Because this project is
19 crammed onto the site, this is simply not possible.

20 There are, of course, other important
21 reasons for landscaping. One is to provide screening
22 and interest and make the project superior. Also to
23 temper the heat that can build up between all of these
24 buildings that reflect heat back and forth.

25 Instead, in order to grow some trees there

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1 will be some ornamentals confined to planters. This
2 is clearly out of character with the neighborhood. I
3 was trying to think where this might be even downtown
4 and I really couldn't find anything. I think this is
5 more of a shopping mall effect. It really is out of
6 character with this neighborhood.

7 The screening in the rear will be limited.
8 There is a six-foot berm for planting but this
9 easement is not just for fire, it's for air and light.
10 My sense is that they are going to have to be clipped
11 to being just six-feet wide. That is a little small
12 for a holly if it wants to grow to any size. You are
13 going to have to keep them sort of trimmed to a hedge.

14 Who will take care of the plantings at
15 Tilden Hall? Will these trees grow or die? They will
16 be for the most part in perpetual shade. We didn't
17 look at the shade studies but the building directly to
18 the south, 3883, is nine stories tall. That's a
19 fairly big shadow and you can see the size of the
20 shadow in Exhibit 1. It covers a good portion of this
21 property.

22 On the north side of the building, the
23 Tilden Street side, the plantings will be shaded by
24 the building itself. Most of these trees require sun.
25 I've looked up in Dirr's Manual of Woody Landscape

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1 Plants. For Redbuds they need moist well-drained deep
2 soils, full sun or light shade. They suffer
3 dramatically from excessive stress, be it lack of
4 water, excessive moisture, mechanical injury, etc.

5 These are going to be in planters at the
6 front of the building. You could say the same for
7 most of these other plantings. They like moisture,
8 they like sun. They are not going to be able to get
9 this in a little container pot. I know this from the
10 raised garden at the Tenley Library where I help tend
11 the trees. We consistently had dogwoods die and have
12 to keep replanting them.

13 That is a big planter. It may be 400
14 square feet but in the winter the planter made it too
15 cold for the roots and in the summer it was too hot
16 and dry. I think you would find the same thing here.
17 We might end up with no plantings at all. It also
18 depends on the people who have their private terraces
19 actually maintaining plants because that would be the
20 substitute for the high canopy of the trees that used
21 to be there.

22 That concludes my testimony.

23 MR. KLIBANOFF: Hello. I'm Daniel
24 Klibanoff, ANC Commissioner for F-07 which is the
25 single-member district where this nice little piece of

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1 land resides currently. We did submit some pictures.
2 Commissioner --

3 MR. JEFFRIES: Excuse me. Can you repeat
4 your last name again?

5 MR. KLIBANOFF: Klibanoff. We did submit
6 some pictures. One of them is of the Kuwaiti garage
7 that Commissioner Wiss did talk about earlier. Also
8 we submitted pictures of some of the other properties
9 of foreign governments that are in the area to show
10 how they are built to sort of lower density standards.

11 Touching upon the point of the character
12 of the neighborhood, it is one that does have a lot of
13 very traditional architectural styles be them from
14 different eras. I did include a picture of the
15 rowhouses in here which I believe show that it is a
16 very low-density classic neighborhood.

17 Even the buildings that are on the corner
18 that are larger density that are on Connecticut
19 Avenue, which I have included as Connecticut and
20 Tilden, do show that they are very much made of red
21 brick, stucco, more traditional things.

22 I wish to touch on traffic since that is
23 one of the biggest issues I have with this project.
24 First of all, I believe that the traffic study that
25 was submitted is very inaccurate. It was only done on

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1 one day so it did not really get a good
2 differentiation between what traffic patterns might be
3 like on different days during the week.

4 It also was done before the traffic signal
5 was retimed at Connecticut and Van Ness, therefore,
6 causing more of a backup. It did not take into
7 consideration the Chinese Embassy project which is
8 going on about three blocks away. I don't feel it
9 adequately addresses the right in, as Mr. Laden put
10 it.

11 They do say only a certain amount of
12 people will make that turn every so often. However,
13 there is no way of really telling when that is going
14 to happen and if two or three people, as has been
15 brought up in questions earlier, decide to do that at
16 the same time, it will severely back up traffic going
17 into the park and going downtown. Also, I don't think
18 it addresses the fact that people coming west on the
19 park who want to enter this property will either need
20 to go and make a U turn at Connecticut Avenue or go
21 way up Tilden Street father west.

22 Also, the Ward 3 element of the
23 comprehensive plan does address traffic which we have
24 submitted and I wish to touch upon a couple of these
25 very quickly. In 1404.2 it does say that there should

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1 be an improving of the level of service at street
2 intersections to B or C at worst. It is already
3 beyond that although it may be difficult to implement
4 measures to improve it to a B or C staying with
5 matter-of-right zoning would exacerbate the problem
6 much less than adding this many more units to that
7 neighborhood.

8 It also says in 1404.3(i) that major
9 developments should require transportation system
10 management program to prevent deterioration and level
11 of service affected by intersections below C that may
12 as a project amenity improve the level of service at
13 these intersections. I did not see anything in their
14 application to do so.

15 I also wish to mention -- to touch upon
16 what Commissioner Perry touched upon as well as
17 affordable housing. I think it is very important for
18 Ward 3 to help attract policemen, fire, EMS, teachers
19 to live in our ward, to teach our children and to be
20 more connected with our community. Three units which
21 comes to approximately 6 percent not only falls well
22 below the 20 percent recommended in the Ward 3
23 element, it even falls below the 10 percent that is
24 currently been talked about with inclusionary zoning.

25 Those are the major topics I wish to

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1 mention at this point that my colleagues have not
2 already gone into.

3 CHAIRPERSON MITTEN: Thank you.

4 MR. WINSTEAD: Good evening. My name is
5 Frank Winstead. I am ANC-3F-04 Commissioner. I would
6 like to draw your attention to these photographs,
7 photocopies you should have, examples of moving vans
8 near Tilden Street. This is related to the load dock
9 which we really don't know where the loading dock is
10 going to be but supposedly it's going to be for a 30-
11 foot truck.

12 If you take a look at the first picture,
13 this is from Connecticut Avenue. This is in front of
14 the Albemarle House on Monday, June 12th a little
15 after 10:00 p.m. That is a moving van parked there.
16 I walked by there and I saw that. I counted the
17 sidewalk squares and multiplied by three and that
18 truck is 63 feet long. It's parked on Connecticut
19 Avenue. Fortunately I assume the driver went some
20 place else because they didn't leave the air
21 conditioning running but that is a typical moving van
22 in our area.

23 Moving down, the next two pictures are on
24 Porter Street. This is the same truck. You get a
25 better view of it. In the right-hand photograph

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1 you'll notice Porter Street, two travel lanes, two
2 curb lanes for parking, and this truck which is trying
3 to back into the loading dock area of Quebec House.
4 You'll notice the front wheels are up on the sidewalk.

5 Then if you move back over to the left-
6 hand picture you will notice -- you can't see the
7 moving van too clearly but you see a D.C. trash truck.
8 They actually had to go into a small parking lot area
9 across the street and drive through there just to get
10 down Porter Street.

11 On the next page you will see four
12 pictures of a truck parked at Veazy Terrace. This
13 moving van was not occupied and not left running. You
14 can tell how it didn't even fit next to the curb.
15 There is a yellow stripe on that curb also. These are
16 typical moving vans in our area. I don't think that
17 the 30-foot loading dock is really going to help.
18 Thank you.

19 CHAIRPERSON MITTEN: Thank you. Is that
20 it for the ANC? Okay. Any questions from the
21 Commission for the ANC? Any questions for the ANC?

22 MR. HOOD: Yes. I've been thinking about
23 these moving trucks. Have you ever seen a situation
24 where there are two like trying to maneuver at the
25 same time? I see the picture here with the trash

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1 truck and the moving van but what about two moving
2 vans or moving trucks and what is the experience?

3 MR. WINSTEAD: I can say that this morning
4 -- I live at the Brandywine apartments which is next
5 door to the Saratoga. The Saratoga was a PUD,
6 condominiums, but I believe all the condos are rented
7 out. I saw three moving vans there. I'm guess they
8 were 30 foot or less. Two were parked on Brandywine
9 Street one of them blocking the crosswalk and one
10 parked on Connecticut Avenue. That was this morning.
11 That is probably the worse case I've seen.

12 MR. HOOD: In a case like that do the
13 drivers usually work it out or does it cause a problem
14 or do they usually try to work it out?

15 MR. WINSTEAD: They park where they want
16 to park.

17 MR. HOOD: Okay. I mean, I guess you
18 don't usually stick around and just wait to see what's
19 going to happen but I was just curious of what
20 resolution usually happens when an event like this
21 occurs.

22 MR. WINSTEAD: I see things like that. I
23 walk around and carry a camera with me. I take
24 pictures. From what I see there is no respect for the
25 parking regulations and there's no real enforcement.

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1 MR. HOOD: Okay. Thank you.

2 MS. PERRY: Mr. Hood, if I may also, I
3 live in a high-rise right in the same area. We have
4 constant conflicts. This morning the UPS truck, which
5 is over 27 feet, arrived. Sometimes you have more
6 than one move in or move out on the same day. We have
7 a loading dock with three loading bays and we still
8 have conflicts.

9 The Consulate, which is one of the
10 buildings that was shown in the applicant's brochure,
11 has a 20 or 30-foot fire lane. They also have a
12 circle driveway and DDOT had it installed "No Standing
13 and No Parking" signs on Van Ness Street because those
14 large moving vans cannot make the turn off of Van Ness
15 Street because of the parking to get into that loading
16 area. We still constantly have the double parked
17 vans. It's a problem and it is very hard to mandate
18 when UPS and a truck is going to show up, when the
19 trash truck is going to show up.

20 I know all of our brochures say bring the
21 small moving vans but when you have a resident
22 standing there wanting their furniture and wanting to
23 move in and you have the truck there. You can't send
24 it somewhere to unload or whatever and come back with
25 a smaller truck. It just doesn't happen in reality.

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1 We have constant conflicts.

2 MR. HOOD: Thank you.

3 CHAIRPERSON MITTEN: I understand the
4 ANC's position in terms of the mistake that is on the
5 generalized land use map and all that so I don't want
6 you to think I'm not getting that part, but you did
7 spend some time in your testimony talking about the
8 deficiencies in the applicant's amenities package and
9 some of your concerns about the plantings and the
10 sufficiency of affordable housing and various things
11 like that. Have you talked to the applicant about
12 those concerns at all?

13 MS. WISS: We've talked to them at our
14 meetings. Now, we were surprised when we came last
15 time to learn that there were different amenities than
16 what we had been told at our ANC meeting. The
17 resolution that we submitted reflects what we thought
18 the amenities were going to be at that time which was
19 \$100,000 for Pierce Mill and \$35,000 to \$40,000 for
20 Hurst Park, a recreation center. When we were here
21 last time we learned it was only \$50,000 for Pierce
22 Mill, \$50,000 for National Park Service, \$50,000 for
23 Hurst, and \$50,000 for Hillwood. We have not talked
24 to them about that.

25 CHAIRPERSON MITTEN: Are your concerns

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1 about the amount of affordable housing or are your
2 concerns about the plantings?

3 MS. PERRY: Those issues have been raised
4 at every neighborhood meeting that Clark had.

5 CHAIRPERSON MITTEN: Okay.

6 MS. PERRY: They were raised at our ANC
7 meeting. We didn't know until the last Office of
8 Planning Report that the units were even going to be
9 smaller than the regular units. We've been asking for
10 some of the same things, shadow studies, whatever. We
11 have seen nothing.

12 MS. WISS: We got the shadow study.

13 MS. PERRY: When?

14 MS. WISS: We did get a shadow study in
15 the mail after our meeting.

16 MS. PERRY: Okay. Of the six-story
17 building? No.

18 MS. WISS: Yes.

19 MS. PERRY: But I think we have been
20 raising these issues. Whether this neighborhood would
21 consider some of what Clark is proposing as amenities,
22 you know, it's highly doubtful. Hurst while it's in
23 our ward is not in this neighborhood. It's pretty
24 much borderlining ANC-3C. It's not used by a lot
25 people around here. The District just spent

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1 approximately \$2 million now renovating it so that is
2 giving more money to the District. I don't know if
3 anybody has talked to the residents of 3801, 3901, all
4 buildings that border Melvin Hazen about lighting and
5 how that is going to affect their building which is
6 part of the proposal to the Park Service. We have not
7 had hearings on those because this was all new since
8 our meeting.

9 CHAIRPERSON MITTEN: Okay. Thank you.
10 Anyone else have questions? Mr. Jeffries.

11 MR. JEFFRIES: Were you going --

12 MS. WISS: I was just going to mention the
13 affordable housing. At our ANC meeting I asked why it
14 was only three units because that seems awfully small
15 and was told, "That is what has generally been the
16 amount offered in a planned unit development so there
17 was no attempt for them to try to do more.

18 CHAIRPERSON MITTEN: Okay.

19 MR. JEFFRIES: I'm just trying to get my
20 arms around just to sort of get a sense of the items
21 that are of most concern. I have on a sheet of paper
22 here concerns about project density, architectural
23 character. There's parking and vehicular traffic.
24 There's loading and concern about the amenities
25 package, particularly affordable housing and also tree

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1 conservation.

2 I'm just -- I mean, is there anything
3 about this particular application that is in some way
4 redeemable? Is there anything that can be negotiated
5 here because it seems from where I sit that there is
6 a huge gap between what is there and everything that
7 you all are saying. If you can somehow prioritize.
8 Of those things that I listed what are the things that
9 are most troublesome for you? Anyone can speak.

10 MS. PERRY: I'm going to speak for myself,
11 not for the ANC. I think for me it's the size and
12 scale of the building and how out of character it is
13 with all of the old architecture in this neighborhood
14 that we are going to have a building again just like
15 3883 which this building hopes to mask that is out of
16 character with this neighborhood.

17 It's taller. It doesn't have the
18 setbacks. It doesn't have the trees. This
19 neighborhood is pretty much eligible for listing as
20 historic designation with all of these old buildings.
21 They are red brick, they are lower, they are four and
22 five stories. This is a building that is really out
23 of the character. It is precast concrete no matter
24 what color it is.

25 It is going to stand out like a sore thumb

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1 in this neighborhood of red brick and trees and
2 whatever. I think that and transportation would be
3 next for me because living in that area I see the
4 reality of what happens with trying to get
5 enforcement, trying to get trucks juggled.

6 Somebody who sometimes takes Metro and I
7 sometimes drive, it's impossible to get down Tilden
8 Street or Connecticut Avenue on a Saturday or a
9 Sunday. I live right near UDC. The Mayor once said
10 he will never drive up in our area again because of
11 the traffic. It took him 45 minutes to get through
12 our intersection at Connecticut and Van Ness. I just
13 think that in my order it is the character and the
14 design of this building which is more South Beach to
15 me.

16 Next would be that because of the size of
17 this building we don't have the loading dock. We
18 don't have a driveway. We don't have the in and out
19 and guest parking that is really going to be needed
20 for this neighborhood.

21 MR. JEFFRIES: So it really all goes to
22 really project density. You deal with that and then
23 you sort of impact some of those other areas that you
24 are concerned about.

25 MS. PERRY: It does. It does because by

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1 building -- if you build 50 units you need the loading
2 dock. You need the loading bay. It's got to be
3 screened. Here by just building 49 units we have none
4 of that. If a truck blocks Tilden Street or a moving
5 van it's there for hours. I mean, it's not something
6 that picks up and drops off. We're stuck. There is
7 no other neighborhood streets in that area to go to.

8 CHAIRPERSON MITTEN: Anyone else? Mr.
9 Turnbull.

10 MR. TURNBULL: Yes, Madam Chairman. Thank
11 you. I am glad Mr. Jeffries went down this line of
12 questioning because that was one of the things that,
13 at least the impression that I'm getting, and any of
14 you Commissioners can talk about it, you all mentioned
15 about affordable housing and how there was only going
16 to be 3 percent.

17 My sense, though, after hearing you all
18 discuss this is that even if the applicant had
19 proffered twice the number of units, six units, 12
20 percent, that even that would not have been -- that is
21 really just a side point in the overall issue. It's
22 really the scale of the whole project, not so much the
23 affordable units.

24 MS. PERRY: That's partially true but they
25 are only offering three units out of 49.

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1 MR. TURNBULL: I guess what I'm saying is
2 that if they had come in offering six units, the
3 issues from your standpoint are still on the table
4 that the scale is still the primary issue.

5 MS. PERRY: The scale is still too large
6 but, at the same time, if you are going to approve it,
7 we do believe that Clark is getting a big bonus
8 density. From eight houses they can build matter of
9 right to 49 units is quite a jump. We feel that at
10 least 10 percent, which is inclusionary zoning or
11 more, which is 20 percent in the Ward 3 plan, should
12 be affordable.

13 I know I just served on Commissioner
14 Graham's rent control task force. We have a problem.
15 We need affordable housing. The District might like
16 all of these 500,000 and million dollar homes because
17 of the tax base but it's not what we need as regular
18 working citizens because all of us are just regular
19 working citizens and the affordable units are not
20 enough. We would expect at least 10 percent of the 49
21 units.

22 MR. TURNBULL: Let's just say for talking
23 purposes that the applicant went further and offered
24 more units, significantly more units. Does that
25 change any of your position?

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1 MS. PERRY: It would not change mine on
2 the scale and density of this building. I can't speak
3 for other commissioners.

4 MR. TURNBULL: Okay. I'm just trying to
5 get a sense, as Mr. Jeffries was saying, the
6 priorities and the needs of what the community is
7 really looking for.

8 MS. PERRY: I guess, you know, I'm only
9 speaking for myself.

10 MR. TURNBULL: Okay. Thank you.

11 MS. WISS: I agree that it's the scale and
12 density that is the problem for us because once you
13 reduce that, some of these other things become more
14 manageable. It's not just that underground is a
15 parking lot that is preventing them from growing
16 trees. They've got a fitness center underground.
17 They even have residential units underground.

18 If they started to shrink that, shrink the
19 building, instead of being an average between the
20 height of Tilden Hall and the Kuwaiti Embassy, this is
21 actually higher than each of those even though the
22 Ward 3 plan says it should be more like an average of
23 the adjacent properties which would mean it would be
24 more like three or three-and-a-half stories.

25 They are going for six so this is where it

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1 just keeps pushing the boundaries. If you start
2 shrinking the project, you could end up making a lot
3 of these real concerns that we have dissipate. Of
4 course, since it is a planned unit development, you
5 would want to have some amenities like affordable
6 housing.

7 CHAIRPERSON MITTEN: Okay.

8 MS. PERRY: I just want to also say these
9 units aren't even being owned by the city. They are
10 still retained by Clark and we don't know who is going
11 to vote those shares at a condominium meeting. I
12 personally do not believe whether you are low income,
13 middle income, or high income I think you are entitled
14 to the same type of housing in a building.

15 I think somebody is going to feel very out
16 of place knowing that this unit is smaller, this one
17 is this. They don't have a vote at meetings. People
18 should be treated equally in the same building and the
19 same type of unit. That's just my belief.

20 CHAIRPERSON MITTEN: Thank you.

21 MR. KLIBANOFF: I would just like to add
22 that Tangier questioned that it is so late in the
23 process now that if they had come earlier in the
24 process with offers of more amenities, I might have
25 considered listening to what they had to say but it is

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1 so late now I have trouble taking at face value what
2 they would have to say.

3 Also, one of my concerns in addition to
4 the size and density is the traffic. I currently
5 reside at 3801 Connecticut Avenue which is about a
6 block and a half south of Tilden Street on the east
7 side of Connecticut Avenue. I can walk during rush
8 hour because I often do walk from my apartment to our
9 ANC meetings.

10 I can walk four to five blocks and still
11 be ahead of whatever car was in front of my building
12 during the PM rush hour sitting in any one of the
13 three to four northbound lanes on Connecticut Avenue
14 at that time of day. It's 6:45 to 7:00 in the evening
15 when I'm walking to these meetings which start at 7:30
16 so that also plays a big effect on my mind because I'm
17 looking at my residence of my single member district
18 who are the ones who are having to sit in this.

19 Also, most of these residents are going
20 further into ANC-3F so they are the residents of my
21 fellow commissioners. To me if it is matter of right
22 you are dealing with eight units. If it is this
23 larger much denser building, it is 41 more than that
24 so you are dealing with quite a bit more traffic
25 there.

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1 CHAIRPERSON MITTEN: Okay. Thank you.

2 Anyone else?

3 Mr. Feola, any questions?

4 MR. FEOLA: Just a couple.

5 CHAIRPERSON MITTEN: Can you make room at
6 the table there, Mr. Klibanoff?

7 MR. FEOLA: I just have a couple
8 questions. First, for Commissioner Wiss. Let me make
9 sure I understood you. Did you say that the property
10 is in the Forest Hills Tree and Slope Overlay or the
11 proposed Tree and Slope Overlay?

12 MS. WISS: This property is not.

13 MR. FEOLA: Thank you.

14 MS. WISS: Okay. There's a little history
15 there but it is not.

16 MR. FEOLA: I misunderstood what you said.

17 MS. WISS: No, I did not. It's square
18 2232 and square 2238 that are shown on this exhibit.

19 MR. FEOLA: I didn't hear you correctly.
20 Is Hurst Rec Center in ANC-3F?

21 MS. WISS: Yes, it is.

22 MR. FEOLA: Thank you. Mr. Winstead, I
23 didn't see the photographs but I heard you describe
24 the loading issues in the area. Sounds like this is
25 a fairly common problem in your area.

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1 MR. WINSTEAD: These photographs I took
2 between Monday June 12th and Monday June 19th. This
3 is within eight days. You will note this is mid-
4 month. This is not the beginning of the month.

5 MR. FEOLA: So this seems to be a pretty
6 usual circumstance in this part of Ward 3.

7 MR. WINSTEAD: I have seen other instances
8 of this and I was able to take pictures of these.

9 MR. FEOLA: So we are not talking about if
10 this project were approved creating anything unusual
11 that would happen with an apartment building, would
12 we? To follow-up on that, is Ward 3 falling apart
13 because of these trucks parked on curves and such?

14 MR. WINSTEAD: I don't think it's optimal
15 use of our streets and our parking.

16 MR. FEOLA: I agree with you there.

17 CHAIRPERSON MITTEN: Thank you, Mr. Feola.
18 Mr. Hitchcock, did you have any questions?

19 MR. HITCHCOCK: No.

20 CHAIRPERSON MITTEN: Okay. Thank you all
21 very much.

22 Now I would ask is there anyone who would
23 like to testify in support, an organization or person
24 in support? Please come forward. Anyone else? You
25 can drop off those cards on your way. Actually, this

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1 gentleman reminded me. As you come forward when we
2 move into testimony of persons and parties and
3 organizations, please remember to turn in your two
4 witness cards and drop them off with the reporter.

5 Please have a seat, sir.

6 DR. SISLEN: Thank you.

7 CHAIRPERSON MITTEN: Would you turn on the
8 mic and identify yourself for the record. There's a
9 button on the base right by your thumb there.

10 DR. SISLEN: I'm Maurice Sislen, S-I-S-L-
11 E-N. I'm a retired physician who was born in
12 Washington, D.C. 81 years ago. I lived in D.C. most
13 of my life and I lived in the area for about 25 years.
14 I have none of the expertise that I've heard from
15 other witnesses and I apologize that I cannot speak in
16 an expert way except from the area of human resources.
17 Listening to the testimony here, I've heard that there
18 is an attempt to exclude 41 families from living in
19 the finest neighborhood in Washington.

20 I have lived in this neighborhood for
21 about 25 years. I was one of the early residents on
22 Lenore Lane when it was converted from a trash dump
23 and a lover's lane to an area of beautiful
24 contemporary houses of varying modern architect right
25 next to Hillwood Mansion.

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1 I am disturbed that we are trying to limit
2 this uniquely wonderful neighborhood where you can
3 walk to restaurants. You can walk to shopping. You
4 can walk to theater. You can walk to Metro. This is
5 the finest neighborhood, from my point of view, in our
6 city.

7 I would feel very guilty if we residents
8 of this area say there are 41 families that we are not
9 going to let in our neighborhood for various and
10 sundry reasons, the reasons that have been expertly
11 expressed and this disturbs me because I feel that the
12 attitude, and I've seen it before that, "We've got
13 ours and the heck with you," is not a decent way to
14 behave towards your fellow man.

15 I have no expertise but I would like to
16 make a plea for the 41 families that are trying to --
17 there's an attempt to exclude from my neighborhood
18 because I think it's a great place to be. I'll answer
19 any questions.

20 CHAIRPERSON MITTEN: Thank you. Do you
21 still live on Lenore Lane?

22 DR. SISLEN: No. We left Lenore Lane when
23 the years caught up with us. We were there about 20
24 years and we moved into a high-rise at 3883.

25 CHAIRPERSON MITTEN: Okay.

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1 DR. SISLEN: For older people it's a lot
2 easier to live in a high-rise than in a single-family
3 home. I sound silly raving about the neighborhood but
4 those of us who live here know it's true.

5 CHAIRPERSON MITTEN: Thank you. Let me
6 see if anybody has any questions for you, okay? Any
7 questions from the Commission? Mr. Feola, any
8 questions?

9 MR. FEOLA: No.

10 CHAIRPERSON MITTEN: Commissioner Perry,
11 any questions of Mr. Sislén?

12 MS. PERRY: Just one. Is Lenore Lane all
13 single-family homes?

14 DR. SISLEN: Yes.

15 MS. PERRY: How would your neighbors have
16 felt had somebody proposed putting up a multi-family
17 building in that neighborhood next to a residential
18 all single-family homes?

19 DR. SISLEN: I can't speak for them.
20 You'll have to ask them and I'll give you their names
21 if you would like.

22 MS. PERRY: No. I know them. I'm just
23 asking whether they would feel the same way you do now
24 that you are not living there.

25 DR. SISLEN: I really don't understand

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1 your question. This is all built up. You would have
2 to knock down these beautiful contemporary houses in
3 order to build a high-rise building there and I don't
4 think anybody would want you to do that.

5 MS. PERRY: Okay. Thank you.

6 CHAIRPERSON MITTEN: One more. Mr.
7 Hitchcock, any questions?

8 MR. HITCHCOCK: No questions.

9 CHAIRPERSON MITTEN: Okay. Thank you very
10 much, Mr. Sislén.

11 DR. SISLEN: Thank you.

12 CHAIRPERSON MITTEN: It's nice to hear
13 people that are big fans of their own neighborhoods.
14 That's great.

15 Okay. Anyone else who would like to
16 testify in support? Okay. Then we are ready for the
17 single party in opposition, the Tilden Street
18 Coalition, Mr. Hitchcock.

19 MR. HITCHCOCK: Thank you, Madam Chairman.

20 CHAIRPERSON MITTEN: You'll have 30
21 minutes and we will not interrupt you during your
22 presentation. We'll save our questions for the end.

23 MR. HITCHCOCK: Thank you, Madam Chair.

24 Members of the Commission, before starting
25 I was wondering if we could take one witness out of

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1 order. The Commission asked last time about the views
2 of the Government of Kuwait which is part of the
3 coalition. We do have a representative from the
4 embassy here this evening who is prepared to make a
5 brief statement. Because of some other
6 responsibilities we were wondering if we could take
7 him first, take any questions, and then return to our
8 presentation.

9 CHAIRPERSON MITTEN: So you would like us
10 to cross examine?

11 MR. HITCHCOCK: He has a brief statement
12 of maybe one or two minutes.

13 CHAIRPERSON MITTEN: Okay. Let's do that.
14 That's fine.

15 MR. HITCHCOCK: Then if you have questions
16 or if Mr. Feola has questions, just given his
17 schedule. We are delighted to have him here. He is
18 sitting two seats over from me.

19 CHAIRPERSON MITTEN: Okay. Let's get to
20 it then. Welcome.

21 M R . A L D A K H E E L :
22 Good evening, Madam Chair. I
23 unfortunately had to leave last time. I could not
24 stay until the end but I was told that you have raised
25 the question on whether --

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1 CHAIRPERSON MITTEN: Could you just tell
2 me your name first?

3 MR. AL DAKHEEL: I'm sorry. Nabeel Al
4 Dakheel, First Secretary at the embassy.

5 CHAIRPERSON MITTEN: Thank you.

6 MR. AL DAKHEEL: I'm a diplomat at the
7 embassy. I was told that the question of the
8 embassy's security was raised. Now, I came to make
9 two points very clear. I have a very short statement
10 to say. First of all, that the embassy does stand
11 with the neighborhood where the character of the
12 street stays the same. It is very important to us
13 that there are no high-rise buildings just to back up
14 what the neighborhood wants.

15 That's our major concern, the security
16 concern. We have an enormous, very, very big security
17 concern when it comes to that building standing next
18 to us. Now, unfortunately, I tried myself. I
19 attended several of the meetings that Clark was
20 holding to discuss the different issues, to listen to
21 the neighborhood.

22 We believe we are part of the
23 neighborhood. Not believe but we are part of the
24 neighborhood. When I tried to express our security
25 concern, right away I was told not to speak, not to

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1 voice my point of view, the embassy's point of view,
2 the ambassador's point of view because the issue Clark
3 had discussed with the State Department.

4 At that point my ambassador and the
5 embassy had decided not to have any contact with Clark
6 anymore and to discuss it directly with the State
7 Department which is what we did. We did it with a
8 verbal note. I, myself, went and met with officials
9 from diplomatic security with the desk officer at the
10 State Department and have expressed our very big
11 concern when it comes to the building next to us.

12 Now, I have to be honest as well that
13 Clark did try to contact us after this but seeing the
14 fact of how an embassy representative has been treated
15 at that meeting, the ambassador said, "We will only
16 discuss it with the State Department. We will not
17 meet with Clark again."

18 The response that we had from the State
19 Department, just to make it clear to the Commission,
20 is that the State Department said they would not
21 address this issue until there is really a final
22 decision that has been taken. Now, what I'm trying to
23 say is that the State Department will have a point of
24 view according to your decision. If you approve it,
25 the State Department will have a point of view and we

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1 will also express more and more of our security
2 concern.

3 Another thing that I would like to say
4 also is that we have not only the embassy but this is
5 also the ambassador's residence right there. The
6 ambassador entertains a lot at the embassy. We have
7 a lot of officials that do come to the embassy. If I
8 can name a few, First Lady Bush. On several occasions
9 we did have six secretaries present at the embassy so
10 the security is not only during the day where we all
11 work.

12 When we are working we are in our offices
13 but also during the evening when the ambassador is at
14 that residence. I just wanted to make that clear. I
15 believe, Commissioner Turnbull, you asked a question
16 last time about what is the position of the embassy.
17 I just came to make sure to make it very clear to the
18 Commission that we are very much concerned.

19 CHAIRPERSON MITTEN: Okay. Thank you.
20 Questions from the Commission. Mr. Turnbull.

21 MR. TURNBULL: Yes, I just want to follow
22 up. From the embassy's standpoint do you feel that in
23 looking at the project the way it is now is it your
24 sense that if it was scaled back significantly it
25 might help or do you feel that the original matter of

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1 right eight townhouses is the appropriate way to go?

2 MR. AL DAKHEEL: This is exactly what I
3 was trying to express, Commissioner, tonight. This
4 would not have any security concern for us. There
5 won't be anybody overlooking the embassy compound. We
6 would not have a problem at all.

7 MR. TURNBULL: Thank you.

8 MR. AL DAKHEEL: Thank you.

9 CHAIRPERSON MITTEN: Anyone else? I have
10 a question for you about the matter-of-right project
11 at 3883 Connecticut which is a taller building. Can
12 the units in that building see into the embassy
13 compound?

14 MR. AL DAKHEEL: Yes, very much so.

15 CHAIRPERSON MITTEN: And did you all take
16 a position -- I mean, one of the things I have to say
17 I found a little bit -- everybody's got their own
18 process and I understand the State Department has a
19 totally different process than lots of people. It's
20 not particularly helpful for them not to weigh in at
21 a time when things are being discussed and to wait
22 until a decision is made and then react to a decision.
23 Did you express concerns to the State Department about
24 the units from 3883 that could look into your embassy
25 compound and was any action taken as a result?

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1 MR. AL DAKHEEL: Madam Chair, I was not
2 present when the building was being built or if the
3 embassy had expressed anything. I do not have any
4 background regarding that.

5 CHAIRPERSON MITTEN: Okay.

6 MR. AL DAKHEEL: But --

7 CHAIRPERSON MITTEN: You just testify to
8 what you know.

9 MR. AL DAKHEEL: What I was going to say
10 is that when the building was built I was not present
11 at the embassy at that time so I do not know what has
12 happened or if the embassy had expressed any concern.
13 I'm pretty positive that it was discussed somehow with
14 some officials. The other problem is that this
15 building that Clark would like to build is overlooking
16 directly at the ambassador's office and he is there
17 most of the time.

18 He even comes there in the evening to
19 work. Anybody can just look in so it is a very big
20 concern. The ambassador's office and residence is
21 there. His entertainment is there. We are there as
22 diplomats but we are not facing really that building.
23 It is really the concern on the ambassador's office.
24 When it comes to 383 I would not be able to answer
25 that.

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1 CHAIRPERSON MITTEN: Okay. Anyone else?

2 MR. JEFFRIES: I'll follow up on that.

3 But you did state that 3883 does pose some security
4 concerns for the embassy. Correct?

5 MR. AL DAKHEEL: Yes.

6 MR. JEFFRIES: Has the Kuwaiti Embassy
7 done anything to mitigate those concerns as it relates
8 to its compound?

9 MR. AL DAKHEEL: Well, like I said, I was
10 not present at that time so I really would not know.
11 Even if we were to express it right now, it's too
12 late, the building is there. I'm sure that diplomatic
13 security is aware of it and they know how to take care
14 of 3883. Then, again 3883 is not the nextdoor
15 building either.

16 MR. JEFFRIES: I'm certainly not asking
17 you to divulge some of the security issues but I
18 wanted to know had some been taken. This really has
19 nothing to do with the fact that you weren't there.
20 I'm talking about in the time that you've been there
21 has the Kuwaiti Embassy at all dealt with potential
22 security concerns about 3883?

23 MR. AL DAKHEEL: Yes, it has. We do have
24 diplomatic security, uniformed and un-uniformed, I
25 believe, going around the embassy. We have our own

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1 security 24 hours there who take rounds around the
2 embassy.

3 MR. JEFFRIES: And that will probably stay
4 in place if this development goes up. Right?

5 MR. AL DAKHEEL: Absolutely.

6 MR. JEFFRIES: Okay. Thank you.

7 CHAIRPERSON MITTEN: Okay. Mr. Feola, did
8 you have any questions?

9 MR. FEOLA: Thank you. You indicated you
10 had contacted the State Department. Have they given
11 anything back in writing to the embassy?

12 MR. AL DAKHEEL: Yes, they have.

13 MR. FEOLA: Is that something that could
14 be shared with the Zoning Commission?

15 MR. AL DAKHEEL: I don't believe so. This
16 is something that stays between the State Department
17 and the embassy.

18 MR. FEOLA: And you may know or may not
19 know and, again, if it's classified don't reveal it
20 but do you have an estimate of how many people work at
21 the Kuwaiti Embassy on a daily basis?

22 MR. AL DAKHEEL: On a daily basis about 30
23 people.

24 MR. FEOLA: Thank you.

25 CHAIRPERSON MITTEN: Commissioner Perry,

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1 did you have any questions?

2 Okay. Thank you very much for coming back
3 and staying as long as you can.

4 MR. AL DAKHEEL: Thank you, Madam Chair.

5 CHAIRPERSON MITTEN: Okay.

6 Mr. Hitchcock, proceed.

7 MR. HITCHCOCK: Thank you very much, Madam
8 Chair, members of the Commission. We have a panel of
9 three witnesses who will testify on behalf of the
10 Tilden Street Coalition and want to make a couple of
11 basic points that I will summarize.

12 With due respect to the architect, this is
13 the wrong building on the wrong street at the wrong
14 time. Tilden Street is a homogeneous residential
15 block that serves as an important connector between
16 Connecticut Avenue and Rock Creek Park. I think there
17 is one analytical error in the presentation from the
18 applicant and from OP that we would ask the Commission
19 to focus on which is an effort to blur together
20 Connecticut Avenue and this stretch as unified whole
21 and it isn't.

22 For example, there was the discussion of
23 the eclectic architecture. Well, that's all on
24 Connecticut Avenue. OP, for example, talked about how
25 this used to be part of Connecticut Avenue parcel.

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1 Well, yes, until 1922 and has been severed since then.

2 We are going to have testimony in a few
3 minutes from Mr. Oberlander who is the planning expert
4 who has testified before on how this proposal is
5 inconsistent with the comprehensive plan and
6 inconsistent with the separation that should exist
7 between high density Connecticut Avenue and the
8 residential street along Tilden.

9 We are also going to have testimony from
10 Mr. Mehra who will talk about the traffic problems and
11 talk about also how the problems are not fully
12 addressed in the Wells traffic study and how this is
13 going to do nothing but make problems when you go from
14 what is supposed to be a development matter of right
15 with eight spaces to well over 100.

16 The Commission will recall there have been
17 other PUD cases near redline properties, 5401 Western,
18 Tenley Town. Those were promoted as transit oriented
19 development. Something like this with a lot more
20 density and a lot more parking spaces is not
21 appropriate for this particular site.

22 We will also talk a little bit about how
23 the amenities package is really too thin to justify
24 this sort of approval. It is not superior. The
25 architecture is not contextual. It's out of place on

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1 a homogeneous block such as this. The housing
2 contribution is minimal and we don't have the details
3 yet. The idea of a six-story or even a five-story
4 building makes no sense from a planning standpoint
5 and this will add to rather than eliminate some of the
6 traffic problems.

7 The monetary contributions are minimal.
8 We just got tonight the summary of the MOUs which we
9 would like to respond to once we have a chance to look
10 at them in more detail. Anyway you add it up, this is
11 not a project that should be approved as being an
12 improvement over what would otherwise be.

13 With that I will turn it over to our first
14 witness, Mr. Jake Gillespie who with his wife Susan
15 lives immediately across the street and would be
16 extremely adversely affected. They will put this in
17 context and tell you not only some of the background
18 of this street and some of the adverse effects the
19 project will have, they will provide some testimony on
20 some of the real-life problems that exist today that
21 would only be made worse. They will also offer their
22 vision, the neighbor's vision, for what this block
23 should look like. With that I will turn it over to
24 Mr. Jake Gillespie.

25 We do have a PowerPoint presentation in

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1 addition to the testimony from Mr. Oberlander and Mr.
2 Mehra and that were submitted last week and hopefully
3 distributed to the Commission and we will be getting
4 copies around as well.

5 MR. GILLESPIE: Thank you very much.
6 Madam Chairman, Commissioners, I am here to represent
7 the Tilden Street Coalition. I thought I might take
8 just a moment or two, though, before I start to
9 respond to a question that you had for Mr. Al Dakheel
10 about 3883, Commissioner Jeffries. It is a very
11 reasonable question. I'll point out that was built
12 before 9/11.

13 I was there at that time and our concerns
14 today are quite different from 9/11. There are people
15 in this room tonight who live on Tilden Street who
16 will tell you about the days when the children on
17 Tilden Street and the children from the Kuwaiti
18 Embassy all played together very easily back and forth
19 on the street moving around.

20 It is a sad world we live in but that
21 doesn't happen anymore. When 3883 was built, many of
22 the security concerns that we would have today we just
23 didn't think about. We should have had them perhaps
24 but we didn't think about them that much.

25 Yes, one other point that was made

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1 earlier. I would like to point out that the Polish
2 Embassy buildings at the corner as you move down 29th
3 are Polish Embassy residences that are back in the
4 woods in there. It is not the Chancery but it is
5 Polish Embassy property.

6 Tilden Street has much of the same
7 character that it did 100 years ago. It plays the
8 same role in those blocks where we live that it did
9 then. It's a gateway to Rock Creek Park.

10 This picture is looking northeast from the
11 corner of Tilden and Connecticut. The oldest homes
12 that you see there in front of you were built 100
13 years ago in 1906. They were among the very first
14 houses built in Forest Hills. Earlier this year we
15 celebrated the Centennial. The neighbors all gathered
16 together to mark this 100 years. This is what Clark
17 will have us look at from our windows and our
18 neighborhood.

19 I will no longer use South Beach. We have
20 beaten South Beach to death. Perhaps we could talk
21 about Santa Monica but it isn't Forest Hills. I'm
22 sorry. The neighbors on Tilden Street and in the
23 Tilden Street neighborhood are strongly opposed to
24 Clark's proposal.

25 In the two years since this proposal has

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1 been in front of us, not one local resident has ever
2 come out to speak in favor of the Clark proposal until
3 Dr. Sislen came out tonight. Dr. Sislen lived a long
4 way when he lived on Lenore Street from this
5 neighborhood. Dr. Sislen lives on the other side of
6 3883 and isn't going to look at this building.

7 This is looking east across the site at
8 the two-story embassy of Kuwait. The proposed
9 building will tower over that with balconies,
10 terraces, and windows. This is the reality of what we
11 have today. Take a good look at this. This slide
12 looks west on Tilden Street. Trucks cannot negotiate
13 turns today from the driveways on Tilden Street, and
14 this is from Tilden Hall on the corner, and turn east.

15 The street is too congested. It is parked
16 as heavily on the south side as you see it parked
17 there on the north. What does the trash truck do?
18 Trash compactors come out and I can virtually
19 guarantee you that one out of two days that it's there
20 a week it will cross that median strip or it will back
21 up on that median strip or it will do something just
22 to go west and it will just forget about it because if
23 it goes down to 29th Street, it's going to take it
24 five minutes to turn around down there as well.

25 This is why we believe the Clark proposal

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1 does not meet PUD standards. It is bad planning. It
2 is no special value to the neighborhood. The proposed
3 amenities hardly outweigh the negative impact on the
4 community. It is inconsistent with the comprehensive
5 plan's goals to protect neighborhoods. It increases
6 traffic congestion. There is an inadequate plan for
7 delivery of city services, trash removal.

8 We lost a lot of trees and we will never
9 have large canopy trees on this lot again. At one
10 time if you looked from Tilden Street to Melvin Hazen
11 Park there were almost 100 full growth trees as you
12 look down there. Now we will have wall-to-wall paving
13 on this lot.

14 That's what they're proposing and, as Mr.
15 Laden told us this morning, if things get so bad,
16 we'll cut some more green out of this formerly green
17 city and we'll cut another turn-around in there. It
18 doesn't make sense to me but that's what he says they
19 would do. I should go back. The affordable housing
20 is diminimus and it is something they have thrown at
21 us to try to make themselves look good.

22 This is our vision or something like it.
23 We didn't draw anything up. We have no architects.
24 It's a marvelous cut and paste job by my house
25 designer. Townhouses will provide a streetscape that

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1 adds continuity to this neighborhood. Don't just take
2 our word for it.

3 Clark had a vision of townhouses, too, in
4 1999. This is their conceptual plan. Right out here
5 -- I'm sorry. I'm not too good with the pointer
6 anymore, if I ever was. There it is. There are eight
7 townhouses. If you'll notice, off-street parking they
8 provide for.

9 Then if we can go on, if you'll have a
10 look and can get to the paragraph, right along in
11 there where Clark on their website on October 2001
12 they posted this and in that paragraph they said,
13 "Townhouses are under construction." This is what
14 they showed us. That doesn't look half bad, does it?
15 This is what they had up there.

16 They were trying to push 3883 to everybody
17 but there are the eight townhouses. They fit well.
18 There's off-street parking. There's room to turn
19 around. It looks to me like they've only got two curb
20 cuts. They don't have to cut anymore than that. That
21 would work well.

22 I would like to make one word about trust.
23 Chairman Mitten asked the last time we met not to
24 bring up the history of all of this and not to go
25 through our history with Clark, but we can't deny that

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1 there is history in this neighborhood with Clark.
2 Clark has made promises throughout these hearings.

3 They promised on the median strip they are
4 going to fix it up. They promised moving vans will
5 never be there. There will only be little cars. They
6 are going to have affordable housing and it's going to
7 be wonderful. Very frankly, I bet you can't get a
8 neighbor who will believe them. We don't trust them.
9 They have never carried out their promises to this
10 neighborhood once.

11 When Clark built 3883 many of us opposed
12 the project. We tried every way we could to change
13 the design, to make it smaller, to reduce the scale,
14 but we always recognize that Clark had matter-of-right
15 zoning for a nine-story building.

16 Okay. If matter-of-right zoning was good
17 then, why isn't it now. The Tilden Street Coalition
18 supports matter-of-right zoning for eight townhouses.
19 We would happily see them built there. Thank you very
20 much.

21 MR. FEOLA: Our next witness is George
22 Oberlander who has been qualified as an expert on
23 planning issues.

24 MR. OBERLANDER: Madam Chairman and
25 members of the Commission --

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1 CHAIRPERSON MITTEN: Would you pull that
2 mic over?

3 MR. OBERLANDER: Sure.

4 CHAIRPERSON MITTEN: Thank you.

5 MR. OBERLANDER: I thought my voice was
6 loud enough and you've heard it before. I'm George
7 Oberlander. I'm the urban planning expert for this
8 group. I believe you have my five-page statement plus
9 some graphics. Do you have it? Good. I won't go
10 through all of the language on there but I will
11 highlight in the next few minutes why this PUD and
12 zone change should be rejected at the density and the
13 height proposed.

14 It is simply over-crowding or over-
15 development on the size of a lot that exist. The
16 questions were raised earlier this evening and that is
17 a simple answer and that is the overriding issue in
18 terms of placing that amount of housing -- this amount
19 of housing on that size lot.

20 It also has adverse impacts on the
21 adjoining low density -- sorry. It has adverse
22 impacts on the adjoining low-density housing, the
23 Kuwaiti Embassy, and the Melvin Hazen Park. You have
24 heard about that and I won't go into it. I'll be glad
25 to answer any questions you might have on that.

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1 The existing zoning, as you can see the
2 zoning map in the statement I presented to you has a
3 better version than you can read on that, shows a 798
4 foot R-2 zoning on the south side of Tilden Street.
5 Actually, the map shows 798 feet so somebody measured
6 it to two feet to be exact and that has been in place
7 since 1958.

8 The reasons for this is that the existing
9 land uses that were being planned back in the '70s and
10 the '80s all showed the frontage along Connecticut
11 Avenue as the higher density. On either side of
12 Connecticut Avenue on the east side and on the west
13 side lower density residential development.

14 There is a PUD site in the white which is
15 vacant and behind it is the taller building that, in
16 my opinion, should never have been allowed to be built
17 there except that it has a driveway frontage on
18 Connecticut Avenue and that made it eligible for that
19 higher density but that is the problem with not having
20 a frontage requirement in the Zoning Regulations but
21 allowing a driveway to be servicing and, again,
22 overcrowding the east side of Connecticut Avenue.

23 In 1978 the existing land use -- I have a
24 board to show that but you can't see it in the
25 darkness -- the immediate area of both sides of Tilden

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1 Street were flats and garden apartments. That's the
2 way it was characterized back in 1978. That is
3 substantiated the 1958 Zoning Regulations which you
4 are still operating under today. That is why the
5 zoning shows R-2 south of Tilden Street. Why cannot
6 this site be used on the R-2 zoning?

7 The current comprehensive plan document
8 shows a PUD sites in brown or higher density
9 designation. In my opinion this, of course, allows in
10 addition moderate and medium density. It's not
11 exclusively high density. The brown color on the map
12 may be a printing error. I haven't been able to
13 research it adequately. The Office of Planning
14 documents do not show it as a printing error. The
15 Planning Commission's documents do not show it as such
16 either. Even if it's not a printing error, it is not
17 the right thing to do for that particular lot.

18 Back in 1970 through 1985 the land use
19 objectives, and it's on the back of the Board that is
20 on the easel, both sides of Tilden Street showed low
21 and medium residential density. That is the basis of
22 the current comprehensive planning.

23 This is the land use element of the
24 comprehensive plan. It is somewhat tilted and you
25 can't read it anyway but I assure you it is the

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1 correct map and it shows in the black spot there the
2 site and it does have a brown color on it. In my
3 opinion it is erroneously put there. In fact, the
4 printer may have made a mistake.

5 There were some exceptions to that strip
6 of density along Connecticut Avenue. Back in 1968 the
7 Planning Commission suggested up down centers. Mr.
8 Parsons will probably remember that because he was on
9 the Commission. Not back in 1968 but a little bit
10 later than that.

11 In 1984 the current comprehensive plan
12 established housing development opportunity areas, the
13 HDOA. There is no housing opportunity area which is
14 a higher density designation along Connecticut Avenue
15 anywhere in this location so that's why the current
16 comprehensive plan shows no HDOA area in the vicinity.
17 Regardless of whether there is a printing area or not,
18 there is a very specific Ward 3 planning policy which
19 applies and I would like to call your attention to
20 that and read it to you.

21 It says, "Medium and high-density
22 residential uses where designated in the land use
23 element should be limited to major arterials." You
24 heard Councilman Mendelson testify to that in his
25 personal experience with that because he was a staff

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1 member of the council and worked on the details of the
2 ward plans.

3 The PUD site is not along a major arterial
4 and for that simple reason it should be rejected. Any
5 OP finding that the PUD is not inconsistent with the
6 comprehensive plan violates this comprehensive plan
7 policy. The OP report as it was submitted on May 26
8 is not yet complete as I understand it. The report
9 cites comprehensive plan general policies that the PUD
10 "furthers." This is not an adequate finding and not
11 inconsistent with a comprehensive plan as required
12 under the Home Rule Act of 1974-75.

13 Page 3 of my statement lists eight
14 additional Ward 3 specific policies that the PUD
15 violates. As to these specific policies, I call your
16 attention to Section 1409.7(e). From 1984 until 1999
17 that section identified the visual security issues for
18 several embassy and transferees along Tilden Street.
19 You have heard about that and you have heard from the
20 Kuwaiti representative and I won't go into this.

21 The NCPC requested the D.C. Council to
22 eliminate that provision and that current provision of
23 the comprehensive plan says, "Eliminate any discussion
24 on security needs covered by this because of the
25 foreign missions portion of the comprehensive plan."

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1 It does say in the above paragraph, "New high-rise
2 structures adjacent to these properties would
3 adversely impact existing residential uses in the
4 area." The amendment to the comprehensive plan dealt
5 specifically with apartment houses adjacent to this
6 site. Removing this issue from Ward 3 portion of the
7 comprehensive plan does not remove the security threat
8 and the OP report is silent on that.

9 Pages 4 and 5 of my statement lists 17
10 additional reasons and my time is really running out
11 on this and hopefully when you read it you will see
12 all of the reasons. Let me just focus on the last
13 five of them. The PUD is too intensive, as I said
14 earlier. In 1999 the applicant promoted the concept
15 plan. You've heard about that. That is shown here,
16 allowing 49 units rather than eight three-story units
17 is insufficient justification to rezone.

18 Existing planning and zoning seeks to
19 protect low-density properties to the rear and east of
20 Connecticut Avenue. Finally, the applicant's economic
21 benefit or maximizing a development profit is not a
22 basis for granting a PUD. Thank you.

23 MR. FEOLA: Our final witness is Joe Mehra
24 who is our traffic expert.

25 MR. MEHRA: My name is Joe Mehra and the

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1 address is 4605 Pinecrest Office Park, Alexandria, VA.
2 I'm going to talk about the traffic study that was
3 submitted by Wells and Associates and to point out the
4 study deficiencies and factual errors in the study
5 that kind of leads to Ed O'Neal's conclusions. The
6 items that we are going to discuss are existing
7 conditions, future background conditions meaning
8 before the PUD is built, the site traffic analysis for
9 the PUD, the safety conditions, and the future
10 conditions with the site.

11 In terms of the existing conditions, the
12 Wells traffic study shows that traffic on Tilden
13 Street is approximately 20 percent to 30 percent less
14 than the DDOT study that was done for Connecticut
15 Avenue. The existing queues on Tilden Street were not
16 actually observed. They used a formula to compute the
17 queues and that formula showed that the queues were
18 literally half of what the actual observed queues are.

19 Bicycles on Tilden Street were not
20 recorded or observed and I think most of you know that
21 there is a bicycle lane on Tilden Street on both
22 sides, on the north side and the south side of
23 Connecticut Avenue. Then, of course, the safety and
24 crash accident history was not analyzed.

25 In terms of the future background

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1 conditions which is the traffic before the building is
2 built consist of the existing traffic and also traffic
3 from other approved developments near by. Some of the
4 approved developments or developments under
5 construction such as the Sheridan School and the
6 Chinese Chancery were not included in the traffic
7 analysis. However, they did reduce the traffic on
8 Tilden Street due to Burke School expansion.

9 Lastly, they assumed a right-turn lane on
10 Tilden Street. I think everybody talked about
11 industry standards and how all the analysis has been
12 done based on industry standards. The industry
13 standards says that if a roadway is not committed or
14 is not going to be built by somebody or the money is
15 not set aside, you do not assume that in your
16 analysis. However, the Wells study does assume that
17 there will be a right-turn lane on Tilden Street going
18 westbound to north bound Connecticut Avenue.

19 In terms of the site analysis, the traffic
20 study that was submitted to you and also to DDOT
21 actually assumed that it will be a full access
22 driveway into and out of the PUD which means that
23 there will be a median cut and traffic will be allowed
24 to leave the PUD, make a left turn onto Tilden Street
25 going towards Connecticut Avenue.

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1 Also, if traffic was coming from Rock
2 Creek Park going west on Tilden they would be allowed
3 to make a left turn into the site using this new cut-
4 through driveway. All the traffic analysis that has
5 been done and all the results that are represented are
6 b a s e d o n t h a t a n a l y s i s .

7 If the access is wrong, or their
8 assumption is wrong, all the analysis that was done is
9 meaningless.

10 Further, I think in terms of the factual
11 inconsistencies, the traffic report shows that the
12 full access driveway will be approximately 1,000 feet
13 from Connecticut Avenue. However, when you measure
14 the distances from Connecticut Avenue to the proposed
15 driveway it's approximately 235 feet.

16 If you did have a median cut at that
17 point, what you are going to find is, as you heard
18 from several of the persons, that the queues on Tilden
19 Street back up all the way to 29th Street so having a
20 median cut at about 235 feet is always usable because
21 that will be blocked continuously during the a.m. and
22 also the p.m. peak hours.

23 The study assumed that there will be 33
24 peak hour regular trips. During the in-bound and the
25 out-bound there will be 33 trips. However, they are

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1 providing up to 110 parking spaces and I know there
2 was some talk about people will use it off peak but
3 typically the commuting trip is a time when you sort
4 of base all your analysis on.

5 Lastly, I think you heard about the
6 discussion on the trash pickup. Safety. I think
7 nobody has really mentioned safety. DDOT did a study
8 on Connecticut Avenue and the intersection of
9 Connecticut Avenue and Tilden Street was found to be
10 the highest accident location along Connecticut Avenue
11 in the study.

12 Any additional traffic that will be added
13 to it would actually make it worse or lead to higher
14 n u m b e r o f a c c i d e n t s .

15 Again, the future conditions. They have
16 assumed a right-turn lane on Tilden Street. They
17 assumed a full access driveway and no mitigation has
18 been provided.

19 This is a sketch showing the traffic study
20 that was done. There is a side driveway. There is a
21 median cut on Tilden Street and traffic would be
22 allowed to make a left turn out of the driveway onto
23 Tilden as well as left turn into the site. However,
24 what they are proposing is any traffic that's coming
25 on Tilden Street from Rock Creek Park is actually

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1 shown in green and will come through, make a U-turn,
2 and enter the site, or obviously there are other
3 methods.

4 They can go up to Tilden and make a U-
5 turn. Go up to 29th, go to Upton where the stop sign
6 is, and then try and make a left.

7 Anyway, this is the traffic study that was
8 done and this is what is being proposed. The traffic
9 study is not valid based on the reasons that I
10 mentioned.

11 I just want to go through a couple of
12 things based on the last hearing. Ms. Milanovich
13 testified that the projected increase and delay would
14 be less than 10 percent for any given approach.

15 CHAIRPERSON MITTEN: I need you to wrap it
16 up.

17 MR. MEHRA: Okay. The study shows there
18 will be a 14 percent increase. Another one which
19 Commissioner Hood was kind of questioning, what is the
20 impact of the development. Based on their study which
21 is shown in this red book, eastbound Tilden Street
22 delay increases from less than one minute per vehicle
23 in today's conditions to 12 minutes per vehicle during
24 the a.m. peak hour. Eastbound Tilden Street delay
25 increases from about two minutes per vehicle in good

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1 conditions to 14 minutes per vehicle in the p.m. peak
2 hour. Thank you.

3 CHAIRPERSON MITTEN: Thank you.

4 MR. FEOLA: That concludes our
5 presentation, Madam Chair.

6 CHAIRPERSON MITTEN: Okay. Thank you very
7 much. Questions from the Commission. Mr. Jeffries.

8 MR. JEFFRIES: If Mr. -- I'm so bad with
9 names -- Mr. Mehra. I'm sorry. If you could go to
10 page or to slide 34, page 34, I just want to be clear
11 are you saying that the Wells traffic study assumes
12 that residents from the Clark Development could come
13 out of the development and make a left turn heading
14 west?

15 MR. MEHRA: Yes, sir. That's right. This
16 study shows that.

17 MR. JEFFRIES: Okay. I missed that.

18 CHAIRPERSON MITTEN: Could you just -- I
19 was thinking, boy, I don't read very carefully. Could
20 you show us where it says that because we all missed
21 that.

22 MR. JEFFRIES: Yeah, I certainly missed
23 that. I always assumed it was a right-hand turn.

24 MR. MEHRA: On page 13 of the traffic
25 study, I'm not sure what page number that would be

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1 that you have, it says, "Section 4 site analysis."
2 Look on the right-hand side under "proposed road
3 network." I'll read it out to you. It says, "Access
4 to the 6th Street condominium." This is the original
5 study that was done. It's page 13 and it says,
6 "Section 4 site analysis" on the heading.

7 CHAIRPERSON MITTEN: Okay.

8 MR. MEHRA: Access to the 6th Street
9 condominiums is proposed while a stop-controlled full
10 access driveway on Tilden Street approximately 1,000
11 feet east of Connecticut Avenue, Tilden Street
12 intersection. If I may refer you to also Figure 4-1.
13 That actually graphically shows the left turns and in
14 and out of the thing. As a matter of fact they have
15 analyzed that intersection in the traffic analysis.
16 However, the intersection of 29th and Tilden, which is
17 really the impacted intersection in this U-turn
18 access, has not been analyzed at all.

19 CHAIRPERSON MITTEN: Okay.

20 MR. JEFFRIES: Wow. This is really a ear
21 full. The other question, it says here on page 32 of
22 your presentation, it starts off, "The highest number
23 of accidents at Tilden Street and Connecticut Avenue."
24 What kind of accidents? Do you have a sense of --

25 MR. MEHRA: Yeah. They were --

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1 MR. JEFFRIES: I mean, what typically
2 causes whatever accidents are frequently happening?

3 MR. MEHRA: Okay. I can give you the
4 exact number. There was one fixed object, one head-on
5 collision, eight left turns, two parked, nine rear
6 ends, three right angles, three sideswipes, a total of
7 30 accidents.

8 CHAIRPERSON MITTEN: Can you submit that
9 for the record?

10 MR. MEHRA: Yes, ma'am.

11 CHAIRPERSON MITTEN: Thank you.

12 MR. JEFFRIES: I'm just trying to deduce
13 if those accidents were being caused by backups and
14 things of that sort. I mean, if it's just straight-up
15 human error but just submit it to the record because
16 I'm curious.

17 MR. MEHRA: Certainly.

18 MR. JEFFRIES: You are asking all the same
19 things I keyed on. You said it was the highest number
20 of accidents within the study. And what was the scope
21 of the study?

22 MR. MEHRA: This was the DDOT Connecticut
23 Avenue study done, I believe, 2002/2003. The
24 accidents are for a three-year period from 1999, 2000,
25 2001.

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1 CHAIRPERSON MITTEN: Okay.

2 MR. MEHRA: And the study extends from
3 Tilden to Yuma and Albemarle Street but it also goes
4 through Reno and to the east.

5 CHAIRPERSON MITTEN: Okay. Thank you.

6 MR. MEHRA: This was done by DDOT.

7 CHAIRPERSON MITTEN: Thank you.

8 MR. JEFFRIES: Also, I just want to get a
9 clearer understanding of the impact of the Wells
10 report showing access to the subject site being 1,000
11 feet from Connecticut Avenue versus what you say is
12 actually 235 feet.

13 MR. MEHRA: I think the impact is that if
14 you have a driveway that is 235 feet from Connecticut
15 Avenue, I think we all talked about it that the queues
16 on Tilden Street going eastbound --

17 MR. JEFFRIES: So traffic --

18 MR. MEHRA: Excuse me, going westbound to
19 Connecticut Avenue is about 800 feet and 800 feet is
20 approximately to 29th. What it means is that driveway
21 will be consistently blocked during the a.m. and also
22 the p.m. peak hours.

23 MR. JEFFRIES: Okay. Thank you.

24 CHAIRPERSON MITTEN: Anyone else? Anyone
25 else have questions?

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1 I just wanted to ask Mr. Oberlander a
2 question or two about the internal conflicts within
3 the comprehensive plan of which there are a few.
4 Isn't there a priority in the comprehensive plan for
5 resolving conflicts in favor of the land use element?

6 MR. OBERLANDER: I am not aware that it is
7 written as such. I think that is the way it has been
8 interpreted over the years. It is up to the Zoning
9 Commission in its wisdom of finding whether or not a
10 particular project is not inconsistent with the
11 comprehensive plan. The language is very, to my mind,
12 vague. It is a matter of interpretation.

13 In my opinion when you have specific ward
14 policies which are specific and not general policies
15 that there should be more housing, that there should
16 be better traffic movement and all of those kind of
17 good things that we want in a comprehensive plan.

18 When you have a specific wording in the
19 ward section, which is a much more detailed statement
20 than the general portions of the plan which violates
21 -- which the project would violate that, in my
22 opinion, should be the judgment that the Commission
23 will give to that, that it violates the -- therefore,
24 you cannot find that it is not inconsistent.

25 CHAIRPERSON MITTEN: Okay. I know in

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1 reading various iterations of the comprehensive plan,
2 and this may have just applied not to the original
3 land use map but changes to the land use map, that
4 there's a text section that accompanies the land use.
5 Was there any such text section that accompanied the
6 generalized land use map when it was changed from what
7 we heard about in our last session of the "blob" map
8 to the one that we have now, the version that we have
9 now that's got the streets on it. Was there any text
10 that went with it?

11 MR. OBERLANDER: I don't believe so. The
12 text that went with it was the more specific policies
13 in the ward plan which talks about land use policies
14 which are reflected --

15 CHAIRPERSON MITTEN: But I'm just focusing
16 on --

17 MR. OBERLANDER: -- on the colors on the
18 map.

19 CHAIRPERSON MITTEN: I'm just focusing on
20 the text that says map this color or this moderate
21 density residential or high density commercial,
22 whatever, and the corresponding color along this
23 street for this depth and so on. There was no such --

24 MR. OBERLANDER: There is no such --

25 CHAIRPERSON MITTEN: Okay.

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1 MR. OBERLANDER: It's not a zoning map.
2 The zoning map does that in terms of specific
3 dimensions as I pointed out earlier.

4 CHAIRPERSON MITTEN: Right.

5 MR. OBERLANDER: The comprehensive plan
6 does not translate the words into graphics on the map.

7 CHAIRPERSON MITTEN: Okay. Anyone else?
8 Mr. Feola, any questions?

9 MR. FEOLA: I just have one for the two
10 experts, not for Mr. Gillespie. Phil Feola for the
11 applicant. I just have a couple for Mr. Mehra. In
12 the first case, Mr. Mehra, did you do any independent
13 counts of the traffic in this area?

14 MR. MEHRA: No, I did not.

15 MR. FEOLA: Did you do any independent
16 analysis?

17 MR. MEHRA: I observed the intersection of
18 Tilden and Connecticut to see the queues and just
19 traffic operations in general but, no, I didn't do any
20 counts. I didn't do any independent study, no.

21 MR. FEOLA: How many days did you observe
22 that queue at Tilden Street?

23 MR. MEHRA: I guess I can go back and say
24 that I am quite familiar with this area having worked
25 on the Edmund Burke School project and other studies

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1 so I have observed it over time but this particular
2 time I was there twice.

3 MR. FEOLA: Thank you. I am struggling
4 with one of the PowerPoints, and I don't remember what
5 number, but you indicated that this project, which you
6 say analyzes and projects the appropriate number of
7 trips coming out of this garage based on IT standards,
8 which the Wells report says there are 14 in the a.m.
9 peak hour, you indicated in that slide, I believe,
10 that the delay caused on Tilden and Connecticut would
11 go from one minute to 12 minutes. I am trying to
12 understand how 14 trips could impact that delay.

13 MR. MEHRA: The study shows that. It is
14 not my analysis. I can show you where to look.

15 MR. FEOLA: You're telling me that as a
16 professional, as an expert, that if you add 14 trips
17 to the intersection of Connecticut and Tilden you are
18 going to increase the delay 100 percent?

19 MR. MEHRA: There are two reasons. One is
20 the traffic from the PUD, but also the normal growth
21 in traffic. It is comparing to today's condition.

22 MR. FEOLA: Oh, so it's not the PUD that
23 causes that delay.

24 MR. MEHRA: I'm saying the total
25 combination of both is causing --

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1 MR. FEOLA: The 14 trips have some part of
2 that 12 minute delay.

3 MR. MEHRA: Yes.

4 MR. FEOLA: Thank you. Do you have any
5 independent understanding of how many trips would be
6 generated from the Chinese Chancery complex that is
7 being built?

8 MR. MEHRA: No.

9 MR. FEOLA: Thank you. My next series of
10 questions are for Mr. Oberlander. It might help if we
11 could put your slides back up because the questions go
12 to --

13 MR. HITCHCOCK: Madam Chair, just for the
14 record, at one point Mr. Mehra held up an exhibit.
15 It's Figure 4.1 from the Wells study just so the
16 record is clear that he was referring to in response
17 to Mr. Feola's question.

18 CHAIRPERSON MITTEN: Thank you.

19 MR. THOMM: No. 20, I believe, is the one
20 I was going to ask a question about.

21 CHAIRPERSON MITTEN: Did you all give Mr.
22 Feola a copy of the PowerPoint?

23 MR. THOMM: We brought it down here, I
24 believe.

25 CHAIRPERSON MITTEN: Make sure he gets a

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1 copy. He is entitled to one.

2 MR. FEOLA: I'm fine. A little light
3 reading.

4 DR. SISLEN: It's all in the written
5 statement.

6 CHAIRPERSON MITTEN: He's still entitled
7 to a copy of it.

8 MR. FEOLA: That's okay. It's not a big
9 deal.

10 DR. SISLEN: It's explained in greater
11 detail.

12 MR. FEOLA: On slide 20 you talk about an
13 NCPC 1985 Land Use Objection Board. Was that a plan
14 that was adopted by the city council?

15 MR. OBERLANDER: This was not adopted.
16 This was the plan back in 1978. This was the existing
17 land uses. That's all that it says, existing land
18 uses.

19 MR. FEOLA: Okay, because the PowerPoint
20 bullet says "land use objectives." That's what I'm
21 confused by.

22 MR. OBERLANDER: Which one are you
23 referring to?

24 MR. FEOLA: 1978, the last bullet point.

25 MR. OBERLANDER: That's another map. I'm

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1 sorry. That's on the other side. I'm sorry.

2 CHAIRPERSON MITTEN: Will you be
3 submitting copies of those maps for the record?

4 MR. OBERLANDER: Maps will be provided,
5 yes.

6 CHAIRPERSON MITTEN: Okay.

7 MR. OBERLANDER: That is the NCPC's
8 adopted plan before the current comprehensive plan.
9 Again, the land use is the proposals that were made
10 back in '75 and '78 range where the basis for the
11 original current comprehensive plan.

12 MR. FEOLA: But this is not adopted by the
13 city council?

14 MR. OBERLANDER: No, it wasn't.

15 MR. FEOLA: And it was a 1978-ish version?

16 MR. OBERLANDER: It wasn't required to be
17 adopted at that time. It was required to be adopted
18 by the Planning Commission at that time.

19 MR. FEOLA: I understand.

20 CHAIRPERSON MITTEN: Try not to argue with
21 Mr. Feola. Just answer his questions would be better.

22 MR. OBERLANDER: Just stating a fact.

23 MR. FEOLA: So let me understand. You say
24 throughout your testimony that this project shouldn't
25 be approved because it's R-2 zoning because zoning was

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1 put in place in 1958. In addition, there's a 1978
2 land use map that wasn't adopted by the city but is
3 the basis for the plan. You've got a 50-year-old
4 zoning map and a 30-year-old plan and you are
5 suggesting that a comprehensive plan and a zoning
6 decision made in 2006 should be following these very,
7 very old documents as a planning profession?

8 MR. OBERLANDER: What I'm suggesting is
9 that the current comprehensive plan incorporated the
10 land use policies of the earlier plans. That's all
11 I'm suggesting. It shows along Connecticut Avenue
12 higher density for the frontages along Connecticut
13 Avenue and both side of Tilden Street at a lower
14 density as the zoning currently shows.

15 MR. FEOLA: The NCPC plan you refer to, as
16 you say, on both sides of Tilden Street, show a low to
17 medium, I think you said, a medium residential
18 density.

19 MR. OBERLANDER: Right. That's correct.

20 MR. FEOLA: What is medium residential
21 density?

22 MR. OBERLANDER: That's 30 dwelling units
23 to about 50 dwelling units range.

24 MR. FEOLA: I think your statement said 30
25 to 60 if I'm not correct.

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1 MR. OBERLANDER: Thirty to 60, yes.

2 MR. FEOLA: Would you hazard a guess as to
3 what the density is of this project that's proposed at
4 49 units at three-quarters of an acre?

5 MR. OBERLANDER: It may be around 60
6 dwelling units.

7 MR. FEOLA: So it may be medium density.

8 MR. OBERLANDER: Right, but not in the
9 terms of the character of the type of structure that
10 was intended.

11 MR. FEOLA: I'm just talking about
12 density, not structure. Are you familiar with the
13 current process the city is undergoing with the
14 comprehensive plan?

15 MR. OBERLANDER: Yes.

16 MR. FEOLA: Are you aware that there is a
17 consensus in that planning document as it now exist
18 that the city should provide about 60,000 new dwelling
19 units in the next 15 to 20 years?

20 MR. OBERLANDER: Yes. That's the
21 objectives that the mayor has put out, yes.

22 MR. FEOLA: So it is your opinion that
23 this site is not appropriate notwithstanding that it's
24 within a quarter of a mile of a Metro station and is
25 vacant land. Where would you suggest putting the

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1 60,000 new units?

2 CHAIRPERSON MITTEN: That's getting a
3 little bit off the testimony because --

4 MR. FEOLA: Well, he's testified as an
5 expert this is not a good location for an apartment
6 building.

7 CHAIRPERSON MITTEN: But it's not within
8 the scope of this case where what else should happen.
9 Help me out here, Mr. Feola.

10 MR. FEOLA: I withdraw the question.

11 CHAIRPERSON MITTEN: Thank you. He could
12 be off and running. There's no telling how long.

13 MR. FEOLA: Could we go back to slide 19?
14 You indicated probably in your written statement more
15 than in what your discussion of this evening was that
16 high density uses only front on Connecticut. Is that
17 correct?

18 MR. OBERLANDER: Yes, that's correct.

19 MR. FEOLA: And what about the density of
20 the uses immediately west of Connecticut Avenue on
21 Tilden?

22 MR. OBERLANDER: The map doesn't show it
23 further the lower density areas. Yes, there is a
24 higher density on the west side of Tilden as well.

25 MR. FEOLA: So, in fact, there is higher

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1 density that isn't exactly fronting on Connecticut
2 Avenue in this portion of the city. Is that correct?

3 MR. OBERLANDER: Probably on Tilden Street
4 because there are some old apartment houses going
5 further west, yes. If I may while he is looking for
6 the next one, the intent of planning over the years
7 that I was with the Planning Commission --

8 CHAIRPERSON MITTEN: There's not a
9 question pending. The lecturing is just --

10 MR. FEOLA: My last question. Slide 21,
11 please, Mr. Gillespie. That is, I believe you
12 testified, an excerpt from the District of Columbia
13 generalized land use map. Is that correct?

14 MR. OBERLANDER: Correct, yes.

15 MR. FEOLA: There are stretches of brown
16 which are the high-density classification that seemed
17 to stretch pretty far beyond Connecticut Avenue. For
18 example, on Porter Street. That anomaly.

19 MR. OBERLANDER: What has happened over
20 the years, yes, through PUDs and through -- basically
21 through PUDs on Porter Street.

22 MR. FEOLA: So there is higher density on
23 some of the side streets leading to Connecticut
24 Avenue?

25 MR. OBERLANDER: On Porter Street but not

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1 in the vicinity of Tilden Street.

2 MR. FEOLA: Except on the west side of
3 Tilden Street?

4 MR. OBERLANDER: On the west side of
5 Tilden it goes to the west side of Melvin Hazen Park,
6 yes.

7 MR. FEOLA: And on Veazy Street?

8 MR. OBERLANDER: Veazy Street?

9 MR. FEOLA: If you don't know, you don't
10 know.

11 MR. OBERLANDER: Well, it doesn't go that
12 far. There is some -- yes, there is some apartment
13 houses that do not directly front onto Connecticut
14 Avenue.

15 MR. FEOLA: Thank you. I have no further
16 questions.

17 CHAIRPERSON MITTEN: Thank you, Mr. Feola.
18 Commissioner Perry, any questions?

19 MS. PERRY: Mr. Mehra, Mr. Feola asked you
20 how many times you were out to visit the site and I
21 believe you said two.

22 MR. MEHRA: Yes.

23 MS. PERRY: Isn't it true that the Wells
24 study only was conducted on one day during two time
25 periods?

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1 MR. MEHRA: Yes.

2 MS. PERRY: So you were actually there
3 more than the Wells study?

4 MR. MEHRA: I'm not sure.

5 MS. PERRY: Okay. Is this the Connecticut
6 Avenue traffic study that you have been referring to?

7 MR. MEHRA: That's correct. As a matter
8 of fact, Wells study also refers to it.

9 MS. PERRY: Refers to it. And the final
10 report was done in 2003 so is there anymore current
11 data regarding traffic and accidents and crashes than
12 this?

13 MR. MEHRA: I'm not aware of that.

14 MS. PERRY: I believe DDOT is going to get
15 it for us.

16 Mr. Oberlander, Mr. Feola just referenced
17 Veazy Street. I believe it's probably Veazy Terrace
18 east of Connecticut Avenue that he is referring to and
19 that is the Van Ness complex?

20 MR. OBERLANDER: Right.

21 MS. PERRY: Are there any single family
22 homes on that section of Veazy Street?

23 MR. OBERLANDER: Not that I have noticed.

24 MS. PERRY: And wasn't that part of a
25 planned unit development that included the Giant Food,

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1 Van Ness South, and Van Ness East?

2 MR. OBERLANDER: I'm not particularly
3 familiar with that detail.

4 MS. PERRY: Okay. Isn't there a statement
5 in the Ward 3 plan that says that the Ward 3 plan is
6 the authoritative document that supplements,
7 qualifies, and interprets the comprehensive plans more
8 general objectives?

9 MR. OBERLANDER: Yes. That's what I meant
10 by the ward policies being more specific and the
11 Commission should give more weight to those than the
12 general policies.

13 MS. PERRY: That's all I have.

14 CHAIRPERSON MITTEN: Okay. Thank you.
15 Thank you all.

16 MR. JEFFRIES: Excuse me, Madam Chair.

17 CHAIRPERSON MITTEN: Sure.

18 MR. JEFFRIES: Just a quick question for
19 Mr. Oberlander.

20 On page 23, or slide 23, Section 1404.3,
21 you say here -- it says medium high-density
22 residential uses should be limited to major arterials.
23 The PUD site is not along a major arterial. That
24 first bullet point doesn't seem to be necessarily hard
25 and fast. Are there exceptions? Does it speak to

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1 exceptions as it relates to medium high density not
2 being on major arterials?

3 MR. OBERLANDER: No, I don't believe there
4 are any. There may be some. I have read pretty much
5 every word in the existing comprehensive plan. I
6 don't believe there is any specific reference to that
7 other than this one. I think this is the one that
8 Councilman Mendelson was referring to when he drafted
9 for the council member that he worked for at that time
10 the language that was incorporated into the ward plan.

11 MR. JEFFRIES: Okay. Thank you.

12 CHAIRPERSON MITTEN: Okay. Thanks, folks.

13 Now we are ready for testimony from
14 organizations and persons in opposition. I will begin
15 with, I think, the sign-in sheet that we had at our
16 June 5th hearing and then I'll pick up anybody who
17 signed up tonight. I'll apologize in advance for
18 names that I mispronounce because there will be a few.
19 Jaynie Simmons, Chris Carter. Did you turn in your
20 cards? Ms. Simmons, did you have witness cards? Ms.
21 Simmons, did you have witness cards?

22 MS. SIMMONS: I did.

23 CHAIRPERSON MITTEN: You turned them in.
24 Okay. Great.

25 Alison Meiss, Scott Taylor. Scott Taylor?

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1 Okay, sorry. Okay. Ms. Simmons, why don't we start
2 with you. Take your time.

3 MS. SIMMONS: I just did this on Monday.

4 CHAIRPERSON MITTEN: You know what?
5 You're doing pretty good in that chair. I need you to
6 turn on that microphone.

7 MS. SIMMONS: Am I on now?

8 CHAIRPERSON MITTEN: Yes.

9 MS. SIMMONS: Okay. Just so the
10 Commission knows, I'm actually here speaking in
11 representation of an organization.

12 CHAIRPERSON MITTEN: And which one would
13 that be?

14 MS. SIMMONS: That is the Tilden Court
15 Condominium Association and I have a letter of
16 authorization from them and from their president.

17 CHAIRPERSON MITTEN: Okay. I think I have
18 another name down for that group. Jonathan?

19 MS. SIMMONS: John Persimmons who is not
20 able to be here today and asked me to speak in his
21 place.

22 CHAIRPERSON MITTEN: Okay. Go ahead.

23 MS. SIMMONS: My name is Jaynie Simmons.
24 I own a condominium and reside at 4007 Connecticut
25 Avenue, N.W. which is known as Tilden Court on the

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1 northeast corner of Tilden Street and Connecticut
2 Avenue.

3 I have lived in Washington since 1974 and
4 when I arrived here 14th Street was still pretty much
5 a burned-out shell and the 1968 riots were still on
6 the mind of many people who preferred to move and live
7 in Maryland or Virginia, but I came and I stayed and
8 for more than 30 years I have lived and paid taxes to
9 the District of Columbia. I am here at the request of
10 the Condominium Association Board of Directors and
11 will speak as the organizational representative for
12 the 66 units contained at Tilden Court.

13 Tilden Court, which was built in 1929, has
14 the peculiar disadvantage of having been constructed
15 with no underground parking and no rear parking lot
16 area. The 66 condominiums at Tilden Court are
17 entirely dependent on available on-street parking.
18 Our opposition to the proposed Clark project is not a
19 case of, "Not in my back yard." This is a case of,
20 "No more in my back yard. The boat is full. We can
21 take on no more passenger."

22 The Clark proposal is a building better
23 suited to South Beach or perhaps even the Rockville
24 Pike. It violates the current zoning restrictions for
25 a residential side street and is utterly out of

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1 character for the Tilden Street neighborhood.

2 Like proud parents with a squalling
3 newborn, Clark representatives keep insisting over and
4 over again that we admire what is overly large,
5 ungainly, and plainly unattractive to the rest of us.
6 Dare I say it? They have an ugly baby that is
7 obviously far too big and too noisy for the
8 neighborhood's britches.

9 The proposed Clark project is an enormous
10 edifice shoehorned into a tiny lot. It is like trying
11 to squeeze a size 26 woman into a size 12 dress.
12 Trust me, I know whereof I speak. It is
13 uncomfortable, it's not pretty, and it makes everyone
14 in the immediate vicinity very, very nervous.

15 There is no question that allowing a
16 project of this enormous size should be erected on a
17 residential side street will have disastrous
18 consequences in terms of increased parking and traffic
19 problems. The Tilden Street neighborhood is already
20 inundated with more traffic and parking that it can
21 comfortably handle including the Edmund Burke School,
22 the Howard University Law School, the Levine School of
23 Music, Hillwood, The Embassy of the Netherlands, the
24 Embassy of Kuwait, and just down the street the
25 University of the District of Columbia.

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1 Everyone seems to love our fragile little
2 neighborhood. I would like a little less love and a
3 lot more respect. I think I can safely speak for the
4 66 units and almost 100 residents of my building when
5 I say that as the situation already exist we fight for
6 a reasonable place to park every day.

7 The Department of Transportation is
8 already planning to remove the only five parking
9 spaces on Tilden Street that are adjacent to the
10 Tilden Court building as they prepare to create a
11 special turning lane from Tilden onto Connecticut.
12 Where will the rest of us go?

13 The proposed Clark project will requiring
14 removing additional parking spaces in the 2900 block
15 of Tilden. There is no proof or any verifiable
16 assurances that the Clark project will actually be
17 traffic friendly or Metro-centric. Quite the
18 contrary. We should note with great skepticism the
19 idea that the purchaser of a \$1.5 million condominium
20 is going to give up the air conditioned comfort of a
21 personal vehicle for the humble trappings of a Metro.
22 I know I don't.

23 Unless someone has a crystal ball, it is
24 entirely possible that there will be 49 units with 98
25 cars and those 98 cars will be out on Tilden Street,

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1 29th, and the rest of the immediate area every day.
2 They have a selfish traffic plan that exist that the
3 surrounding neighborhood genuflect the needs of 49
4 condominiums that have no zoning right to be there in
5 the first place.

6 The idea that Clark will donate \$50,000
7 each to Hillwood, Pierce Mill, Hurst Recreation
8 Center, and Melvin Hazen is a clever offer to curry
9 favor with Ward 3 organizations. It might look nice
10 on paper but it adds the real results. They are
11 gifting entities which have a minimal or tangential
12 relationship to the address where they propose to
13 build.

14 Hillwood charges \$12 for admission so how
15 do I see these improvements? I pay \$24 with my
16 husband to see how they used Clark's \$50,000. It is
17 truly a case of adding insult to injury. The fact is
18 there are no proposed amenities or gifts that could
19 ever make up for the crowding and traffic nightmare
20 that this project will create for the rest of us. The
21 boat is already full.

22 In November of 2004 Nicole Forest was
23 quoted as saying, "We are very open to discussion. We
24 don't want to build something that the community
25 doesn't want." The community doesn't want Clark's

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1 planned development of 49 luxury condominium units.
2 This is a one-way relationship.

3 Like a high school boy on prom night,
4 Clark and its representatives will extol our beauty
5 and friendly nature and whisper many promises in our
6 collective ear. The problem is, just like with 3883,
7 that once prom night is over it is adios baby. The
8 neighborhood and its residents are one more notch on
9 their belt and we become a distant, albeit financially
10 profitable, memory.

11 CHAIRPERSON MITTEN: Okay. I didn't want
12 to step on your line because you've got some good
13 lines. I hope you'll come back and liven up another
14 hearing but now you're done, okay?

15 MS. SIMMONS: Sound bytes for rent.

16 CHAIRPERSON MITTEN: Okay.

17 MS. SIMMONS: I would like to say in
18 closing --

19 CHAIRPERSON MITTEN: We'll take the
20 rest --

21 MS. SIMMONS: -- that Clark is invited to
22 dine at our table and we have agreed, even welcomed,
23 the idea that the promised eight townhouses and eight
24 families will dwell among us. They are not welcomed
25 to barge into our neighborhood home, raid our

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1 refrigerator, overrun the dinner table with 49
2 condominiums and 49 families will literally eat us out
3 of house, home, parking spaces, and traffic goodwill.
4 This is not a by-right project. It requires a serious
5 exemption. The exemption should not be made. I urge
6 the Office of Zoning to vote no on the proposed Clark
7 construction project. Thank you.

8 CHAIRPERSON MITTEN: Thank you. If you
9 would submit your written statement for us, that would
10 be great.

11 Chris Carter, you're next.

12 MR. CARTER: Thank you very much. My name
13 is Chris Carter. I live at 4,007 Connecticut Avenue.
14 As a homeowner and resident in the neighborhood of
15 2950 Tilden Street, N.W. I want to express my strong
16 opposition to Clark Realty Capital's application for
17 Zoning Commission approval of the consolidated PUD and
18 map amendment from R-2 to R-5-C.

19 At a local ANC meeting last month Clark
20 Realty presented its development plan. After
21 listening to the presentation the questions from the
22 ANC and the statements of my neighbors I'm convinced
23 this is not a well-conceived development and that it
24 would adversely impact the quality of life that makes
25 our area a desirable place to live.

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1 My primary concern is the impact on
2 traffic. Tilden is a two-lane residential street
3 separated by a tree-line median. The Clark property
4 is on the eastbound side of Tilden meaning any car
5 leaving the property would have to go east on Tilden
6 making a U-turn at 29th Street and then go west again
7 on Tilden in order to get to Connecticut.

8 Already during the morning rush hour cars
9 line the westbound lane of Tilden Avenue the entire
10 length of the block as neighborhood residents and
11 pastor commuters wait at the traffic light to turn.
12 Another 50 cars a day making U-turns at 29th Street
13 where oncoming traffic comes rapidly up the steep
14 grade from Rock Creek to the east would worsen an
15 already dangerous traffic situation.

16 The impact on the local street parking
17 would also be extensive. I live at 4007 Connecticut,
18 a five-story building on the corner of Tilden built in
19 the '20s with no associated parking. I share limited
20 street parking with residents of the condo building in
21 the opposite corner, townhome residents on Tilden and
22 Upton Streets, the faculty staff and students of
23 Edmund Burke School and Howard Law School, Intel
24 employees, workers and clients of the Kuwaiti Embassy,
25 and the usual numbers of maintenance, domestic,

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1 delivery, and construction workers in our neighborhood
2 on any given day.

3 Despite Clark's plan for 110 parking
4 spaces this development will generate a need for
5 anywhere from 15 to 20 additional street spots a day
6 for guests and service vehicles. I'm also not
7 convinced that the proposed development has been
8 designed with the character, look, and feel of the
9 existing neighborhood in mind.

10 Clark Realty envisions a sleek modern
11 structure amongst turn of the century and Art Deco
12 inspired buildings and rowhouses with no space for
13 canopy shade trees like those at Grace, Tilden, and
14 Connecticut. This high-density development seems more
15 at home in Bethesda or Northern Virginia and would
16 seriously detract from the character of our
17 neighborhood.

18 Finally, a concern raised at the ANC
19 meeting and today by the Kuwaiti Embassy is also
20 extremely disturbing to me. Clark's property design
21 would apparently enable terrace views of the embassy
22 property, indeed, facing the very office of the
23 Kuwaiti ambassador placing the safety and security of
24 the embassy staff in jeopardy.

25 In these days of heightened concern for

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1 public safety, it would be unconscionable to allow a
2 development in Washington, D.C. that actually
3 jeopardizes the safety and security of one of our
4 diplomatic neighbors. This idea points very strongly
5 to the extremely poor design of this development and
6 argues very forcefully against it.

7 For these reasons and the many others you
8 have heard and will hear today, I urge the Zoning
9 Commission to reject Clark Realty Capital's request to
10 upzone the lot's classification. This is a bad
11 development for the neighborhood and should not be
12 allowed to go forward. Thank you.

13 CHAIRPERSON MITTEN: Thank you, Mr.
14 Carter.

15 Ms. Meiss. Slide the mic down further.

16 MS. MEISS: Thank you. My name is Alison
17 Meiss and I've lived at 3901 Connecticut for over 25
18 years. The building that Clark proposes to construct
19 at 2950 Tilden Street is inconsistent with the current
20 R-2 zoning and in stark contrast to the two and three-
21 story townhouses on the north side of Tilden.

22 Features of the project also appear to be
23 inconsistent with the current Ward 3 section of the
24 comprehensive plan and the Rock Creek west section of
25 the new draft plan. Section 1402.1 of the current

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1 plan addresses the need for affordable housing.
2 Displacement of the elderly and moderate income
3 families who cannot afford to live in Ward 3 is a
4 current public policy issue.

5 It states that Ward 3 has the highest
6 population of elderly in the city and that housing for
7 the elderly should increase particularly along
8 transportation routes like Connecticut Avenue.
9 Conversions and redevelopment have caused and will
10 continue to cause escalating taxes and out price
11 people who might want to live in the community.

12 I found no mention of a need for luxury
13 condos in that section. I'm not trying to suggest
14 that this property should be developed as housing for
15 the elderly, just that there is an argument against
16 luxury development and a need to provide affordable
17 housing.

18 Section 1402.3 says that general
19 development pressures must be controlled and that
20 developers of new multi-unit dwellings should be
21 encouraged to incorporate setting aside up to 20
22 percent of planned units for moderate income
23 residents. Three units out of 49 equates to 6
24 percent. Clark could do much better to serve ward
25 interest.

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1 The ward's re-environment section states
2 that ward policies focus on improving and protecting
3 the environment particularly by minimizing
4 developments close to streams, valleys, and parks to
5 prevent erosion or other adverse impact on the park.
6 The Tilden Street neighborhood all ready has one major
7 violation of this policy, 3883 Connecticut. The
8 community does not want another.

9 Preservation of the District's shade trees
10 is an important issue in the plan. Clark not only
11 plans no shade trees but they cut down the trees that
12 remained on the property when they finished
13 construction of 3883 several years ago. Street level
14 gardens and a green roof are hardly a substitute for
15 shade trees.

16 The Clark structure will occupy most of
17 the property's land surface leaving no space for
18 transitions between it and adjacent properties. The
19 Clark structure will eliminate any view from the north
20 side of 3883, tower over the Kuwait Embassy, and
21 create a canyon out of the parking lot of 3901
22 Connecticut.

23 Clark's most recent construction in the
24 Tilden area, 3883, is a perfect example of a building
25 that is too large for its site. 3883 also provides

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1 evidence that an acceptable, let alone attractive,
2 transition between properties that include green space
3 is not guaranteed just because it's pictured in a
4 developer's preconstruction drawings.

5 CHAIRPERSON MITTEN: We'll have to read
6 the rest of it. Would you like to give a closing
7 sentence?

8 MS. MEISS: Yes. Closing two sentences.
9 The Tilden Street property should be developed but in
10 a style appropriate to the neighborhood and and
11 density that will not create negative impacts on
12 neighborhood quality of life. The current plan does
13 not protect the scale and character of the
14 surroundings.

15 CHAIRPERSON MITTEN: Thanks. It's in
16 writing. We'll read it.

17 MS. MEISS: Thank you.

18 CHAIRPERSON MITTEN: I promise we'll read
19 it.

20 MS. MEISS: Okay.

21 CHAIRPERSON MITTEN: Thank you.

22 MS. MEISS: Thank you.

23 CHAIRPERSON MITTEN: Mr. Taylor.

24 MR. TAYLOR: Thanks. My name is Scott
25 Taylor and I live at 4007 Connecticut Avenue. I moved

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1 to Washington, D.C. from Virginia in 1998 when I was
2 hired for National Public radio. I fell in love with
3 Washington and I stayed here even after I left NPR and
4 went to work for a company with offices in northern
5 Silver Spring and Laurel sometimes driving almost an
6 hour each way to and from work.

7 I currently work for the University of
8 Maryland. I still live here at D.C. and make the
9 commute to College Park every day. It would be easier
10 to move but I have a personal and social life here and
11 want to stay in the city. For the past eight years I
12 have supported local Washington businesses and paid
13 property, sales, and income taxes to the District of
14 Columbia. I would like to think I'm a good citizen.

15 The biggest problem I face every day is
16 finding a place to park in my own neighborhood.
17 Sometimes I arrive home at 9:00 or 10:00 at night and
18 must park three, four, five, and even six blocks away.
19 The proposed Clark project will only make the
20 neighborhood's traffic and parking problems worse.

21 The building's architecture and design
22 plans indicate that we will lose many of the existing
23 on-street parking spaces in the block currently
24 between Tilden Hall and the Embassy of Kuwait. Forty-
25 nine self-described luxury units will create a large

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1 pool of service people and contractors visiting the
2 building every day.

3 The proposed new building will create new
4 visitors. They will need to park somewhere. There is
5 no way for Tilden Street to accommodate all of the
6 expected traffic. I ask the Zoning Commission to
7 think about the existing population of owners and
8 residents who are already in the neighborhood. I'm
9 not sure who this new project is going to benefit but
10 it is certainly not me or my neighbors.

11 Please preserve the R-2 zoning. If the
12 Zoning Commission decides otherwise, I have to ask
13 myself why should I continue to live and pay taxes to
14 a city that favors unrestricted growth as opposed to
15 citizens who are already living and paying taxes here.

16 Washington is generally known as the City
17 of Transients. I have demonstrated my loyalty to
18 Washington, D.C. for the past eight years. I hope
19 that the Zoning Commission and Washington, D.C. will
20 demonstrate some appreciation and loyalty to me and my
21 neighbors. If not, I hear Virginia calling me back
22 and Maryland has some very nice options, too. Thank
23 you.

24 CHAIRPERSON MITTEN: Thank you, Mr.
25 Taylor.

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1 Any questions for the panel from the
2 Commission? Any questions?

3 Mr. Feola, any questions for the panel?
4 Mrs. Perry? Mr. Hitchcock? My ability to spout off
5 names if lagging now.

6 Thank you all very much for your
7 testimony.

8 Okay. For the next panel we'll have Eric
9 Goulet, Noah, I want to say, Wagman maybe. Anybody
10 named Noah? Okay. J. R. Gasser, Geneva Overholser,
11 Michael something that starts with L-A. Anybody named
12 Michael that would like to testify? Stephen Dennis.
13 No? Okay. Jeanette Miller. Okay. I've got to skip
14 another one that I can't read. Ms. Heidi, I don't
15 know how to say your last name. Sue? Okay. I've got
16 the table filled up.

17 Mr. Goulet.

18 MR. GOULET: Chairperson Mitten and
19 members of the D.C. Zoning Commission, thank you for
20 giving me the opportunity to testify before you on the
21 application for a planned unit develop at 2950 Tilden
22 Street, N.W. My name is Eric Goulet. I live at 3801
23 Connecticut Avenue, N.W. which is two buildings south
24 of the proposed site.

25 The Clark PUD application and proposed

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1 zoning adjustment that is the subject of tonight's
2 hearing should be denied. As has already been
3 discussed in great detail in the testimony and the
4 resolution of ANC-3F this PUD is in conflict with many
5 areas of the Ward 3 element of the comprehensive plan
6 which takes precedence over the general objectives of
7 the city-wide plan.

8 The Ward 3 element also calls for
9 maintaining stability. This project has already
10 disrupted the stability of the surrounding community
11 but it has served to galvanize residents against this
12 project in a way that is almost unheard of. There are
13 good reasons why the residents are 100 percent
14 adamantly opposed to this project.

15 No. 1, residents on the north side of 3883
16 Connecticut Northwest must now face the possibility of
17 living in shadow during the day and the illumination
18 of bright glass corridors and blinking outdoor lights
19 at night. Residents on Tilden Street would face the
20 reality of looking across the street at a building
21 that has been designed to look like surrounding
22 buildings of South Beach, Florida, not Tilden Street,
23 Washington, D.C.

24 Anyone attempting to drive down Tilden
25 Street to the east during peak hours will be impeded

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1 by vehicles making U-turns in the median towards
2 Connecticut Avenue. From personal experience I can
3 tell you that it can easily take a full minute to take
4 that U-turn into westbound traffic on Tilden Street
5 during the peak hours.

6 If the two parking spaces allocated per
7 unit are tied to the purchase of units, buyers with
8 one or no cars will rent these parking spaces out to
9 commuters thus further increasing traffic on Tilden
10 Street well beyond the estimates of Clark's traffic
11 study. Nearby residents like myself who utilize zone
12 3 parking must already walk blocks to find a parking
13 space.

14 With this proposal we would also be forced
15 to compete with visitors and employees of the proposed
16 Tilden Street PUD. During construction the certain
17 loss of parking spaces on Tilden Street will create a
18 parking shortage for the entire neighborhood.

19 Finally, on as of June 5th hearing did the
20 Tilden Street community receive word that any
21 community benefits might flow to the neighbors
22 actually affected by this project. Ironically repairs
23 to the medium strip and the planting of trees that are
24 purportedly community benefits by Clark Construction
25 are merely undoing the damage done by Clark during the

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1 construction of the 3883 building.

2 Members of the Zoning Commission, this is
3 not smart growth. This PUD would be an eyesore, a
4 traffic and parking nightmare, and building that is
5 wholly inconsistent with the Ward 3 element of the
6 comprehensive plan. I strongly urge you to maintain
7 matter-of-right zoning as the only appropriate use for
8 this site.

9 CHAIRPERSON MITTEN: Thank you.

10 Mr. Gasser-Ramsey. Is that right?

11 MR. GASSER: Right.

12 CHAIRPERSON MITTEN: Okay.

13 MR. GASSER: My name is James Gasser. I
14 live at 2922 Upton Street. I'm presenting testimony
15 with my partner, Gregory Ramsey. The point that I
16 would like to bring to you is something that I have
17 not heard but on just rare occasions for the last two
18 sessions which is this particular building is going to
19 impact not only Tilden Street but also Upton Street.

20 Upton Street currently has Burke School,
21 a new medical school that is on Connecticut Avenue at
22 Veazy, Howard Law School, Levine School of Music, the
23 Embassy of the Netherlands, and the Hillwood House
24 Museum all spilling traffic onto our street. Each
25 year their traffic flows increase. Now we are going

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1 to have to have another megabuilding adding 110
2 additional vehicles some of which will be using our
3 street to gain access to Connecticut Avenue.

4 The Burke School addition is yet to be
5 tested as far as how traffic will actually flow in
6 through the school, the new addition, out through the
7 alley, and back onto Upton Street. If you have that
8 new addition of traffic coming onto Upton Street close
9 to the intersection and you have further traffic which
10 normally comes down Upton Street anyway, you are going
11 to get severe backups.

12 This will then be added to by the 110 cars
13 and the megabuilding that Clark proposes because from
14 my own experience using my own vehicle to go to my
15 office, I go down 29th Street to go across the park.
16 When I am sitting at 29th I see people who in total
17 frustration of being able to make the turn into
18 westbound Tilden going up 29th, down Upton Street
19 west, and they are going to be adding even more
20 vehicles to an already crammed full Upton Street.

21 I would also bring to point that the
22 vehicle flow that we are currently getting is causing
23 damage to our vehicles, those of us that do park on
24 Upton Street. I have lost two sideview mirrors and
25 finally have decided that when I get out I close my

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1 mirror. My neighbors have lost several. We have
2 dents from vehicles that just crease us as they try to
3 slide by because Upton Street is a two-way street.

4 What we are finding is that after 10 years
5 of living on Upton Street, we are finding there is a
6 definite impact against the quality of life and the
7 environmental quality on Upton Street. This will
8 exacerbate it.

9 CHAIRPERSON MITTEN: Thank you.

10 Ms. Miller.

11 MS. MILLER: My name is Jeannette Miller.
12 My address is 2841 Tilden Street. Reliance on the
13 comprehensive plan, the map, that is, should not trump
14 common sense. This project is too dense, the
15 footprint too grand, all of it too much for the site,
16 too much for the street fronting it, and too much for
17 the neighborhood.

18 The comprehensive plan is intended as a
19 guide to intelligent land use and it's stated goal of
20 growing an inclusive city envisioned a high quality of
21 life for the city's residents. Our neighborhood,
22 historic, stable, and well maintained, merits that
23 protection and we look to our local land use agencies
24 for support. What we seek is a finding, a
25 determination that because of its very negative impact

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1 the proposed construction cannot be justified at this
2 location.

3 Within the last six or seven years a surge
4 of development along nearby Connecticut Avenue has
5 produced three high-rise buildings offering upscale
6 apartments and condominiums. These are numbered 3883,
7 4025, and 4411.

8 Development that includes density is
9 desirable in some locations but multiple-dwelling
10 buildings should not encroach on a side street
11 featuring single-family homes. In our neighborhood we
12 have reached the saturation level. You have heard
13 many arguments against the proposal. They are valid
14 arguments.

15 I am not going to repeat what my neighbors
16 have said but I will confirm my personal observation
17 that over-sized vehicles such as trash trucks, moving
18 vans, heavy construction equipment cannot negotiate
19 alley entrances and exits, cannot make turns on Tilden
20 Street without jumping curbs, severely rutting, and
21 otherwise damaging the median.

22 I ask you to consider the enormous
23 difference between servicing eight houses and what
24 would be required to serve 49 condos. I feel there is
25 a tendency to say, "Traffic is bad. So what? What

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1 difference will it make if it gets a little worse?"
2 I am asking you not to dismiss the traffic issue. It
3 just must not be wiped away. Thank you for listening
4 to me and thank you for your consideration, all of
5 you.

6 CHAIRPERSON MITTEN: Thank you, Ms.
7 Miller.

8 Ms. Tseu.

9 MS. TSEU: My name is Heidi Tseu and I am
10 a resident of the 3883 condominiums. I live in a 64
11 unit with a total of two windows that both face this
12 proposed building site and I am here to testify that
13 this project proposal is not appropriate and the only
14 right that Clark Realty should have is matter of right
15 zoning.

16 I chose to rent and then purchase in
17 Cleveland Park because of its safety, convenience to
18 the Metro, suburban feel, and beautiful scenery.
19 Unfortunately, when I purchased the agent who sold me
20 the unit omitted the fact that this proposal was going
21 forward and specifically told me that the lot would be
22 used for townhomes.

23 What I purchased and what I can now see
24 are a row or charming townhomes, trees in the
25 distance, blue skies, and the tall church that is now

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1 Howard Law School. What Clark is proposing will mean
2 that I am to look down at a courtyard 56 feet from my
3 window with lighted glass corridors that may or may
4 not be blinking on and off depending on who chooses to
5 walk in the hallway at that time.

6 More importantly, the immense massing of
7 this building will carry the feel of more Dupont
8 Circle than Cleveland Park. I feel that I'm qualified
9 to speak to this project from two different
10 perspectives, that of a 26-year-old in my first job
11 who truly appreciates the need for development near
12 Metro stations, and that of a homeowner in the Forest
13 Hills/Cleveland Park area.

14 In both these capacities I can confidently
15 say that Clark's proposal does not make sense. Smart
16 development is needed. However, that does not
17 translate into building as much as possible into the
18 available spaces. Cleveland Park is unique. Anyone
19 who lives there will tell you that. It successfully
20 mixes the urban and suburban elements to create a
21 neighborhood feel. What Clark proposes will tip this
22 balance and jeopardize the success.

23 By clumsily trying to stuff as many high-
24 priced units as possible into this area, Clark is
25 destroying the very reason that people would want to

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1 move here. As for smart development, it has been
2 touted as a nobel justification for this project.
3 However, even that is not being served in this
4 instance.

5 You can rest assured that people that need
6 access to the Metro and convenience to the city will
7 not even see any advertisements for these types of
8 units. This development is not smart. It's greedy
9 and it's inappropriate. Please support matter-of-
10 right zoning.

11 CHAIRPERSON MITTEN: Thank you. Questions
12 for this panel from the Commission? Any questions?

13 Mr. Feola, any questions?

14 MR. FEOLA: No.

15 CHAIRPERSON MITTEN: Commissioner Perry?
16 Mr. Hitchcock? Okay. Thank you all very much for
17 your testimony.

18 All right, Mr. Clark. No relation, I
19 assume. Anyone else who would like to testify in
20 opposition, please come forward. Mr. Clark, why don't
21 you go ahead.

22 MR. CLARK: Thank you, Madam Chairman and
23 Members of the Commission. My name is George Clark.
24 I am here to testify on behalf of the Forest Hills
25 Citizens Association. This site is completely

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1 inappropriate for the development of a large
2 condominium project.

3 Tilden Street is a scenic parkway that
4 winds and descends from Connecticut Avenue to Rock
5 Creek Park. Indeed, the Median contains the nation's
6 smallest national park. More importantly, Tilden
7 Street is lined with townhouses, single family homes,
8 and large residences, many of which have now been
9 converted to embassies and embassy residences.

10 Granting this PUD application may well
11 lead to a flood of other applications to convert some
12 of the large embassy properties to condos and destroy
13 the residential character of this fine street.

14 Let me talk about the buildings off of
15 Connecticut Avenue to the west on Tilden Street down
16 by the Broadmoor, down by Quebec House. All those
17 preceded the 1984 comp plan. I think what we can read
18 the 1984 comp plan is saying is no more. That's why
19 it was written the way it was written. It was to stop
20 that march off of Connecticut Avenue of the condo
21 buildings.

22 Moreover, the development is inconsistent
23 with the Ward 3 elements of the comp plan. In
24 particular, I'm looking at the land use element which
25 I quoted in my testimony which I filed on May 26,

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1 Section 1409.4(a)(3)(b). It talks about inappropriate
2 in-fill locations.

3 One of the criteria for inappropriate in-
4 fill locations were those behind historic apartment
5 buildings or adjacent to parklands and on very large
6 lots in single-family neighborhoods. That is this
7 project, all of those. It is an inappropriate in-fill
8 development under the Ward 3 plan.

9 This history of this location provides
10 another reason for denial.

11 Until a short time ago this lot was
12 completely wooded and added tremendously to the
13 character of the neighborhood. This was even after
14 the construction of 3883. A large stand of trees was
15 removed shortly before the tree cutting regulations
16 under the city's tree bill went into effect.

17 Let me talk about the tree and slope
18 overlay which this Commission is too familiar with in
19 Forest Hills. This property was not included in the
20 original TSL. It was a single isolated lot and it was
21 really kind of off from where a lot of the other
22 portions were.

23 It's across the street but it was an
24 isolated lot and it was surrounded at that point by
25 some of the apartment buildings and by the Kuwaiti

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1 Embassy. Maybe in retrospect we should have included
2 it but we didn't. It did provide some of the impetus
3 for the TSL as well as the mansion houses that have
4 come about in parts of Forest Hills.

5 The amounts of parking and the proposed
6 prices for the units also indicate that this is not
7 transit oriented development but rather a luxury
8 development close to transit. Eight townhouses are
9 consistent with current zoning, the comp plan, and the
10 previous representations of the applicant, the ability
11 to make a large profit, and the ability to grow large
12 trees.

13 Commissioner Jeffries, you asked the
14 question about what are people really talking about?
15 Aren't they a long way apart? Maybe one of the
16 reasons they are a long way apart is matter of right
17 is eight and what they want is 49. I can see that is
18 why they are a long way apart.

19 I want to mention the Kuwaiti Embassy
20 because we have many embassies and embassy residents
21 in Forest Hills. They are our neighbors, too. Quite
22 frankly, we are shocked at the way they have been
23 treated.

24 Dr. Sislen made a point about Forest Hills
25 which I have to agree with. I mean, Forest Hills is

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1 a uniquely wonderful neighborhood. Why is it a
2 uniquely wonderful neighborhood? It is a uniquely
3 wonderful neighborhood because of things like there
4 are along Tilden Street in other parts of the
5 neighborhood.

6 If we have the March of condos and
7 apartments off of Connecticut Avenue, it is going to
8 change the character of that neighborhood and it is
9 going to be something that will not be that uniquely
10 wonderful neighborhood anymore. Thank you.

11 CHAIRPERSON MITTEN: Thank you, Mr. Clark.

12 Ma'am, I need you to turn on the
13 microphone. Just push the button in the middle of the
14 base right there.

15 MS. GUERARD: My name is Collot Guerard
16 and I live at 2951 Tilden Street. I have lived there
17 since 1987 and I was not planning to speak today
18 because I've written to you twice and I think that my
19 views have been stated both in my letter and in the
20 testimony by the opponents today.

21 However, several Commissioners asked a
22 question, a question that I wanted to address
23 personally. It was what are the priorities. I want
24 to give you my priorities as a homeowner having lived
25 on Tilden Street since 1987.

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1 I was concerned about coming to Tilden
2 Street because it was so close to Connecticut and I
3 was worried about traffic. I was worried about
4 finding a place to park my car and that is a priority
5 for me, not having an increase in traffic on an
6 already over-trafficked street. I'm speaking to you
7 as a homeowner.

8 The other priority is finding a place to
9 park a car. Even if the applicant were to eliminate
10 all of the parking places, I would still object to the
11 construction because of the way it looks trying to
12 shovel this building, this white elephant into that
13 little tiny space. It doesn't fit with the character
14 of the houses that are across the street from it and
15 down the street. My views are stated in my letters to
16 you. Thank you for listening to us. Please allow
17 homeowners to rely on what the zoning map says.

18 CHAIRPERSON MITTEN: Thank you.

19 Ms. Giordano.

20 MS. GIORDANO: Good evening. Cynthia
21 Giordano from Arnold and Porter Law Firm. I am here
22 to put on the record this evening the opposition of
23 the Tilden Hall Corporation to the project. Tilden
24 Hall owns the immediately adjacent property which is
25 an historic apartment building that fronts on

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1 Connecticut Avenue at the corner of Connecticut and
2 Tilden. It is an affiliate there and an affiliate of
3 Darrow Realty. They own a number of large apartment
4 complexes in the city.

5 They are opposed to the building for two
6 basic reasons -- to the project. Excuse me. The
7 density of the project is of concern to them, the
8 impact on their residence. It is a rental apartment
9 building. They have inadequate parking. It is a
10 building that was built well before the 1958 zoning
11 regulations and their building does not have garage
12 parking.

13 They have a small lot which doesn't really
14 fill the demand of their residence so they are
15 concerned about increased parking congestion with the
16 project. They are concerned about impact on views for
17 their units overlooking that side of the building.

18 They are also concerned about the style of
19 architecture. Their building is very traditional
20 brick building and they are concerned about the
21 context the more modern architecture would create for
22 their building. I don't really have a lot to add to
23 the comments tonight but they did want to put their
24 opposition on the record.

25 CHAIRPERSON MITTEN: Thank you. Questions

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1 from the Commission for the panel? Any questions?

2 Mr. Feola, any questions? Commission
3 Perry, any questions?

4 MS. PERRY: Several weeks ago, or a couple
5 of weeks ago when we were here last, we heard that
6 there was a proposal. Clark mentioned there was a
7 proposal to put landscaping on the side of Tilden Hall
8 as part of the amenities for the neighborhood.

9 I assume by your testimony tonight that is
10 not going to happen.

11 MS. GIORDANO: I don't really know what
12 the specifics of their landscape plan are but we don't
13 have any agreement about that at this time.

14 CHAIRPERSON MITTEN: Thank you. Mr.
15 Hitchcock. Okay. Thank you all for your testimony.
16 Anyone else who would like to testify in opposition?
17 Anyone else? Okay. Mr. Feola.

18 MR. FEOLA: We just have a couple minutes
19 of rebuttal, I believe. We did submit a lot of
20 materials into the record this evening including a new
21 scheme for a five-story building. I didn't know if
22 the Commission wanted to talk through that.

23 CHAIRPERSON MITTEN: We might have a
24 couple of questions for you which we can ask now or we
25 can wait until you do your rebuttal.

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1 MR. FEOLA: That's what I guess I'm
2 asking, how you would like us to proceed.

3 CHAIRPERSON MITTEN: Well, let's ask a
4 couple of questions to start. I just want to be clear
5 about the five-story version.

6 MR. FEOLA: Shall we put the boards up?

7 CHAIRPERSON MITTEN: Not at the moment.

8 MR. FEOLA: Gotcha.

9 CHAIRPERSON MITTEN: Are you proffering
10 that or you did that because the Office of Planning
11 asked for it and we encouraged you to submit it? How
12 should we take that?

13 MS. MILANOVICH: Well, I'm Jami
14 Milanovich. I'm with Clark Realty Capital. We heard
15 the Office of Planning asked us to study a five-story
16 option for this site. I think we also heard some
17 interest from some of you at the last meeting so we
18 spent the last two weeks doing exactly that.

19 We removed the sixth floor entirely from
20 the project. I'm not sure if you want us to put the
21 boards up now.

22 CHAIRPERSON MITTEN: I guess what I'm
23 asking right now is that the new scheme or what does
24 it mean to you to show us those? Are you saying this
25 is an alternative that we would accept?

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1 MS. MILANOVICH: Yes. We still believe
2 six stories is the right option for this project. We
3 believe that it is the project that allows for the
4 most appropriate transition from the homes on Tilden
5 to 3883 Connecticut and the other multi-family
6 residents. However, if we are required to build a
7 five-story building, the project we submitted is one
8 we can definitely live with and absolutely be proud
9 of.

10 CHAIRPERSON MITTEN: Okay. That's good to
11 know. One of the things -- if it's here I'm sorry.
12 You were going to brief your interpretation of the
13 Kennedy-Warren case?

14 MR. FEOLA: Yes. I was late and I wasn't
15 sure whether -- it was my suggestion but I wasn't sure
16 if that was accepted by the Commission or not so I did
17 not do it.

18 CHAIRPERSON MITTEN: Oh, I'm sorry.

19 MR. FEOLA: I've been told since then it
20 was.

21 CHAIRPERSON MITTEN: I tried to be clear
22 because I was very interested in that.

23 MR. FEOLA: I would be happy to do it for
24 the record and certainly opponents can comment on it.

25 CHAIRPERSON MITTEN: Okay. Then maybe you

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1 could just tell me -- hopefully I'm not being too dumb
2 in asking this -- why were we given this
3 administrative issuance about rules of conduct
4 governing donations to the District Government?

5 MR. FEOLA: One of the proffers is a
6 donation to Hurst Red Center and we were told by the
7 Department of Parks and Recreation, which is the cover
8 letter that went along with that, is that they have a
9 project that they would apply the money to but they
10 cannot accept the money until it goes through this
11 process through, I guess, the Inspector General's
12 Office.

13 CHAIRPERSON MITTEN: Okay.

14 MR. FEOLA: They could not sign an
15 agreement saying they would accept it. They indicated
16 that if it clears all those hurdles and the Commission
17 were to approve this project, then they would like to
18 accept it.

19 CHAIRPERSON MITTEN: I see. Okay. It
20 wasn't immediately apparent to me what the purpose of
21 that submission was. Okay.

22 Mr. Parsons.

23 MR. PARSONS: On this five-story building
24 you submitted tonight, has the unit count dropped or
25 where are we now?

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1 MS. MILANOVICH: The unit count remains
2 the same at 49.

3 MR. PARSONS: How did you do that?

4 MR. FEOLA: We might need to put the plans
5 up.

6 MS. MILANOVICH: If it is appropriate at
7 this point, I would like to show you the boards and
8 tell you what changes we did make to the building.

9 MR. PARSONS: It's all before us but you
10 must have made the units smaller.

11 MS. MILANOVICH: No. We haven't done the
12 interior layouts of the building. We didn't do it for
13 the six or eight option. We haven't yet got there on
14 the five-story option but we have made minor
15 adjustments to the footprint of the five-story
16 building on the west and south sides of the building.
17 We identified parts of the building that would have
18 the least impact on surrounding projects.

19 MR. PARSONS: Thank you.

20 MR. JEFFRIES: I have a question. So what
21 was the FAR before and what is it now? Is it the same
22 FAR?

23 MS. MILANOVICH: It's approximately 87,000
24 square feet, the same as it was before.

25 MR. JEFFRIES: So in terms of the common

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1 areas did they get smaller or is it just --

2 MS. MILANOVICH: We can show you. The
3 only common area that changed was the rear courtyard.
4 It is still 56 feet deep and what we did in the
5 courtyard was we narrowed it by 10 feet on each side
6 which will not affect the units at 3883 with north
7 facing views.

8 MR. JEFFRIES: Okay. I just want to be
9 clear. So the community has not seen this plan. You
10 are debuting it tonight.

11 MS. MILANOVICH: That's correct.

12 MR. JEFFRIES: Okay. Thank you.

13 CHAIRPERSON MITTEN: What can you tell us
14 about -- what can you tell us about your conversations
15 with the State Department?

16 MR. FEOLA: We've had two meetings with
17 the State Department and we have submitted a series of
18 plans. I am prepared to bring to the Commission those
19 letters with those plans. The State Department had
20 three comments about the original plans which are not
21 before you now. One of them was that the loading dock
22 was originally located on the east side of the
23 building adjacent to the Kuwaiti Embassy.

24 They did not like that. They were
25 concerned about window openings on the east facade of

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1 the building as it overlooked the Kuwaiti Embassy.
2 They didn't like that. And they were concerned about
3 some of the balconies that were more interior to the
4 lot to the west of that property line and how that
5 might be addressed.

6 We have since, as you have seen from the
7 plans, removed the loading dock to its furthest
8 location, if you will, away from the Kuwaiti Embassy
9 from the east to the west. We do not have windows on
10 the property line wall any longer. We have been
11 trying to work with the State Department on what
12 appropriate screening can be placed on the exterior
13 balconies. There are about six of them, I believe,
14 t h a t f a c e t h e K u w a i t i e s .

15 I would be happy to submit the letters.

16 We have not gotten a response from our
17 latest proposal to the State Department as to whether
18 or not it's acceptable or not. We have been pushing
19 but they have not responded. I was Nabeel would have
20 that response but he doesn't know either.

21 CHAIRPERSON MITTEN: Okay. This might not
22 be a wholly fair question but you are conveying that
23 there is a dialogue and there has been a fairly clear
24 expression of concerns that you have responded to from
25 the State Department. Then what the gentleman from

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1 the Kuwaiti Embassy, the impression that he left at
2 least me with was that there are some serious problems
3 here and the State Department is really not going to
4 engage in taking a position until the Commission makes
5 a decision. So what can you say to reconcile those
6 two impressions that I have?

7 MR. FEOLA: What the Office of Foreign
8 Missions told us is if they believed there was a
9 security problem it is their responsibility through
10 the Secret Service to protect foreign embassies in the
11 city. If there was a problem, they would be here to
12 tell you that. they are not here and I can't prove
13 the negative.

14 CHAIRPERSON MITTEN: I understand. Okay.
15 I do have one more question about some of the
16 testimony that we heard. This has to do with Mr.
17 Mehra and his slide 34, I think, which is the one that
18 shows that the analysis, the traffic analysis, was
19 based on this cut in the median and, yet, that's not
20 the plan. What can you say to address that?

21 MS. MILANOVICH: At the outset of the
22 project when we started the traffic study, we did, in
23 fact, assume that there would be a median break. As
24 we have gone through the course of the project over
25 the last almost two years, obviously that's changed.

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1 We realize there is not going to be a median break at
2 the driveway location.

3 Subsequent to our original report we have
4 analyzed the driveway as a right-in right-out
5 driveway, and we have analyzed the 29th Street Tilden
6 Street intersection to determine the impact of the
7 left turns, the U-turns from the proposed site on that
8 intersection.

9 CHAIRPERSON MITTEN: Is the record
10 complete on that? Do we have all of your submissions
11 on that then?

12 MS. MILANOVICH: Actually, DDOT did not
13 ask us to look at those. We had a meeting with them
14 where we discussed the original traffic study. We
15 talked about the U-turns and, quite frankly, there's
16 very few trips generated from this development so they
17 did not actually ask us to submit a formal submission.
18 I believe we have some graphics that were part of our
19 PowerPoint presentation last time that showed the
20 volume of traffic.

21 CHAIRPERSON MITTEN: I just want to make
22 sure the record is clear so I don't want there to be
23 a report that leaves the impression that you analyze
24 one thing and this situation is going to be another so
25 I would ask you to make whatever additional

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1 submissions are required to clarify the record.

2 MS. MILANOVICH: Okay.

3 CHAIRPERSON MITTEN: Anybody? Mr.
4 Jeffries.

5 MR. JEFFRIES: Yeah. Can we go to the
6 perspective view? That's A8. That is still a six-
7 story building. Correct? In that perspective?

8 MR. FEOLA: I'm sorry, sir?

9 MR. JEFFRIES: I'm looking at your
10 rendering here. That is still a six-story building?

11 MR. FEOLA: That was done, I believe, at
12 the request of the Commission to show a truer color of
13 the building as opposed to the white.

14 MR. JEFFRIES: This is dealing with the
15 color.

16 MR. FEOLA: Yes.

17 MR. JEFFRIES: It's still six-story.
18 Okay. It didn't go with your elevation here. Okay.
19 Thank you.

20 CHAIRPERSON MITTEN: Anyone else before
21 Mr. Feola presents the rebuttal testimony? We may
22 think of a few other things but why don't you go
23 ahead.

24 MR. FEOLA: If I might follow up on Mr.
25 Jeffries' question, which is a very astute

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1 observation. In the short time that we've had to do
2 the five-story scheme, we haven't done a complete set.
3 We haven't done the perspective and haven't done some
4 of the different levels. If the Commission is
5 interested in seeing the full scheme, we would ask
6 that you hold the record open and let us submit that.
7 We wanted to get something in front of the Commission
8 that responded to the Office of Planning in terms of
9 bulk and size of the building and what it would do.

10 CHAIRPERSON MITTEN: I think a full set
11 would be good to see. You just need to tell us how
12 long you need for that when we get to that point. Why
13 don't you go ahead and put on whatever rebuttal you
14 want.

15 Oh, I'm sorry. Mr. Turnbull has a
16 question.

17 MR. TURNBULL: I just want to get back to
18 the units. The six-floor units, were they part of the
19 two-story units on the fifth floor?

20 MS. MILANOVICH: On one side of the
21 building they were two-story units.

22 MR. TURNBULL: On one story. Okay. Thank
23 you.

24 CHAIRPERSON MITTEN: Okay. Go ahead.

25 MR. FEOLA: Thank you. I have a question

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1 for Ms. Milanovich. A couple of questions actually.
2 One, there's been a lot of discussion throughout the
3 hearing about problems of getting to Connecticut
4 Avenue and/or going westbound on Tilden Street. Would
5 you like to comment on that for the Commission?

6 MS. MILANOVICH: Yes. In my professional
7 opinion based on the analyses that we've conducted,
8 and DDOT's opinion as well, the proposed site can be
9 accommodated by the existing street system. First,
10 there is sufficient capacity at the 29th Street Tilden
11 Street intersection to accommodate the minimal amount
12 of traffic that will be exiting the proposed
13 development and making the U-turn at that
14 intersection.

15 Additionally, for those vehicles going
16 downtown there are alternate routes available that
17 don't involve making the U-turn. I can show those on
18 an aerial on a board if you would like.

19 CHAIRPERSON MITTEN: Okay. I have a hand-
20 held mic if you want to stand and point. Can you turn
21 it a little more sideways so that they can see it?
22 That's good. That should work. Just keep it up
23 tight.

24 MS. MILANOVICH: As shown on the aerial,
25 the green route here shows the U-turn maneuver from

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1 the driveway on Tilden Street, come up to 29th Street,
2 and then make the U-turn and go down Connecticut
3 Avenue. The yellow and blue routes show two
4 alternative routes that could be used if somebody
5 leaving the site wanted to head into downtown.

6 Both of those routes would involve making
7 a right turn from the proposed driveway heading down
8 Tilden Street onto Park Road and they could either
9 continue on Park Road over to 16th Street or they
10 could turn right on Wallbridge Place and down Adams
11 Mill Road across Irving Street to head into downtown.
12 Both of those alternative routes would not involve
13 making the U-turn and certainly would be an option for
14 people exiting the development.

15 MR. JEFFRIES: I guess I don't know what
16 is being revealed here. In fact, I take that route.
17 That's what I do. I have a standing appointment. That
18 is the route I go, the Park Road.

19 MS. MILANOVICH: I think questions have
20 been raised about the adequacy of the street system to
21 accommodate the vehicles exiting the site. In our
22 traffic study we assumed that all of the vehicles
23 exiting the site would make the U-turn and travel down
24 Connecticut Avenue. Simply what we are showing here
25 is that in addition to that, there are alternatives

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1 available so that the volume of traffic exiting the
2 site could, in fact, be dispersed over three routes
3 rather than just the one.

4 MR. JEFFRIES: But this assumes, though,
5 that, you know, everyone's destination making the U-
6 turn is trying to go downtown.

7 MS. MILANOVICH: No, this is just for
8 traffic that is heading downtown. People that want to
9 go north on Connecticut would still have to do the U-
10 turn to head north on Connecticut or to go straight
11 across and head west on Tilden Street.

12 MR. FEOLA: Ms. Milanovich, could you --
13 it's hard to describe the distances the relative
14 distances between the different routes.

15 MS. MILANOVICH: Yes. We looked at the
16 mileage from the site to the White House just to pick
17 a common point. The Connecticut Avenue route is 3.57
18 miles. The route across Park Road and down Adams Mill
19 Road is 4.1 miles. The route staying on Park Road and
20 cutting over to 16th Street was 4.14 miles. They are
21 all within about a mile of each other.

22 MR. JEFFRIES: Connecticut is what?

23 MS. MILANOVICH: It's 3.57 miles.

24 MR. JEFFRIES: So you are almost like a
25 mile difference between -- is that what you're saying?

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1 MS. MILANOVICH: There is close to a mile
2 difference between the yellow route and the green
3 route. Little less than a mile.

4 CHAIRPERSON MITTEN: Okay. Do we have
5 that in the record yet, a copy of that?

6 MR. FEOLA: Not yet but we'll get it.

7 CHAIRPERSON MITTEN: Okay.

8 MR. FEOLA: I believe Mr. Mehra had a
9 slide, Mr. Milanovich, that suggested there would be
10 an increase in delay caused by background traffic and
11 traffic from this development at the intersection of
12 Connecticut and Tilden from what is now shown as one
13 minute to 12 minutes. He said that was a combination
14 of background traffic and other development in this
15 development. Do you have a figure for how much delay
16 traffic from the proposed development would be part of
17 that 11 minute difference?

18 MS. MILANOVICH: Yes. Based on our
19 analysis of the 49 units, the overall delay at the
20 Connecticut Avenue, Tilden Street intersection was
21 increase by approximately five seconds per vehicle
22 during the a.m. peak hour and by approximately three
23 seconds per vehicle during the p.m. peak hour.

24 MR. FEOLA: Is there any mitigation that
25 could be applied to that intersection to lesson the

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1 queues that we've heard about on Tilden eastbound --
2 westbound. I'm sorry.

3 MS. MILANOVICH: Yes. In addition to the
4 potential right-turn lane on Tilden that would involve
5 removal of some parking spaces that Mr. Laden referred
6 to, there could be some minor timing adjustments made
7 at that intersection to optimize the timing of the
8 intersection.

9 The southbound approach on Connecticut
10 Avenue is currently operating at a level of service B
11 in the a.m. peak hour and a level of service C in the
12 p.m. peak hour. All of the other approaches are
13 operating at a level of service F. This would
14 indicate that there is some available time to shift
15 around to the other approaches to provide some relief.

16 We looked at making some minor changes
17 accordingly and based on our analysis, this would
18 provide a decrease in delay of 27 percent for the
19 westbound Tilden Street approach during the a.m. peak
20 hour and a decrease in delay of 23 percent on the
21 westbound Tilden Street approach during the p.m. peak
22 hour.

23 MR. FEOLA: My last question for Ms.
24 Milanovich has to do with some of the testimony we've
25 heard that suggest that the modal split to us, that

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1 is, how many residents of this building would utilize
2 mass transit is inappropriately high because of the
3 potential income levels of this building, not
4 withstanding the prices haven't been set. Could you
5 comment on that?

6 MS. MILANOVICH: Yeah. Actually, at the
7 last meeting we showed a slide that illustrated the
8 modal split versus household income based on U.S.
9 Census data. We looked at the census track in which
10 this site is located and the eight contiguous census
11 tracks around the site and really found two things.

12 No. 1, there is really no correlation
13 between income level and transit usage in this area.
14 No. 2, all but one of the census tracks report modal
15 splits, non-modal splits that are higher than what was
16 assumed in the traffic study. In our traffic study we
17 assumed 34 percent and with the exception of the one
18 census track, the modal splits reported range from
19 approximately 50 percent up to about 73 percent.

20 CHAIRPERSON MITTEN: Thank you.

21 MR. FEOLA: We have questions on cross
22 examination.

23 CHAIRPERSON MITTEN: Why don't you just do
24 all the rebuttal and then we'll ask the questions. Or
25 is that it?

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1 MR. FEOLA: I have one question for Ms.
2 Thomm.

3 CHAIRPERSON MITTEN: Okay. Package it up
4 and then we'll ask --

5 MR. FEOLA: This is for Ms. Thomm. There
6 has been a lot of exhibits submitted into the record,
7 testimony, some slides suggesting that Clark had a
8 promise or had decided to develop this site with
9 townhouses five or six years ago. I would like you to
10 comment on that for the Commission, please.

11 MS. THOMM: Sure. Well, first of all when
12 the townhouse plans were shown we were focused entirely
13 on the development of 3883 Connecticut Avenue and not
14 the development potential of any other site. The
15 plans for the townhomes were shown simply to
16 illustrate what could be built north of 3883
17 Connecticut Avenue as a matter of right under the
18 current zoning conditions.

19 Second, we never promised that we would
20 build townhomes on the site. A rendering of by-right
21 zoning is never a guarantee of what will actually be
22 built on this site. On the contrary, Clark Realty
23 Capital does not develop market rate townhomes as a
24 line of business. In fact, immediately after our
25 attention shifted from 3883 three years ago, we began

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1 focusing on the rezoning of this site and, in fact,
2 fully disclosed our intentions to the contract
3 purchaser of 3883 Connecticut Avenue who ultimately
4 sold the units to the individuals.

5 Lastly, we at Clark are accountable for
6 our actions but we cannot be held accountable for the
7 actions of the sales agents or the contract purchaser
8 to whom we sold 3883 Connecticut Avenue. It is
9 unclear as to whether our intentions to rezone the
10 property were communicated to these owners, but what
11 is clear is that we communicated our intent to rezone
12 the property to the contract purchaser prior to the
13 sale of 3883 Connecticut.

14 CHAIRPERSON MITTEN: Thank you.

15 MR. FEOLA: There's one additional
16 rebuttal point I would like to make but it's really
17 legal and it has to do with the comprehensive plan and
18 I'm not sure how to -- I guess I can just address it
19 as I see fit.

20 CHAIRPERSON MITTEN: Go ahead.

21 MR. FEOLA: The Chair asked Mr. Oberlander
22 whether or not there was a provision in the
23 comprehensive plan that suggests when there is a
24 conflict of provisions in the plan that the agencies
25 that are looking at the comprehensive plan should or

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1 should not look at the land use element. I just want
2 to point the Commission to the site that says just
3 that.

4 The comprehensive plan in the language of
5 the plan and interpreting the plan in Section 112
6 gives a whole series of guidelines as to how agencies,
7 including the Zoning Commission, are supposed to
8 interpret the plan. It says in particular that
9 provisions of the plan should be studied and executed
10 in concert. Where there is a conflict, the land use
11 element takes precedent and that is 10 DCMR 112.4.

12 The guidance that the council has given
13 the agencies of the District of Columbia in evaluating
14 the comprehensive plan and balancing all these issues
15 that the land use element and what the land use map is
16 part of is the predominant element, if you will. The
17 reason that it talks about in the comprehensive plan
18 is that it brings together many of the other goals and
19 policies of the plan.

20 In that same light we have heard a lot of
21 testimony from the ANC, from Mr. Oberlander, from
22 Council Member Mendelson about a mistake in the
23 contention that this high-density classification of
24 this property in the comprehensive plan was a mistake.
25 That explanation just doesn't hold water.

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1 I think the Office of Planning did a great
2 job of explaining to the Commission the planning
3 principles, the logical reasons, and the consistency
4 of how those principles were applied throughout the
5 city, particularly in Ward 3 on these areas, as to why
6 or why not this property is in the high-density
7 category.

8 Even if you give the opponents that it may
9 have been a mistake, we are faced with a law here.
10 The comprehensive plan is a law. The law hasn't been
11 changed. It has been high density residential on this
12 property since 1984 through two major changes in the
13 comprehensive plan and it tells us as property owners
14 that is something that the city council through the
15 planning office has found as an appropriate use.

16 I think as a matter of law I'm not sure we
17 have the authority or the Zoning Commission has the
18 authority to just say, "Oh, that must have been a
19 mistake because it doesn't sort of fit what we
20 remember was going on almost 20 years ago." Those are
21 my legal points.

22 CHAIRPERSON MITTEN: Thank you. Questions
23 from the Commission? Mr. Hood.

24 MR. HOOD: Madam Chair, just one quick
25 question. I believe in the submittal that was given

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1 to us this evening, a newspaper article from the
2 Northwest Current, at that time the representative of
3 Clark Realty, I believe, made the statement, "We
4 obviously don't want to build something the community
5 doesn't want." That was highlighted for us. What has
6 happened?

7 Obviously you are trying to work things
8 out with the community. What has happened from that
9 point to now because obviously if that statement was
10 made, something went awry because I didn't see but one
11 person come in here tonight in support. While all of
12 a sudden the change? If you don't understand my
13 question, I can elaborate a little bit more.

14 MR. FEOLA: No, I understand your
15 question. I don't know how to -- I didn't make the
16 statement so I don't know how to -- I don't know what
17 context it was quoted or even what date.

18 MR. HOOD: It's September 2004. That is
19 the easy way out, Mr. Feola.

20 CHAIRPERSON MITTEN: Does it attribute the
21 statement to an individual from Clark?

22 MR. HOOD: Nicole Forest. She was the
23 project manager at the time. Maybe you can answer the
24 question for me.

25 MR. THOMM: I'm not sure if I will be able

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1 to adequately answer your question. I wasn't at Clark
2 at the time.

3 MR. HOOD: That's all right. If you
4 weren't at Clark you can't justify it but I just want
5 you to know that I take heed. You are representing
6 Clark, right?

7 MR. THOMM: I do.

8 MR. HOOD: Maybe you can find out what
9 happened. You don't have to speculate because if
10 somebody makes the statement, "We obviously don't want
11 to build something the community doesn't want," and
12 you have one person come down at the hearing, then
13 something went in disarray.

14 MR. THOMM: Right. At Clark --

15 MR. FEOLA: Maybe we should get something
16 and --

17 MR. HOOD: Right, from somebody who may
18 know. I would appreciate that. Thank you.

19 CHAIRPERSON MITTEN: Anyone else?
20 Questions on rebuttal?

21 MR. JEFFRIES: This is a question for Ms.
22 Milanovich.

23 I am still trying to get my arms around
24 this notice that just kept coming up this evening
25 around certain income levels, that certain individuals

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1 will likely be purchasing these units will likely not
2 use the Metro as much. What was the breakdown of that
3 information that you read? Was there a breakdown that
4 talked about income levels or you just looked at
5 census track information?

6 MS. MILANOVICH: Well, we looked at census
7 track information and what we looked at for each
8 census track was the medium household income for that
9 census track and then we pulled the non-auto mode
10 split for that census track as well. We plotted those
11 to see if there was any correlation. For example, if
12 as the medium income level increased, if the transit
13 usage decreased and vice versa. What we found was
14 that trend did not happen, at least in this area.

15 MR. JEFFRIES: But if you have a census
16 track that has a pretty wide spread of income levels,
17 it's possible that those people who are at lower
18 levels are using it considerably more than those at
19 the higher levels. I'm just trying to understand how
20 you derived --I

21 MS. MILANOVICH: I understand your
22 question. Unfortunately, we don't have that much
23 information available. We used the census data that
24 was available and all that we could get from that was
25 the medium income for a particular census track.

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1 MR. JEFFRIES: That's what I'm focusing
2 on, the medium income, because it really doesn't tell
3 the story exactly who from that census track is
4 actually using the Metro but thank you.

5 CHAIRPERSON MITTEN: Anyone else?
6 Commissioner Perry, questions on the rebuttal
7 testimony that you've heard?

8 MS. PERRY: A couple of questions. You
9 mentioned tonight that you never said you were going
10 to build just eight townhouses on that site. I have
11 here a cooperation and development agreement which was
12 turned into an easement dated July 21, 1999, which
13 involves Tilden Gardens, LLC, which is your company
14 for the construction of 3883.

15 In here is a statement No. C. Tilden is
16 the owner of the adjoining property and intends to
17 construct certain improvements including a nine-story
18 apartment building and eight duplex residents. That
19 was signed with an easement. There is also a map
20 attached to it which shows the townhouses and the
21 3883.

22 If you didn't intend to do that
23 construction that way, why did you sign a cooperation
24 and development agreement and file an easement? This
25 is the document. Here is the Cooperation and

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1 Development Agreement with 3901 which talks about the
2 underpinning and there is the easement attached. This
3 isn't the signed one. The signed one I've got in my
4 bag.

5 MR. THOMM: As I said before, when we were
6 negotiating that agreement we were focused on 3883
7 Connecticut and not on the development potential of
8 this site. The townhomes were shown to indicate what
9 could be built as a matter of right.

10 MS. PERRY: Did you just negotiate an
11 agreement with 3901 so that you could underpin 3883
12 and use that land with no intention of living up to
13 this agreement?

14 MR. THOMM: I can't answer the question.
15 I was not involved.

16 CHAIRPERSON MITTEN: I don't think there's
17 going to be more of an answer forthcoming.

18 MS. PERRY: Okay. You mentioned changing
19 the timing of the light at Connecticut and tilden as
20 the possibility for alleviating traffic.

21 MR. THOMM: Correct.

22 MS. PERRY: How will that affect the rest
23 of the traffic light system in that neighborhood and
24 traffic on the other streets? If you change the light
25 -- I believe if you change the light at one

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1 intersection it affects the rest of the neighborhood.

2 MS. MILANOVICH: Not necessarily. The
3 timing changes we are proposing are very minor timing
4 changes and would not expect it to affect the upstream
5 and downstream intersections along Connecticut Avenue.

6 CHAIRPERSON MITTEN: Is your answer that
7 they would not affect the other intersections if you
8 changed the timing?

9 MS. MILANOVICH: The timing changes we are
10 talking about would not have a noticeable impact on
11 the upstream and downstream intersections.

12 CHAIRPERSON MITTEN: Okay. Just wanted to
13 clarify.

14 MS. PERRY: I guess I'm not clear. What
15 does the word "noticeable" mean? Does that mean that
16 by making the light at Connecticut and Tilden longer
17 you're not going to create a longer backup at
18 Connecticut and Upton, Connecticut and Van Ness?

19 MS. MILANOVICH: We're not talking about
20 making the cycle length at the intersection longer.
21 We are merely talking about shifting a few seconds of
22 green time from one phase to another phase. No, you
23 would not see a significant -- you would not see an
24 additional backup at the upstream and downstream
25 intersections based on these changes.

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1 MS. PERRY: Also I'm a little bit confused
2 in your last report because I was having trouble
3 hearing you. You mentioned certain intersections and
4 Connecticut and Tilden being levels A and B. Which
5 ones were those because I'm looking at the Wells
6 traffic report for this PUD and it talks about in the
7 morning eastbound is at a level E, westbound is at a
8 level F, northbound level F, southbound level B, and
9 the overall rating is an F. It was the same thing
10 basically in the evening.

11 MS. MILANOVICH: I don't recall mentioning
12 any level service A or B.

13 MS. PERRY: Okay.

14 MS. MILANOVICH: I'm not sure what you are
15 referring to.

16 MS. PERRY: Just a few minutes ago in the
17 rebuttal you were talking about intersections.

18 MS. MILANOVICH: I mentioned that the
19 southbound approach at the Connecticut Avenue Tilden
20 Street intersection currently operates at a level of
21 service B in the a.m. and a C in the p.m. That is the
22 approach, not the overall intersection.

23 MS. PERRY: Okay.

24 CHAIRPERSON MITTEN: Anything else?

25 MS. PERRY: We would like to reserve so

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1 that we can analyze some of this. We just got all of
2 these documents tonight.

3 CHAIRPERSON MITTEN: We'll keep the record
4 open.

5 MS. PERRY: Okay.

6 CHAIRPERSON MITTEN: While you are up
7 there, how much time would you need for that?

8 MS. PERRY: We just got all of it tonight.
9 We haven't seen this. I don't know. With summer
10 vacations I'm assuming three weeks maybe. We'll be
11 meeting the third Monday in July it looks like I'm
12 just hearing.

13 CHAIRPERSON MITTEN: Okay. I just wanted
14 to get a sense of order of magnitude and amount of
15 time you need.

16 MS. PERRY: I would like to get my
17 cooperation and development agreement and easement
18 back from Mr. Feola if I may.

19 CHAIRPERSON MITTEN: I'm sure he's just
20 about to hand it to you.

21 MS. PERRY: Since Mr. Feola also did some
22 testifying, I would like to read one section from the
23 Ward 3 housing plan that was --

24 CHAIRPERSON MITTEN: Okay. He'll do it in
25 a written submission. Okay.

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1 MS. PERRY: Go ahead. Let's do one at a
2 time.

3 CHAIRPERSON MITTEN: You just tell me when
4 you want me to jump in here.

5 MR. FEOLA: We'll be happy to put this
6 document in the record but if you read the entire
7 document, not just the excerpt that Commissioner Perry
8 has read, it says that the reason for that townhouse
9 plan, if you will, the parties shall cooperate
10 provided herein that the development upon the request
11 of Tilden supports the townhouse plan.

12 It basically binds the property owner at
13 3902 to support the townhouse plan. It says nothing
14 about we will do a townhouse plan. It says nothing
15 about any constraint on doing anything more than a
16 townhouse plan. It is basically an agreement between
17 people that if they do a matter of right development
18 the other signers of this document 3901 would not
19 oppose it. That's all.

20 CHAIRPERSON MITTEN: You all can put
21 whatever you want in the record. This is the kind of
22 stuff that doesn't -- we've had cases where there have
23 been private agreements and our role is not to enforce
24 private agreements. If you want to put it in the
25 record, that's fine but I'm telling you it's not

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1 relevant.

2 MS. PERRY: I won't.

3 CHAIRPERSON MITTEN: Okay.

4 MS. PERRY: We don't have that great a
5 Xerox machine.

6 CHAIRPERSON MITTEN: Okay. Commissioner
7 Wiss, do you have questions?

8 MS. WISS: This is a question for Mr.
9 Feola. You were testifying about the mistake on the
10 land use map and --

11 CHAIRPERSON MITTEN: I want to make one
12 thing -- I just want to make one thing clear because
13 Mr. Feola was advancing a legal argument and if you
14 would like to advance a different legal argument, you
15 are entitled to do that but this is not technically
16 testifying. He wasn't a witness. He was advancing a
17 legal argument. There is a distinction there.

18 MS. WISS: Oh, okay. So I can't cross
19 examine him on that legal argument.

20 CHAIRPERSON MITTEN: No.

21 MS. WISS: Okay.

22 CHAIRPERSON MITTEN: Okay. If you would
23 like to advance a different legal opinion, you can do
24 that. Not now but in a written statement.

25 MS. WISS: Written statement. Okay.

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1 Thank you.

2 CHAIRPERSON MITTEN: Okay. Mr. Hitchcock.

3 MR. HITCHCOCK: I have a couple of
4 questions about the charts and let me just invert the
5 order. Ms. Milanovich, the alternative that you
6 described there, that was discussed in the report that
7 you submitted previously. Wasn't it?

8 MR. THOMM: The alternative routes shown
9 in yellow and blue?

10 MR. HITCHCOCK: Correct.

11 MR. THOMM: No, I don't believe they were
12 discussed in the previous report.

13 MR. HITCHCOCK: Well, the report talked
14 about the number of -- the amount of traffic that
15 would be going and making a U-turn versus the number
16 continuing in the right.

17 MR. THOMM: Yes. We did assume a certain
18 percentage would use those alternative routes.

19 MR. HITCHCOCK: Okay. So in that sense
20 there is nothing really new here.

21 MR. THOMM: No. We just wanted to
22 highlight because there was a lot of focus on the U-
23 turn and we wanted to highlight that there are
24 alternative routes if you don't choose to make the U-
25 turn.

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1 MR. HITCHCOCK: Okay. A question on, I
2 think you used the phrase, minor timing changes. What
3 is a minor timing change?

4 MR. THOMM: We are talking about five
5 seconds of green time shifting it from phase to
6 another.

7 MR. HITCHCOCK: Okay. So you would be
8 shifting the delay onto Connecticut Avenue?

9 MR. THOMM: The level of service would be
10 taking from there is a southbound advance phase on
11 Connecticut Avenue currently. We would be shifting it
12 from that phase to the side street phase. The level
13 of service for that southbound approach would not
14 change as a result. It would remain at a level of
15 service B in the a.m. and C in the p.m.

16 MR. HITCHCOCK: Okay, but drivers
17 approaching would have five seconds less on
18 Connecticut Avenue than is now the case. Is that
19 correct?

20 MR. THOMM: That is correct, on the
21 southbound approach.

22 MR. HITCHCOCK: Okay. Several questions
23 for the Clark witness. Were you here during the
24 presentation by Mr. Gillespie for the Tilden Street
25 Coalition?

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1 MR. THOMM: Today?

2 MR. HITCHCOCK: Yes.

3 MR. THOMM: Yes.

4 MR. HITCHCOCK: Okay. Do you remember the
5 slide from the Clark website that said units are being
6 built in October of 2001?

7 MR. THOMM: Yes.

8 MR. HITCHCOCK: Can you explain what
9 exactly was done when you said on the website
10 townhouses are being built in 2001?

11 MR. THOMM: I think that the testimony was
12 the website said that townhomes were under
13 construction and townhomes were clearly not under
14 construction.

15 MR. HITCHCOCK: Can you describe the state
16 of construction in October 2001 when that statement
17 was made on the website?

18 MR. THOMM: I'm not sure what the state of
19 construction was but no townhomes were being built.

20 MR. HITCHCOCK: So the statement was not
21 accurate? They were not under construction?

22 MR. THOMM: If that is what the website
23 said, there were no townhomes under construction at
24 the time.

25 MR. HITCHCOCK: Okay. Mr. Feola, who is

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1 the witness who is sponsoring this one?

2 MR. FEOLA: It would logically be the
3 architect, Suman Sorg.

4 MR. HITCHCOCK: Okay. May I ask her a
5 question? I mean, she was up here at the table and
6 was presented as a rebuttal --

7 MR. FEOLA: It's the Chair's prerogative.

8 CHAIRPERSON MITTEN: Sure, if it's on the
9 additional submission and she's the best to answer it
10 then, yes.

11 MR. HITCHCOCK: She's the sponsor.

12 Ms. Sorg, what is the -- could you tell us
13 where someone would be standing to see this particular
14 depiction of the building on A8?

15 MS. SORG: Across the street on the north
16 side of Tilden on the sidewalk almost.

17 MR. HITCHCOCK: And is it your position
18 that is an accurate depiction of what one would see if
19 the building was constructed as, I guess, the six-
20 story version?

21 MS. SORG: Right. It's a rendering of it.

22 MR. HITCHCOCK: Can you explain why it is
23 that you did not depict 3883 Connecticut Avenue behind
24 it?

25 MS. SORG: You couldn't see it.

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1 MR. HITCHCOCK: You couldn't see it.

2 MS. SORG: You couldn't.

3 MR. HITCHCOCK: How tall would you have to
4 be in order to see it?

5 MS. SORG: This perspective is done from
6 a five-foot eye level across the street. When we drew
7 the site lines in the computer -- the rendering is
8 done by a professional renderer, and we submitted all
9 the plans. His conclusion was that you couldn't see
10 it from this angle.

11 MR. HITCHCOCK: Okay. But if you were six
12 foot then you would be able to see it?

13 MS. SORG: I'm not sure.

14 MR. HITCHCOCK: Okay. But you're saying
15 someone five foot or under would not be able to see it
16 but --

17 MS. SORG: I said five foot eye level.
18 Your eyes would be at five feet.

19 MR. HITCHCOCK: All right. Five foot eye
20 level. Someone taller than that would be able to see
21 it?

22 MS. SORG: I'm not sure of that.

23 MR. HITCHCOCK: You're not sure of that.
24 Okay. I think we understand your testimony. Thank
25 you. No further questions.

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1 CHAIRPERSON MITTEN: Okay. Thank you very
2 much. Maybe you could just come back up. Did you
3 have something that you wanted to say? Go ahead.

4 MR. FEOLA: I'll make a few concluding
5 remarks. I appreciate your indulgence.

6 MR. THOMM: Thank you. While our project
7 has changed and evolved over the last three years,
8 Clark's commitment and focus on this site has not.
9 Our project is the right project for this site for a
10 number of reasons. The community will benefit from
11 this project. We worked really hard to design a
12 building that is tailored for this site with
13 thoughtful and appropriate transitions from the homes
14 on Tilden Street to the surrounding mid-rise
15 buildings, as I've said before.

16 Our project is characterized by
17 articulation and sensitivity to the streetscape in the
18 front of the building, generous courtyards, private
19 gardens throughout, private entrances on the ground
20 floor, and a green roof in the rear of the building.
21 Further, our project will provide important cultural
22 benefits to the neighborhood.

23 We have spent a lot of time with community
24 groups with the objectives of the existing community
25 in mind. Our contributions will benefit arts and

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1 horticulture, beautify our natural resources, provide
2 children with recreational space, and preserve an
3 important local historical museum.

4 Finally, our project offers significant
5 benefit to the District of Columbia. New home
6 ownership opportunities will be created with diverse
7 units at a transit oriented site between two Metro
8 stops. We are increasing the affordable housing
9 rental stock in the District and our project will
10 bring new residents into D.C. which will benefit
11 everyone in the form of sales taxes, income taxes, and
12 spending.

13 Environmentally sensitive building
14 principles have also been incorporated into the
15 project which we hope will set an example for other
16 developments. We appreciate this opportunity to once
17 again present our project and also a shorter version
18 of it.

19 We love the project for this site and
20 think the evolution of the design represents an
21 architecturally superior design that will improve the
22 community and lastly will provide lasting benefit to
23 D.C.

24 I would also like to take this opportunity
25 now to thank the ANC, the Office of Planning, and the

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1 Zoning Commission. It has been a long PUD process for
2 the past three years. Some of us have been on the
3 team for three years and some of us for only a couple
4 of months but I do know that all of us appreciate the
5 time, energy, and consideration that all of you have
6 given to this project. Thank you.

7 MR. FEOLA: Just to wrap it up, I think
8 what the message we would like to leave the Commission
9 with is that echoing what the Office of Planning has
10 said, that the project accomplishes a lot of goals of
11 the comprehensive plan. We have been focused on the
12 land use element, we have focused on the map, but it
13 does a lot of things that the city is looking to have
14 done on vacant property close to Metro stations.

15 As we talked about tonight, the map is
16 unambiguous. It clearly shows a high-density
17 residential development opportunity. There are some
18 provisions of the Ward 3 element of the comprehensive
19 plan that tug at the comprehensive plan generally.
20 Even though the provisions that have been suggested,
21 we don't believe this project violates.

22 We think the entirety of the project as
23 you look forward and look at it is something that the
24 city should encourage happening slightly off of those
25 arterials or corridors on vacant land. I mean, we're

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1 not talking about a completely single-family
2 neighborhood. We are next to a five-story apartment
3 building immediately to the west in front of an eight-
4 story apartment building to the south next to the
5 Kuwaiti Embassy which we heard testimony tonight has
6 30 employees coming and going every day. That's an
7 office building. That's not a single-family house.

8 My point is that this is a transition site
9 in an area that seems to call for something that
10 balances the transition from the corridor to the very
11 attractive single-family houses across Tilden Street.
12 With that I think we have spent enough of your time
13 and effort and we look forward to completing the
14 record and moving forward.

15 CHAIRPERSON MITTEN: Thank you, Mr. Feola.

16 Does anyone have anything else? Okay.
17 Just to figure out the time frame for additional
18 submissions, realistically speaking we won't take this
19 up until September so that will give ample time for
20 additional submissions. I would say just to make sure
21 the ANC has enough time to do anything that they need
22 to do, why don't we say something around the end of
23 July because we don't meet in August. That will give
24 you guys plenty of time to do whatever you need to do.

25 MS. SCHELLIN: So if we have additional

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1 filings by July 31st, then we could allow the ANC to
2 respond by August 14th?

3 CHAIRPERSON MITTEN: That would be great.

4 MS. SCHELLIN: And if they would like to
5 provide draft proposed findings of fact and
6 conclusions of law, we could have that also August
7 14th at 3:00 p.m.

8 CHAIRPERSON MITTEN: Okay.

9 MS. PERRY: Unfortunately, that does pose
10 a problem for our ANC.

11 CHAIRPERSON MITTEN: How is that?

12 MS. PERRY: We meet the third Monday of
13 July. We do not meet in August.

14 CHAIRPERSON MITTEN: You don't have to
15 take all the time that you are being allotted.

16 MS. PERRY: No, but if the documents
17 aren't entered into the file until July 31st, that is
18 after our meeting from the applicant. We don't have
19 any of this five-story plan to even review.

20 CHAIRPERSON MITTEN: It's all in the
21 record now.

22 MS. PERRY: We didn't get any copies of
23 it.

24 CHAIRPERSON MITTEN: Well, I'm sure Mr.
25 Feola has an extra set that he's going to hand to you.

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1 MS. PERRY: Okay, because we got none of
2 that tonight.

3 CHAIRPERSON MITTEN: You'll get all of
4 that before you leave.

5 MS. PERRY: What about the brief on the
6 Kennedy-Warren?

7 MR. FEOLA: That we could have within a
8 week so you'll have it in time for the July meeting.

9 MS. PERRY: Okay.

10 CHAIRPERSON MITTEN: All right. Okay. So
11 everybody is clear on the dates?

12 MR. HITCHCOCK: Madam Chair, two
13 questions. We may want to put in something as well
14 when we review the additional filings. Would that be
15 by the 14th with findings and conclusions?

16 CHAIRPERSON MITTEN: Right. That's when
17 your responses would be.

18 MR. HITCHCOCK: Okay. One matter as well.
19 I have a request from Council Member Mendelson who
20 testified last time. He would like to make an
21 additional submission but could not be here.

22 CHAIRPERSON MITTEN: We'll leave the
23 record open for whatever additional submissions people
24 want to make because I think he owes of the blob map
25 if I recall.

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1 MR. HITCHCOCK: Okay. I'll advise the
2 14th for --

3 MS. SCHELLIN: Additional filings would
4 still be due by July 31st and just the party's
5 responses by August 14th.

6 MR. HITCHCOCK: Okay.

7 CHAIRPERSON MITTEN: Okay. Right.

8 MS. SCHELLIN: As long as we have it by
9 July 31st.

10 CHAIRPERSON MITTEN: Yes.

11 MR. HITCHCOCK: I'll so advise. Thank
12 you.

13 CHAIRPERSON MITTEN: Thanks for the
14 clarification. That's good. Everybody is clear then.
15 Okay. I would like to thank everybody again. We had
16 another long night but we finished. I would like to
17 thank you for your participation. As I said, we won't
18 take this up until September. If you are interested
19 in finding out if it's on the agenda of our meeting in
20 September, you can contact Mrs. Schellin at the Office
21 of Zoning.

22 Then as you may or may not know, we will
23 put it on the agenda of a meeting we take a proposed
24 action and if the case advances, then we refer it to
25 the National Capital Planning Commission. Then they

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1 have a federal impact review and then we have a final
2 action so there's two votes that the Commission will
3 take. Thank you again for your participation and we
4 are adjourned.

5 (Whereupon, at 10:45 p.m. the hearing was
6 adjourned.)

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