

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:

IN THE MATTER OF: :

:

B&B 50 Florida Avenue, LLC : Case No.

& Bush at 50 Florida Avenue : 12-02

Associates, LLLP :

:

-----:

Thursday, July 11, 2013

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

The Public Hearing of Case No. 12-02
by the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Jerrily R. Kress
Memorial Hearing Room at 441 4th Street, N.W.,
Washington, D.C., 20001, Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA, Commissioner
(AOC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
KAREN THOMAS

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

None present

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JAMIE HENSON

The transcript constitutes the
minutes from the Public Hearing held on July 11,
2013.

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

2 (6:30 p.m.)

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the public
5 hearing of the Zoning Commission for Thursday,
6 July 11th, 2013.

7 I'm going to ask the dias if they can
8 introduce themselves, starting to my left with
9 Ms. Schellin.

10 MS. SCHELLIN: Sharon Schellin,
11 secretary to the Zoning Commission with the
12 Office of Zoning.

13 COMMISSIONER TURNBULL: Michael
14 Turnbull representing the Architect of the
15 Capital.

16 MR. MILLER: Rob Miller, mayoral
17 appointee.

18 VICE CHAIR COHEN: Marcie Cohen,
19 Vice Chair and mayoral appointee.

20 MR. MAY: Peter May representing the
21 National Park Service.

22 MS. THOMAS: Karen Thomas, Office of

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1 Planning.

2 MR. HENSON: Jamie Henson, DDOT.

3 CHAIRMAN HOOD: Okay. Thank you.
4 I'm Anthony Hood, the Chairman. This proceeding
5 is being recorded by a court reporter and it's
6 also Webcast live. Accordingly, we must ask you
7 to refrain from any disruptive noises or actions
8 in the hearing room.

9 The subject of this evening's
10 hearing is Zoning Commission Case No. 12-02.
11 This request by B&B 50 Florida Avenue LLC for
12 approval of a Consolidated PUD and related map
13 amendment for property located at Square 3516.

14 Notice of today's hearing was
15 published in the D.C. Register on May 17, 2013,
16 and copies of that announcement are available to
17 my left, on the wall near the door.

18 This hearing will be conducted in
19 accordance with the provisions of 11 DCMR 30.22,
20 as follows: Preliminary Matters; Applicant's
21 case; Report of the Office of Planning; the
22 report of other government agencies, if any; the

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1 report of the ANC, in this case is ANC 5E;
2 organizations and persons in support;
3 organizations and persons in opposition. And
4 then we'll have rebuttal and closing by the
5 Applicant.

6 The following time constraints will
7 be maintained in this meeting. The Applicant,
8 30 minutes; organizations, five minutes;
9 individuals, three minutes. The Commission
10 intends to adhere to the time limits as strictly
11 as possible, in order to hear the case in a
12 reasonable period of time.

13 The Commission reserves the right to
14 change the time limits for presentations, if
15 necessary, and notes that no time shall be ceded.

16 All persons appearing before the
17 Commission are to fill out two witness cards.
18 These cards are located to my left on the table
19 near the door. Upon coming forward to speak to
20 the Commission, please give both cards to the
21 reporter seated to my right before taking a seat
22 at the table.

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1 When presenting information to the
2 Commission, please turn on and speak into the
3 microphone, first stating your name and home
4 address. When you are finished speaking, please
5 turn your microphone off, so that your
6 microphone is no longer picking up sound of
7 background noise.

8 The decision of the Commission in
9 this case must be based exclusively on the public
10 record. To avoid any appearance to the
11 contrary, the Commission requests that persons
12 present not engage the members of the Commission
13 in conversation during any recess or at any time.

14 Please turn off all beepers and cell
15 phones at this time, so as to not disrupt these
16 proceedings. Again, the staff will be
17 available throughout the hearing to discuss any
18 procedural questions.

19 Would all individuals wishing to
20 testify please rise and take the oath. Ms.
21 Schellin, would you please administer the oath.

22 MS. SCHELLIN: Please raise your

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1 right hand.

2 [Witnesses sworn]

3 MS. SCHELLIN: Thank you.

4 CHAIRMAN HOOD: And we also are
5 joined by Ms. Steingasser from the Office of
6 Planning.

7 Okay. Let's go right into our
8 hearing. Ms. Schellin, do we have any
9 preliminary matters?

10 MS. SCHELLIN: Yes, sir. The first
11 preliminary matter that we have is that we have
12 a party status request from Kimberly Konkell, and
13 at exhibit--and that's in opposition. At Exhibit
14 35, we have an opposition to that request that
15 was filed by the Applicant.

16 CHAIRMAN HOOD: And I think that's
17 Exhibit 35.

18 MS. SCHELLIN: Yes, sir.

19 CHAIRMAN HOOD: Okay.
20 Commissioners, we have Exhibit 26 by Ms. Konkell,
21 and then we have Exhibit 35. Is Ms. Konkell
22 present? Okay. I may have a question for you.

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1 Let's see how it goes. You may be seated. I may
2 call you if I have a question. Actually, come up.
3 I want to ask you a question before we start
4 talking.

5 MR. FREEMAN: Just to clarify for
6 the record, Kyrus Freeman with the law firm of
7 Holland & Knight. We're not opposing their party
8 status request. That's--

9 CHAIRMAN HOOD: If you could have a
10 seat; if you could have a seat. I want to get
11 clarification here.

12 Ms. Konkell, if you can cut your mike
13 on and identify yourself.

14 MS. KONKEL: And repeat.

15 CHAIRMAN HOOD: Just identify
16 yourself.

17 MS. KONKEL: Oh. My name is Kimberly
18 T. Konkell.

19 CHAIRMAN HOOD: Your address is...?

20 MS. KONKEL: 45 Q Street, N.E.,
21 Washington, D.C.

22 CHAIRMAN HOOD: Okay. Ms. Konkell,

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1 are you representing your neighborhood or is
2 this just you as an individual?

3 MS. KONKEL: I, unfortunately, I
4 can only represent myself today because that's
5 the way we were able to apply. We had to do so
6 in a rush. I'd prefer to represent more of
7 my--the voice of my neighborhood, but I
8 understand that because of the rush we were in,
9 and the way we could get signatures, I'm the only
10 person that can--I'm the only person I can
11 represent today.

12 CHAIRMAN HOOD: Okay. Vice Chair,
13 you wanted to ask something?

14 VICE CHAIR COHEN: Are the
15 neighbors here in the audience?

16 MS. KONKEL: Many of my neighbors
17 are, but some are still at work. This is
18 inconvenient. Many of my neighborhood,
19 unfortunately, were not aware that this hearing
20 was happening. Many--at least nine that I have
21 signed affidavit from say that they didn't
22 receive written notification. And many people in

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1 my neighborhood also don't have access to the
2 Internet, and so until we started learning about
3 it, we were then able to spread the word, kind
4 a door to door, but because of busy schedules and
5 other family members, we weren't able to get as
6 many people notified.

7 CHAIRMAN HOOD: So basically you
8 were not able to get the consent of all your
9 neighbors to come down, and you all come as a
10 group?

11 MS. KONKEL: We have that--we have
12 the consent. We just couldn't get the paperwork
13 done in time, unfortunately.

14 CHAIRMAN HOOD: Okay. Any other
15 questions? Okay. Mr. May.

16 COMMISSIONER MAY: Yes. The
17 application indicates that you would have legal
18 counsel. Is your legal counsel here as well?

19 MS. KONKEL: No. We didn't--we
20 weren't able to raise enough money to have
21 counsel here.

22 COMMISSIONER MAY: Okay.

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1 CHAIRMAN HOOD: All right. Mr.
2 Freeman, now you were starting to say what
3 you--we have a submission for you as Exhibit 35.

4 MR. FREEMAN: I just wanted to be
5 clear. We were not opposing their party status
6 request. That just responds to the substance of
7 the information that they stated in their
8 document. So obviously is something the Zoning
9 Commission--

10 CHAIRMAN HOOD: So you were
11 basically answering what they mentioned in their
12 request?

13 MR. FREEMAN: Yes. Yes, sir.

14 CHAIRMAN HOOD: Okay. Thank you,
15 Ms. Konkel.

16 MS. KONKEL: Thank you.

17 CHAIRMAN HOOD: Commissioners,
18 any, any--let me--let's open up for discussion.

19 COMMISSIONER MAY: Based on the
20 location of--what I understand the location of
21 Ms. Konkel's home to be, and the fact that
22 they're immediately to the north of the

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1 property, I would think that they--that she
2 would qualify as a party in this case, more
3 immediately affected.

4 I would note that the--Mr. Freeman,
5 your statement does--is a response to issues,
6 and it certainly reads that way, but it does say,
7 in the very first paragraph, that you oppose the
8 party status request. But I take it that you're
9 correcting that right now.

10 MR. FREEMAN: Yes, sir. I'm sorry.
11 We are correcting--

12 COMMISSIONER MAY: That's okay.
13 That's okay. Cause I looked at it and I didn't
14 see any reasons why--I mean, any explanation of
15 why you would oppose it. I did see a fairly
16 complete statement about the issues raised. So
17 I would be in favor.

18 CHAIRMAN HOOD: All right. Okay.
19 Vice Chair.

20 VICE CHAIR COHEN: Thank you, Mr.
21 Chairman, and I concur with my colleague,
22 Commission May, that to grant party status to Ms.

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1 Konkel.

2 CHAIRMAN HOOD: Okay. I would
3 agree. I was just trying to figure out, when I
4 look at the, where the site is and where the home
5 owners live, I'm just--my whole thing was
6 wanting to know if the neighborhood were trying
7 to do it as a group. But I will also grant her
8 party status, and hopefully they can--the other
9 neighbors will work through here, because I
10 think it's very appropriate that they have party
11 status.

12 Anyone else?

13 COMMISSIONER TURNBULL: Mr. Chair,
14 I'm definitely in favor of it. I guess the
15 question is whether we would allow her to have
16 those people as witnesses.

17 CHAIRMAN HOOD: Well, she can--

18 COMMISSIONER TURNBULL: She can
19 bring--

20 CHAIRMAN HOOD: Yes.

21 COMMISSIONER TURNBULL: She can
22 bring as many witnesses as she wants.

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1 CHAIRMAN HOOD: Right. She can do
2 what she wants in her presentation to us. I just
3 think that more of them should have been
4 involved.

5 COMMISSIONER TURNBULL: Right.

6 CHAIRMAN HOOD: I understand what
7 the neighborhood had to go through. But because
8 we don't have the request as a group, which I
9 would like--that's the way I would like to see
10 it.

11 COMMISSIONER TURNBULL: Right.

12 CHAIRMAN HOOD: What we'll do is
13 allow the flexibility for Ms. Konkell, and all the
14 rest of them, because I think they're all
15 affected, right there, so--

16 COMMISSIONER TURNBULL: Right.
17 And again, I just want to reiterate--I am in
18 favor.

19 CHAIRMAN HOOD: Okay. And Mr.
20 Freeman's already said he didn't have any
21 objection. Okay. All right. So I would move that
22 we approve the party status to Exhibit No. 26 to

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1 Ms. Konkel and neighbors--

2 COMMISSIONER MILLER: Second.

3 CHAIRMAN HOOD: --and ask for a
4 second. Okay. It's been moved and properly
5 seconded.

6 COMMISSIONER MILLER: Since I
7 didn't speak, I thought I should second it.

8 CHAIRMAN HOOD: What?

9 COMMISSIONER MILLER: Since I
10 didn't speak in favor of it, I thought I should
11 second it, somehow verbally, so--

12 CHAIRMAN HOOD: Commissioner
13 Miller seconded, so he's in support of the
14 motion. Okay. It's been moved and properly
15 seconded. Any further discussion

16 [No response]

17 CHAIRMAN HOOD: All those in favor.

18 [Chorus of ayes]

19 CHAIRMAN HOOD: I'm not hearing
20 opposition. Ms. Schellin, would you record the
21 vote.

22 MS. SCHELLIN: Yes, sir. I record

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1 the vote five to zero to zero to grant party
2 status in opposition to Kimberly Konkell,
3 Commissioner Hood moving, Commissioner Miller
4 seconding, Commissioners May, Cohen, and
5 Turnbull in support.

6 CHAIRMAN HOOD: What else do we
7 have?

8 MS. SCHELLIN: Expert witnesses.

9 CHAIRMAN HOOD: Experts. All right.
10 Mr. Freeman, let's go through the experts. I
11 don't think we need to talk about Mr. Sher, Mr.
12 George, or Mr. Ramsey, if you--well, let me find
13 out who your--but if any of those three, we don't
14 need to talk about them.

15 MR. FREEMAN: Our experts that
16 will be testifying tonight are Mr. George Dove
17 with WDG Architecture; Mr. Osborne George, whom
18 you're very familiar with. Ms. Ramsey could not
19 be here tonight. She's out of the country, I
20 believe. So Jeffrey Rickard, or "Rickard" with
21 Wiles Mensch, his resume was uploaded, and I have
22 hard copies here tonight as well.

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1 CHAIRMAN HOOD: So there's
2 only--those are the only three that we are
3 looking at?

4 MR. FREEMAN: That are testifying
5 tonight. Yes, sir.

6 CHAIRMAN HOOD: Okay. Let's go with
7 Mr. Rickard, and you're proffering him as...?

8 MR. FREEMAN: Civil engineer.

9 CHAIRMAN HOOD: Okay. And we
10 received his application this evening. Well,
11 just now. Okay. Is there any objection, or do
12 we need some time? Or is everybody okay?

13 COMMISSIONER TURNBULL: And he's
14 definitely been involved in the project

15 MR. RICKARD: Yes, sir.

16 COMMISSIONER TURNBULL: Okay.

17 CHAIRMAN HOOD: Do we have a general
18 consensus? Or does somebody need more time?

19 COMMISSIONER MAY: I'm really
20 enjoying reading about the D.C. Water Blue
21 Plains Project. Colorful language. Anyway,
22 thank you. I think he's well-qualified.

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1 CHAIRMAN HOOD: Okay. Mr. May, you
2 can speed up because I'm on the second page.
3 Okay. All right. So no objection. Mr. Freeman,
4 we will have Mr. Rickard as a expert.

5 Now who else do we have? Mr. Dove?

6 MR. FREEMAN: Yes, sir.

7 CHAIRMAN HOOD: And we have his
8 resume.

9 COMMISSIONER MAY: Haven't we seen
10 Mr. Dove before?

11 CHAIRMAN HOOD: Have we?

12 COMMISSIONER MAY: Yes. In fact,
13 qualified him as an expert. Yes. I thought so.

14 CHAIRMAN HOOD: Who's Mr. Dove?
15 I've seen you before. My notes don't--it's
16 hard--you know, we only have one case a month,
17 so forgive me if I've forgotten. Okay. So Mr.
18 Dove is good. And then who else do we have?

19 MR. FREEMAN: Mr. Sher, who you
20 qualified before, and Mr. George.

21 CHAIRMAN HOOD: Okay; okay. So all
22 your experts that you're proffering are expert

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1 witnesses--

2 COMMISSIONER MAY: Oh. Is Mr. Sher
3 here?

4 MR. FREEMAN: His report's in the
5 record but he cannot be here tonight.

6 COMMISSIONER MAY: Yes. And I
7 think last time we did this, we didn't give him
8 party status but we accepted the report.

9 MS. SCHELLIN: Expert status.

10 CHAIRMAN HOOD: We didn't give him
11 expert status.

12 COMMISSIONER MAY: We didn't give
13 him expert status. Sorry.

14 CHAIRMAN HOOD: We need to
15 grandfather him in.

16 MR. FREEMAN: Okay.

17 CHAIRMAN HOOD: But his report is
18 in. Yes.

19 MR. FREEMAN: That's fine.

20 CHAIRMAN HOOD: We'll just keep it
21 in the system.

22 MR. FREEMAN: Okay.

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1 CHAIRMAN HOOD: This is not new.

2 COMMISSIONER MAY: Is Mr. Sher okay?

3 CHAIRMAN HOOD: Yes. He's--

4 COMMISSIONER MAY: We haven't seen
5 him. He's been missing a few times.

6 MR. FREEMAN: Yes.

7 COMMISSIONER MAY: He's okay? All
8 right. Good.

9 CHAIRMAN HOOD: Tell him it's bad
10 when the Zoning Commission starts asking for
11 you. Trust me. Things are getting bad.

12 [Laughter]

13 MR. FREEMAN: I will relay your
14 request for his appearance.

15 CHAIRMAN HOOD: Okay; okay. So we
16 have anything else, Ms. Schellin?

17 MS. SCHELLIN: No, sir.

18 CHAIRMAN HOOD: Mr. Freeman, we're
19 ready.

20 MR. FREEMAN: Good evening,
21 Chairman Hood and members of the Commission.

22 For the record, again, my name is

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1 Kyrus Freeman. I'm a partner with the law firm
2 of Holland & Knight, here on behalf of the
3 Applicant tonight.

4 As you're aware, we're here this
5 evening seeking consolidated PUD approval and a
6 map amendment to permit development of a
7 mixed-use building that includes approximately
8 196,000 square feet of residential use, 7800
9 square feet of retail space, and associated
10 parking in a below-grade garage.

11 Given that the majority of the site
12 is zoned C-M-2, which is an industrial zone, no
13 new housing whatsoever can currently be
14 constructed on about 96 percent of the site. So
15 we believe that our proposal to rezone the site,
16 to provide new residential use, including
17 affordable housing, is an important amenity. In
18 fact, just last Monday, not last night, a couple
19 nights ago, as you heard in the Office of
20 Planning's report, there's a demand for, I think
21 it was 3,000 new residential units, annually, in
22 the District.

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1 So we think this project is an
2 important component in that demand. Our total
3 FAR 4.83 is well below what's permitted under the
4 C-3-B district, and we're only achieving a net
5 increase of 0.83 FAR. I think that's important
6 to note. We're not asking for a lot of additional
7 density.

8 Our heights are stepping down. We're
9 only getting about 10 feet in the middle portion
10 and 30 feet as we front on Florida Avenue. We're
11 asking for very nominal zoning relief,
12 loading, and a small set-back relief for the roof
13 structure.

14 This additional FAR height and
15 nominal zoning relief are far, far outweighed by
16 what we believe are the many public benefits and
17 amenities that are being provided by the
18 project, as set forth, in detail, in the record.

19 And everything in the record--we
20 submitted a number of documents that clearly
21 demonstrate how we need the standards for
22 approval. We're happy to reiterate--as you

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1 know, the Office of Planning has submitted a
2 report in support of our project. ANC 5E has
3 submitted a report in support of our project. The
4 Eckington Civic Association has submitted a
5 letter in support, and DDOT has submitted a
6 report recommending approval, subject to some
7 conditions.

8 And as you'll hear tonight, we have
9 agreed with all but two of their conditions.

10 You'll hear from Mr. Brown, to my
11 right, the owner. Mr. Dove will talk through the
12 building. Mr. George will talk about
13 transportation issues. We also have with us Mr.
14 Andy Viola of Bush Construction, who is the joint
15 venture partner. Mr. Bill Poulos of WDG
16 Architecture, who's the project manager. Mr.
17 Rickard, who we just qualified as an expert in
18 civil engineering. And as well, the report of Mr.
19 Sher, that clearly indicates how we meet all of
20 the standards.

21 So we're happy to be here tonight.
22 As you know, we filed our application back in

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1 February of 2012. So we've been working for a
2 very long time on this project with many people
3 in the community. In fact, I also have, and
4 haven't had a chance to submit it yet, a petition
5 that has been signed by about 15 people that live
6 on Q Street, that support the project.

7 So I will submit a copy of this
8 petition. Unfortunately, I just have the one
9 copy of the initial petition but I look forward
10 to submitting this for your review as well.

11 With that, we'll turn it over to Mr.
12 Brown to give a quick introduction.

13 MR. BROWN: Thank you, Kyrus.
14 Ladies and gentlemen,, Commissioners, and
15 guests, my name is Rick Brown. I am one of the
16 owners of the property, B&B, Brown & Bralove. I'm
17 a native Washingtonian. My father was born and
18 raised within a few blocks of this property. I've
19 been in the real estate development business for
20 42 years. I started with a company called Shannon
21 & Luchs, many years ago. My partner, David
22 Bralove's family, has been in the construction

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1 business in this town for 70 to 80 years, built
2 the Shoreham Hotel, many properties up and down
3 Connecticut Avenue.

4 We're committed Washingtonians. We
5 are here to help what we believe to be some--to
6 add something of great value to the community.

7 We met Mr. Nash, the original owner
8 of the property, probably about five years ago.
9 His father built the property in 1923. We're the
10 only second owner of the property.

11 When we bought the property, our
12 intention was to build an office building. We
13 thought it was in a great location. It was zoned
14 for office. It was a few blocks from the Metro
15 on a busy street, and we thought that's what we
16 do, we own office buildings, and we thought it'd
17 be a great use for the site.

18 After doing a little due diligence,
19 and meeting with the people at NoMa, Liz Price,
20 particularly--by the way, I bought my first
21 property in NoMa in 1988, 25 years ago. We've
22 been committed to helping try to build this area

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1 to what it is today for a long, long time.

2 Ms. Price met with us and said, Rick,
3 you know, I've been looking at your site, and I
4 think--why don't you consider doing a
5 residential building there.

6 And we talked for a while, and I
7 said, why would you say--she says, well, we need
8 residents, and we need places for affordable
9 housing, and that's a great site. It will have
10 good, 360 degree views, looking north over up to
11 the cathedral, looking south to the Capitol. You
12 could build yourself a pretty good building
13 there.

14 Obviously, you can tell from the
15 development business, you don't make as much
16 money typically on a residential property as you
17 do office building, but we did the pro formas,
18 and we thought this would be the right thing to
19 do.

20 We started in in meeting with the
21 neighborhood two and a half years ago. We went
22 to the ANC. We had their approval a year and a

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1 half ago. We met with citizens. We did what we
2 could due diligence-wise, and then we came here.
3 When we came here, we were asked to make some
4 changes and revisions.

5 We went back to the drawing board,
6 and as you'll see tonight, we expanded the alley
7 by 20 feet, we cut back the height by 30 feet,
8 we added a couple hundred more parking spaces so
9 the neighborhood wouldn't be burdened with
10 parking. We made changes to the courtyard. We
11 heard you, and we went back and made those
12 changes.

13 We then went and met with the
14 neighborhood, met with the ANC again, and over
15 this past year, we thought we were at a spot that
16 everyone would be very supportive.

17 We are glad to have the support of
18 the Office of Planning, the ANC, and others. I'm
19 sure you'll hear from some of the citizens
20 tonight. But we believe we're doing something
21 very positive for the neighborhood, and we're
22 local, and we wanted to let you know our

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1 commitment to this community.

2 I think that's about all that I had
3 to say. I would like to--yes. And I wanted--our
4 construction guy. I did want to introduce Andy
5 Viola of Bush Construction. Bush has been in
6 business more than 60 years. They've built over
7 25,000 units, over two thousand of them in the
8 District of Columbia, and have a great track
9 record of successfully completing condominium
10 projects, and I'm sure Andy will be available for
11 questions, if needed. So thank you very much,
12 appreciate being here, and we'll be here for
13 questions.

14 MR. FREEMAN: Unless there are
15 questions, what we'll do now is move forward with
16 the--

17 CHAIRMAN HOOD: I'd like to go
18 through the whole presentation. We'll ask our
19 questions at the end.

20 MR. FREEMAN: Great.

21 MR. DOVE: For the record, my name is
22 C. R. George Dove. I'm the managing principal at

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1 WDG Architecture with offices at 1025
2 Connecticut Avenue. As you've heard, the project
3 is coming for--before you for the second time,
4 and many of the issues that were raised at that
5 time have been addressed when we were reworking
6 the configuration of the building. Next slide.

7 The site is located on the north side
8 of the first block, N.E., of Florida Avenue,
9 generally in the center of the block. It backs
10 up to Q Street on the north, and it's surrounded
11 on the eastern portion by commercial facilities,
12 and on the western side by some townhouses that
13 are still there.

14 The access for this building will be
15 off of Florida Avenue, generally. Service will
16 be from the rear through two alleys, one
17 north-south to the west of the building and one
18 east-west, behind, between Q Street and Florida
19 Avenue. Next slide.

20 These are a few of the slides that
21 show the conditions around the site. The one on
22 the upper left is the existing building as viewed

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1 from Florida Avenue. Next slide will show you
2 the--the lower left-hand corner is the condition
3 of the alley at the rear of the site, with the
4 back of the existing building and the townhouses
5 to the north. The rest are basically
6 contributing slides of the adjacencies. Next
7 slide.

8 This is a diagram that we put
9 together to help everybody understand a little
10 bit about where the project is, and how it is
11 accessed, and relates to the existing building
12 on site.

13 The heavy dotted line--what's
14 wrong? Pardon? Oh.

15 [Adjustments to slide projection
16 made]

17 MR. DOVE: The heavy dotted line
18 shows the existing building which is immediately
19 adjacent to the 16-foot alley to the north, that
20 travels further to the west in to what will be
21 a widened north-south alley, and leaves a
22 parking lot in the middle--in the front of the

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1 site.

2 The footprint of the new building is
3 outlined in the dark line. You see most of the
4 frontage is complete frontage on Florida Avenue
5 and moves toward the back of the site.

6 The next slide actually is a roof
7 plan which shows how we have reorganized the site
8 from the way it was here the first time. You may
9 not remember that, but originally, it was a wedge
10 coming together on the west side of the site,
11 there was a triangular courtyard in the middle
12 facing east. It was considered a little dark and
13 not very useful.

14 What we've done is--I'm trying very
15 hard but I can't--

16 [Momentary interruption]

17 MR. : There you go.

18 MR. DOVE: All right. I won't turn it
19 off.

20 The original project had a courtyard
21 roughly like that, a triangle, with a building
22 around it. Most of the mass was to this, to the

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1 western component of the site.

2 In the new configuration, we've
3 aligned the tallest portion of the building here
4 with a central piece that is the 90-foot
5 component. That creates a western-facing and
6 south-facing courtyard at the second floor, as
7 well as an outdoor open space at grade level, and
8 the frontage along Florida Avenue. The next
9 level of the building is set at 70 feet. This is
10 at 90 feet. This is at 70 feet.

11 And then it steps back, ultimately,
12 to a 60-foot component, which is 37 feet back
13 from the current alley at the back of the
14 building, and also incorporates some
15 grade-level outdoor terraces which we'll talk
16 about in a minute.

17 The next series of slides just goes
18 through the floors from top to bottom. This is
19 the highest level of the building, which is the
20 top floor under the 90-foot height. You see it
21 faces this courtyard, and there's also a court
22 to the east of the building.

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1 The next slide shows the next series
2 of buildings down, from the 7th floor on down,
3 and this is a partial floor. The next--you can
4 see that there--and then this goes eventually to
5 a full-size floor, which is under the 60-foot
6 component of the site at the rear of the
7 building. Next slide.

8 This is just the second floor, which
9 has access to a pool deck, a landscaped area
10 overlooking the public plaza along Florida
11 Avenue.

12 And finally, we're down to the first
13 floor which, in this particular configuration,
14 we've reoriented the building to show the main
15 lobby to the building directly on Florida
16 Avenue, a substantial amount of retail filling
17 the frontage along Florida Avenue, and another
18 component of retail immediately adjacent to an
19 outdoor public area. Hopefully, this would be
20 the location of a coffee shop or some food where
21 they could have outdoor dining.

22 The access to the building is

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1 through a north-south alley. All the garage
2 entrance occurs immediately after Florida
3 Avenue. In is here. Out is here. The loading
4 proceeds back through the widened rear alley
5 where we a much larger turning area for the
6 trucks. The truck relief that we asked for
7 allows for a 30-foot truck here, and a 20-foot
8 service delivery truck here. Trash is also
9 picked up from this location, from a trash room
10 in the center of the building.

11 Also this takes an opportunity to
12 show that we've widened the alley from the
13 current 16 feet, the heavy line, an additional
14 four feet, making it 20 feet from the retaining
15 walls on the north side to the head of the railing
16 that surrounds the outdoor terraces, which are
17 actually at the first floor level.

18 The grade slopes roughly five to six
19 feet up to the alley as it goes from North Capitol
20 up to the townhouses in the rear. Next slide.

21 The section show--this is an
22 east-west section. West is this way. East is this

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1 way. The building--this section is
2 through--the first floor of the building shows
3 the second floor terrace and the tallest portion
4 of the building, as well as the adjacent
5 commercial buildings to the east, and the
6 townhouses to the west.

7 This is a north-south slide,
8 actually south to north. The building is along
9 Florida Avenue here, 90 feet at its top, stepping
10 down to 70, stepping down to sixty. Here's the
11 lowered patios I talked about, the widened
12 alley, then the raised rear yards of the
13 townhouses, and then the townhouses along Q
14 Street to the north.

15 I'll mention that from the measuring
16 point, our measuring point, that's North Capitol
17 out to Florida Avenue, the roof of the townhouses
18 is about 45 feet tall. The lowest portion of our
19 building is the 60-foot point, which again is
20 measured from the measuring point.

21 As you see ,the building has been
22 tapered up to allow sunlight, and maximize as

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1 much as possible, to not impact the northern
2 townhouses any more than absolutely necessary.
3 Next slide.

4 We'll go on to some of the elevations
5 of the building now. This is the main elevation
6 along Florida Avenue. This is the tallest
7 component of the building. The entrance to the
8 lobby is at this point. You see we have relayed
9 retail along Florida Avenue and there's
10 additional retail here, off of the public plaza.

11 This also demonstrates that the
12 tallest point of the building steps down to 70
13 feet beyond the courtyard, and then again it
14 steps down to 60 feet as it gets to the
15 intersection of the rear alley.

16 I'll talk about materials in a
17 minute, but primarily it's a masonry building,
18 brick masonry with accented glazed elements,
19 which are basically enclosed balconies at this
20 point, mostly punched openings.

21 As we get down closer to the street,
22 the detail and texture of the building

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1 increases, and I think we've framed the retail
2 spaces so that they can in fact accommodate
3 special designs for each retailer, which gives
4 a liveliness to the street frontage that we've
5 found very successful from a retailing
6 standpoint. Next slide.

7 Would be the western elevation of
8 the building. Again, Florida Avenue is to the
9 right. This is the widened north-south alley,
10 the garage entrance. You see the upper-level
11 pool deck overlooking the public area, and this
12 also begins to demonstrate how the building
13 steps down effectively from a 60-foot maximum
14 height as measured from the grid measuring point
15 along Florida Avenue. Next slide.

16 Which is the rear of the building,
17 which faces the townhouses across Q Street.
18 This is the 60-foot height from the measuring
19 point again. As you can see, it's about half
20 masonry and half transparency. It has balconies.
21 It's a brick masonry material. Then you see the
22 next step-back and the maximum

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1 step-back--set-back from the property.

2 Then the last elevation is the
3 eastern elevation, which actually--and these
4 are on the property line. These are two wings.
5 This is a courtyard that is created to--which is
6 activated, with residences looking out on to it.
7 This is one of the comments in the past. I think
8 we've successfully actuated this eastern
9 facade.

10 Again, it shows how the building
11 stepped down going to the north. Next slide.

12 These are some three-dimensional
13 views. This is looking west on Florida Avenue.
14 This is the existing commercial building to the
15 east, and you can see the streetscapes and the
16 retail, and the building rising up along Florida
17 Avenue.

18 The next slide is looking to the east
19 on Florida Avenue, and again the shaded area are
20 the townhouses immediately adjacent to us along
21 Florida Avenue. This is the main entrance to the
22 building, the retail and the outdoor terrace,

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1 and the open courtyard. Next slide.

2 Is from the--being raised up a
3 little bit, again looking east, just to give you
4 an idea of how the building sits in with the
5 adjacent townhouses, the new alley, the outdoor
6 open space, and the public right of way. Next
7 slide.

8 Is looking at the rear elevation
9 along the widened alley, the lower courtyards.
10 This is the 60-foot component, the 70 foot, and
11 the 90 foot in front.

12 And finally, this is a rooftop view.
13 We show this to complete the stepping-down
14 component of the building, and also to
15 demonstrate that at least 50 percent of the roof
16 is vegetative, which is certainly an
17 environmentally-sound aspect of our package for
18 this particular building. Next slide.

19 Going into the materiality, again,
20 this is a close-up, looking down. This is the
21 retail adjacent to the main lobby. This is the
22 outdoor plaza, which we hope will be activated

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1 with some food service. If not, it'll be a public
2 plaza, available to anyone.

3 This is the top of the building at
4 that particular location. You can see how we've
5 kept the palate of the building relatively
6 straightforward, with a single color brick,
7 but we've articulated that brick in important
8 locations, such as at the top of the building,
9 at the base of the building, to create a texture
10 that we think, along with the complexity of the
11 mass of the building, creates a building that is
12 quite appropriate in its setting, in terms of
13 transitioning to a predominantly masonry
14 building on all sides. Next slide.

15 A little bit more detail, which
16 actually shows the lobby and the retail
17 component along Florida Avenue. As I said, when
18 we get down to the base, there are precast
19 concrete and brick masonry detailing. That has
20 been added at this level, along with projecting
21 canopies, to signify the entrance to the
22 building.

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1 The upper portion of the building,
2 other than this identifying component over the
3 main lobby, is relatively simple as it goes
4 around the tallest portion of the building.

5 The materials specifically we can
6 talk about later, but they are a brick material,
7 glass, precast accents, and cast stone accents,
8 and metal spandrels, a single color for the whole
9 building. Next slide.

10 This again talks about that eastern
11 wall and some of the things that we did. We did
12 do some small windows and bedroom areas along
13 this area. Should a new building in the future
14 be built adjacent to this, these can be so they
15 are not required for light and air.

16 And in the interim we've tried to
17 increase the corbeling and detailing of the
18 facade, as well as the residents looking out in
19 the courtyard, to make it as an attractive
20 interim condition as possible. Next slide.

21 The last thing on this series is a
22 discussion of the landscape. Of course the

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1 public space treatment will be in accordance
2 with the NoMa standards. Street trees have been
3 placed in that way. And then as we get into the
4 private area of the site, we've continued that
5 paving, and added significant landscaping to
6 buffer the garage entrance and loading
7 activities from the street. This indicates the
8 second floor plaza with a pool.

9 I think that completes my slides.

10 MR. FREEMAN: So Mr. George will go
11 through this transportation slides next.

12 MR. GEORGE: Good evening, Mr.
13 Chairman. For the record, Osborne George, and
14 our role in the project was to make an assessment
15 as to whether the Applicant's proposal can be
16 accommodated by the local transportation
17 system, particularly in the context of the
18 relief that the application
19 seeks. Next slide, please.

20 Both of the speakers who preceded me
21 talked about the location and the context. I'd
22 just like to just run through this briefly, to

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1 highlight the surrounding area, and the
2 transportation-related facilities, and
3 amenities which will serve the site.

4 The site is along the north side of
5 Florida Avenue, a major east-west arterial.
6 What we've highlighted on this slide is the
7 pedestrian facilities. The blue lines, those are
8 cross-walks. They were recently upgraded,
9 renewed by the city in conjunction with some
10 major roadway improvements which took place at
11 this node of the city, Florida Avenue and New
12 York Avenue, both of which are heavily-traveled
13 roadways.

14 The Metro station, a major asset to
15 the community, is located to the southeast of the
16 site. It is well-connected by transportation
17 facilities, and while it is somewhat indirect,
18 I think both our studies, and the review by DDOT,
19 has confirmed that the connectivity is adequate.
20 As you may know, Mr. Chairman, the city, in
21 timing its traffic signal lights, places a top
22 priority on pedestrian walk times for whatever

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1 facilities there are, major or minor.

2 So this is the context, a major
3 arterial. We have also highlighted some of the
4 other transit facilities. There are five bus
5 routes serving the area along Florida Avenue as
6 well as North Capitol Street.

7 You'll notice we highlight the
8 Bikeshare, bike routes. You would see the broken
9 yellow lines all represent bike routes serving
10 the area. There are Capital Bikeshare
11 stations, carshare stations north of the site,
12 as well as in the Metro area. Next slide, please.

13 Again to highlight, the property is
14 located within a TOD zone. We paced it,
15 Commissioner May, and it's approximately a 9 to
16 10 minute walk from the Metro station, including
17 time spent at the crossing the streets. We went
18 through a detailed scoping and analysis with the
19 Department of Transportation, and we confirmed,
20 they have accepted that the site will have very
21 low vehicle trip generation. That it will have
22 no impact on the local traffic conditions.

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1 The report states that the area is
2 congested but the level of traffic that will be
3 generated simply will not affect the traffic
4 conditions.

5 We talked about the high transit,
6 bicycle and walk mode opportunities, and we also
7 presented to DDOT what we think is a very strong
8 transportation demand management plan, which
9 addresses all of their conditions.

10 So with that as a summary, I would
11 like to hit some of the highlights of our
12 analysis, as particularly to address the issue
13 of the loading relief that is being sought, and
14 also to discuss a bit on the parking which DDOT
15 had a comment, an unusual situation where DDOT
16 thought the parking was well in excess of what
17 should be provided.

18 Next slide, please.

19 So talking about parking, I would
20 like to use this slide to set the scene. Again,
21 the property is located north of Florida Avenue.
22 The highlighted areas emphasizes, or

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1 underscores the parking situation. The yellow
2 strips here represent on-street parking that are
3 unrestricted.

4 The parking along P Street serves
5 the uses along that roadway primarily, as well
6 as the commercial uses to the south. I think in
7 the building to the south, a number of government
8 agencies are located.

9 We've highlighted the fact that
10 along Florida Avenue no parking is permitted at
11 any time of the day.

12 Along Eckington Place to the east,
13 which sort of is the eastern boundary of the
14 immediate area, parking is metered, and as you
15 know, east of Eckington Place there's a major
16 FedEx facility, XM satellite, and number of
17 major businesses here.

18 So this parking is available within
19 the area, but it's pretty much always used up.
20 In fact, we conducted surveys that showed that
21 typically you had over-parked situation along
22 Eckington Place.

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1 In the north, along Q Street, as we
2 approach the neighborhood, most of the area
3 along the east side of Q Street, approaching
4 Eckington Place, are commercial businesses.
5 Parking is unrestricted but is always very
6 heavily utilized, and the remainder of parking
7 within the area are restricted by the city's RPP
8 regulations, because it's intended to serve the
9 residential units housing which was discussed
10 earlier.

11 So regarding parking again in the
12 context of what the Applicant is providing, and
13 again for the, just for reference, approximately
14 55 spaces are required, taking into
15 consideration some of the real estate
16 transaction needs of the proposal, as well as
17 considering the local context, the Applicant has
18 proffered to provide well in excess of the
19 parking that is required.

20 [Adjustment to slide projection]

21 MR. OSBORNE: Okay. All right. I
22 would just want to glance through the site real

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1 quickly. Both Mr. Dove and Mr. Brown talked
2 about the access. Florida Avenue, the entrance
3 of Florida Avenue, will be provided with a
4 24-foot wide driveway, in order to make sure that
5 vehicles can enter and leave the site
6 efficiently.

7 A 20-foot alley, 20 foot in terms of
8 alley serving the city, squares within the city,
9 is really luxurious. Typically, you find 15- and
10 16-foot alleys. Both of the alley sections
11 abutting the property meet DDOT's current
12 standards.

13 You know, early discussions with
14 DDOT, they wanted to be sure that the location
15 of the garage entrance was such, that the
16 movements, in and out of the garage, would, in
17 no way, impact the situation along Florida
18 Avenue. We think that it does. The entrance,
19 the gate operation is, are well into the site,
20 and this ensures that there will be no congestion
21 or conflicts at the entrance or just off the
22 alley.

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1 MR. FREEMAN: Could you also point
2 to the realignment that we're doing on the curb,
3 Mr. George.

4 MR. DOVE: I'm trying to get this
5 thing to work. It's not working.

6 [Pause]

7 MR. GEORGE: Mr. Freeman wanted to
8 emphasize to the Board that there was previously
9 a roadway here, Porter Street, that connected to
10 Florida Avenue at the sharp angle. That road
11 was closed through the city's alley closure,
12 alley and street closure process, some 30 years
13 ago, I believe, and it was realigned, so that
14 this intersects Florida Avenue at a 90 degree
15 angle, and DDOT noted in their report that this
16 allows for pretty much unrestricted site
17 distances, looking both east and west.

18 We talked about the garage entry,
19 which was a concern of DDOT that we addressed,
20 and so I think I can move on from there, and point
21 out again, just to underscore what Mr. Dove
22 noted, that the two loading docks can easily be

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1 accessed from, again, this 20-foot alley. Next
2 slide, please.

3 Yes. We satisfied DDOT's
4 requirement for illustrating how the trucks
5 would move in and out of the site, and under that
6 issue, Mr. Chairman, I'd like to point out that
7 the development is proposing 30-foot trucks.
8 However, based on our check of industry
9 standards, given the sizes of units that would
10 be within the building, I think approximately
11 two-thirds of them would be one-bedroom units,
12 some 64, 65 percent.

13 We think that in the majority of
14 cases, it would be trucks less than 30 foot that
15 would be used for move in and move out.

16 The other factor is that since this
17 is a condominium, once the initial occupancy
18 takes place, move in, move out, would be rather
19 infrequent. Next slide, please.

20 The rest shows the other movements.
21 Again, we've satisfied DDOT's concerns. Please
22 continue.

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1 Again, just for the record,
2 emphasizing a 55-foot loading berth is required.
3 Thirty foot is proposed.

4 The other consideration was the
5 parking. As I indicated, 54 spaces are required,
6 210 are proposed. Again, we've addressed all of
7 these issues, and I think we'd like to now
8 fast-forward and address the issue of the
9 parking in terms of whether or not it equates to
10 traffic, which is a principal concern of the
11 city. Next slide, please. Continue, please.

12 These are the standards we referred
13 to, Mr. Chairman. We looked at the major
14 companies that are used by folks moving in and
15 out of residences, and they all indicate their
16 recommendations based on the statistics of what
17 clients utilize, and again this we have
18 presented to DDOT on other projects, and they
19 found it quite convincing and acceptable.

20 We can just go through this budget.
21 We looked at the budget company, Hertz, and so
22 on. Continue, please. All right. In

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1 terms of the parking supply, this I believe was
2 DDOT's major concern. The Applicant has
3 indicated that providing the level of parking
4 that they have proposed would allow them to
5 address the highest and best use of the property.
6 That's not an area in which I'm an expert but I
7 believe that in the record, there is a letter
8 from a real estate consultant dealing with that
9 issue and making a recommendation.

10 I think Mr. Viola would be prepared
11 to address that further.

12 I would like to go to the last item
13 on this slide, and say that we consider it
14 important to demonstrate to DDOT, and to the
15 city, that the parking supply is not--or does not
16 equate the trips. And we did something that is
17 standard in the transportation field, and that
18 we conducted surveys to address this issue. Next
19 slide, please.

20 We had discussions with DDOT
21 regarding comparable sites that are already
22 developed from which we could collect trip

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1 generation rates to determine the level of trip
2 generation, and to demonstrate that providing
3 the increased parking would not result in
4 increased trips.

5 The sites we selected were
6 comparable to the subject location, located near
7 to the Mount Vernon Square, the city
8 development, which was--consists of condominium
9 units and high-end rental units, close to seven
10 hundred.

11 We looked at one site near the U
12 Street-Cardozo Metro Station, 147 condominium
13 units, and we looked at the CityLine at Tenley
14 condominium development which had over 204
15 units. We looked at the parking ratios that were
16 provided. They're all close to 1.0, and we won't
17 take you through all the details, Mr. Chairman,
18 but we looked at the trip generation that was
19 made from these developments and compared it,
20 using statistic analysis, to ITE, and it was
21 found that what we assumed for the subject site
22 appeared to be quite reasonable. Again, DDOT

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1 has accepted this.

2 So I believe we showed that the
3 parking does not equate to vehicle trips. DDOT
4 did indicate that they--while they accept that
5 analysis, they would like it to be assured by
6 having what they termed "robust monitoring" in
7 the future, and the Applicant has agreed to that.
8 Next slide, please.

9 So I think that takes us to the
10 recommended conditions which DDOT had, and we
11 think that they're all part of what the Applicant
12 readily agreed to provide as potential
13 transportation demand management measures.
14 I'll just run through these, real quickly. A
15 site transportation coordinator. That's an
16 essential element, to make sure that residents
17 and employees are fully informed of the
18 available transit amenities within the area.

19 They propose to provide a loading
20 facility management that is scheduling, and so
21 on, to make sure that you do not have vehicles
22 parked within the alley, etcetera.

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1 They agreed to provide bicycle
2 parking well in line with the city's
3 requirements, 68 long-term spaces within the
4 building in a secure room, and 10 short-term
5 spaces along the frontage of the property in
6 public space.

7 They're going to work to arrange RPP
8 exclusion, again with due respect and
9 consideration for the neighborhood, to ensure
10 that the few RPP spaces that I cited earlier
11 along Q Street would not be encroached on by
12 residents and visitors of the building.

13 To further support the non-vehicle
14 usage, they would provide one-time annual
15 Bikeshare membership, or one-time annual
16 carshare membership. The one-time SmarTrip
17 card, I think DDOT required that to be not part
18 of the package. So the third item should not be
19 there.

20 And again I referred earlier to the
21 robust, or the strong trip generation monitoring
22 and reporting to DDOT on an annual basis until

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1 such time that DDOT is fully satisfied. Next
2 slide, please.

3 Mr. Chairman, there was one other
4 concern that DDOT had, and that is that perhaps
5 movements at the main entrance, which I
6 described, should be right in and right out. We
7 think those are questionable. Perhaps
8 they're not warranted, and they could perhaps
9 have deleterious effects on the neighborhood,
10 and we are aware that DDOT is currently
11 addressing this issue in terms of a city-wide
12 policy, and I believe that Applicant has
13 requested that perhaps the issue could be
14 deferred to the public space permitting process
15 to provide the Applicant additional opportunity
16 to resolve the matter with DDOT.

17 If you would like, we could answer
18 further questions as to why we think the
19 right-in, right-out, is not warranted.

20 DDOT also suggested--

21 CHAIRMAN HOOD: Do you want to do
22 that now or did you--while you're doing your

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1 presentation?

2 MR. GEORGE: At your discretion,
3 sir.

4 CHAIRMAN HOOD: I think you need to,
5 cause I'm sure that's a question that one of us
6 may have. I know I have it, so--

7 MR. GEORGE: Yes. All right, sir.
8 The contingency slides.

9 [Pause]

10 MR. GEORGE: Mr. Chairman, we
11 thought in order to address the issue, we'd look
12 closely at the situation in the immediate
13 vicinity of the property. This is the site here.
14 As we looked at the local environment, this is
15 the site entrance, which has been in existence
16 at least 50 years. So it is--the entrance
17 exists. It was not as well-defined as it is going
18 to be. And we have shown that there's been no
19 safety or operational deficiency here.

20 Looking further afield, this is a
21 gas station. It's much closer to North Capitol
22 Street. It has full movement at two entrances

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1 right next to the intersection. A fast-food
2 restaurant. Again, it has all, allow--all
3 movements are allowed. This is a parking lot.
4 This is another gas station.

5 We think this sets the local context
6 for what--how traffic in the area operates. It
7 is changing. We think, with the provisions made
8 at the site, this entrance can continue to
9 function as a full movement.

10 In other words, it would allow left
11 turns to be made in and left turns to be made out.
12 Again, they're made--that's happening now.
13 Next slide, please.

14 We looked for the--along the same
15 roadway. This is further to the east in the area
16 of the D.C. Farmers Market, Gallaudet
17 University, and again this is the local
18 environment, with entrances, full movement
19 entrances to gas stations, auto repair,
20 fast-food, I believe there's a liquor store
21 along here, and on and on, and on.

22 And again, they work efficiently. So

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1 the local context, I think is important. Next
2 slide, please.

3 I don't know--we thought it provided
4 a good comparable to look at the building we're
5 in. This is 441 4th Street, and we thought it
6 compares well with 3rd Street, two lanes in each
7 direction, same as Florida Avenue. This is the
8 entire square, so there are no alleyways in here.

9 But you've got the major garage in
10 the building, I think probably several hundred
11 spaces, generates a lot of traffic. This
12 functions well. I don't know how old the building
13 is but perhaps well over 30 years.

14 This was your entrance here, that
15 was used--see how close it is to D Street, and
16 that operated. This was restricted to right turn
17 only. At the present time, the entrance is here,
18 and you have full movement here. I think what
19 helps in situations like this is that you have
20 traffic lights on either end of the block, and
21 that creates gaps within the traffic.

22 The other thing is that the high

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1 demand and the need for gaps in traffic only
2 occurs during limited times of the day.

3 Again, I do not want to preempt DDOT,
4 they're studying this issue, but what happens,
5 that if you restrict turning movements in a
6 location like this at all times, or if you
7 restrict it, I know one of the issues DDOT is
8 considering is perhaps restricting it during the
9 busy periods.

10 But not, for example, at night time
11 hours when we leave the building after 9:00 or
12 10:00 at night, or on Sundays and things like
13 that. And so it's maybe warranted during some
14 limited hours of the day, but certainly not on
15 a full-time basis.

16 Again, I fully respect as a
17 professional what DDOT is trying to do, but the
18 issue is under study. Next slide, please.

19 One of the things we did in
20 transportation, you look at what exists, it's an
21 empirical science, and what we did was on a
22 typical weekday, did a number of runs from that

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1 entrance. Here again, we're back to the subject
2 site here.

3 And we had just one of our employees,
4 a normal middle-aged person, not myself, make a
5 number of turns left from the entrance around
6 this way, the red, and back, left, into the site.
7 In one hour, that staff was able to do about seven
8 runs. This way. Also did another six runs, making
9 the left around the block here.

10 This is the empirical approach that
11 transportation takes. You look at what works and
12 you see if you can replicate it. Again, we do not
13 say that this is conclusive, and we do not want
14 to encroach on DDOT's prerogative, but I think
15 it's indicative--the points that I made
16 regarding the local situation all along the
17 corridor, other uses that exist, and what
18 actually one can do. I think it suggests that
19 perhaps the issue should be deferred to further
20 evaluation, once the development moves into the
21 permitting stage. Next slide, please.

22 Mr. Chairman, this is new. The set

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1 of slides that I presented now in response to
2 your request, they were not part of your record,
3 but we summarize it in the form of nine points
4 that we think addresses the issue of the
5 driveway, and again we do not say that it's
6 conclusive. We think as, taking the professional
7 approach, we ask that the Commission considers
8 these points. Thank you.

9 CHAIRMAN HOOD: So we don't have
10 that slide right there, right?

11 MR. GEORGE: It was not submitted.

12 CHAIRMAN HOOD: Okay. So you will
13 submit that to us for the record.

14 MR. GEORGE: Yes, sir.

15 CHAIRMAN HOOD: Do you have it
16 tonight, so you can submit it?

17 MR. GEORGE: Yes.

18 CHAIRMAN HOOD: Just submit it.

19 MR. GEORGE: Yes. We will submit.

20 MR. FREEMAN: Just one last TDM
21 measure, if you--we also agreed to install a
22 car-charging station for two cars. That wasn't

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1 on the slides, but it is on the slide that you
2 have. Yes. That concludes our direct
3 presentation and we're happy to answer any
4 questions.

5 CHAIRMAN HOOD: Okay. Thank you
6 very much for your presentation. Vice Chair.

7 VICE CHAIR COHEN: Could you, before you
8 complete this, because we'll all have similar--

9 CHAIRMAN HOOD: Turn on your
10 microphone.

11 VICE CHAIR COHEN: I'm sorry. I
12 think it'd be helpful for you to go over the
13 Shadow Study. I think we all have questions on
14 that. So if we could review that, it would be
15 very helpful.

16 MR. FREEMAN: We could do it now, or
17 what we were going to do is maybe in rebuttal.
18 But we can go through all of that now.

19 CHAIRMAN HOOD: Five minutes. Do
20 the Shadow Study now.

21 MR. DOVE: Okay. Can we get this
22 full size. Okay. For the record, it's George Dove

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1 again, WDG Architecture. What we've done is
2 comparative studies of--on the bottom of the
3 sheet is the proposed subject during several
4 times of the day, and on the north, on each side,
5 is the same times of day that might be case from
6 a matter-of-right project, which could be built
7 to the height of 60 feet, which of course is the
8 same height as our back wall.

9 This particular period in time--
10 when is this?

11 MR. FREEMAN: March.

12 MR. DOVE: This is March. We've
13 got March, June, September and December. As
14 you'll see, and we can go through these
15 relatively quickly, morning, midday, and
16 evening, the shadows in are, in mid Spring, are
17 not the significant condition as far as casting
18 shadows as far as the building. There is some at
19 varying times of the day, morning and night being
20 the most extreme. Midday, that's what you see.
21 They're very comparable, as you can see, on all
22 of these slides. Next slide.

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1 Would be midyear, June, and this is
2 of course where the sun is highest in the area,
3 in the sky, and in both conditions, the shadows,
4 except for late afternoon, are not terribly
5 significant in terms of casting shadows beyond
6 the property. I'm concentrating of course on the
7 north side of the building. September, we're
8 back somewhat similar to the March configuration
9 where morning, midday, and evening, the shadow
10 ranges are still not terribly severe, and not
11 much different than what happens today.

12 MR. FREEMAN: When you say "not
13 terribly severe," do you mean they do not cast
14 shadows to the homes to the north?

15 MR. DOVE: My statement is that
16 they cast shadows on part of the property, the
17 homes to the north, at certain times of the day,
18 but they do not reach as far as the buildings
19 themselves, and there's very little difference
20 in either one. The matter-of-right condition
21 might be or the proposed condition. The last
22 slide is the most severe time of the year. It's

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1 when the sun is at its lowest in the sky, and of
2 course days start later and end earlier.

3 All of us are in shade during those
4 times. Then the midday, we do see that the sun
5 is reaching as far as the buildings, not
6 unlike--reaching the townhouses to the north,
7 not unlike most streets where there's a height
8 differential.

9 So most of the year, the sun
10 indications are minimal, in my opinion, and in
11 the wintertime consistent with wintertime sun
12 angles. The sun shading is in its most
13 significant.

14 VICE CHAIR COHEN: And for the
15 audience, and for the record, matter of right
16 versus what you're proposing. Can you explain
17 that.

18 MR. DOVE: Yes. We simply--since
19 the 60-foot height at the rear of our property
20 is the same as the maximum height on a
21 matter-of-right project that might be
22 constructed on the site, as we discussed, an

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1 office building or whatever, we put a wall, which
2 took into account the rear-yard requirements for
3 a 60-foot height building on this site, and the
4 comparison is therefore what could be without a
5 rezoning and what the condition would be with our
6 current request.

7 VICE CHAIR COHEN: Thank you.

8 COMMISSIONER MAY: While you have
9 that up, can I ask a question. Can you go back
10 to, I don't know, March or September. So there's
11 a slight tapering that appears to occur at the
12 very top line. So is that indicating the existing
13 slope, because there is a fair amount of downhill
14 slope as we move from right to left.

15 MR. DOVE: Yes. That does
16 have--it's all--obviously, this is not
17 completely accurate but it does indicate the
18 slope from east to west, going down the alley.

19 COMMISSIONER MAY: Okay. And I
20 assume that that--is that also reflected in the
21 buildings? The homes? The reflected--

22 MR. DOVE: The alley is more severe

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1 than the building. The buildings along Q Street
2 are relatively level. A slight westerly slope.

3 COMMISSIONER MAY: And you account
4 for the fact that they--

5 MR. DOVE: Yes.

6 COMMISSIONER MAY: They're 30 feet
7 or 25 feet up; right?

8 MR. DOVE: Yes.

9 COMMISSIONER MAY: Okay. Thanks.

10 CHAIRMAN HOOD: While we have the
11 lights off, let's leave them off, and let me ask
12 Mr. George to come back. I guess we can ask our
13 "lights off" questions now.

14 Can we go to the circulation pattern
15 again. I can't remember exactly which slide it
16 was, but one kind a showed the whole site.

17 What I want you to do for me is show
18 me that whole site. Let me ask this. Is this
19 the--you sell hot ice. Is this where that area
20 is? Hot ice? Do they still--what's going on there
21 now? Dry ice. I'm sorry. Ice house. That's it.
22 What's going on now over there?

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1 MR. GEORGE: I am--

2 CHAIRMAN HOOD: No. Anybody. I'm
3 asking what's going on now?

4 MR. BROWN: When we bought the
5 property, we closed up the ice, beer and wine
6 store. As you know, that was the number one
7 seller of keg beers in D.C., was in that
8 location. We felt that the problem with that
9 would be too--too many people in there. We closed
10 that up. So the ice store's closed up. There's
11 simply a car wash being done there during the
12 day, and a small user, for about 2,000 square
13 feet. But we don't really have an in-and-out
14 retail, where we had 3-, 4-, 500,000 kids coming
15 in and out of there every weekend. We closed that
16 up.

17 CHAIRMAN HOOD: Okay. Mr. George,
18 let's go through the circulation of that whole
19 area. I want to see how everything's going to
20 operate. I want to know how the alleys are going
21 to work. I want to know--I understand about this
22 right-in, right-out. I want to know about making

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1 a left turn off--the whole thing, if you can give
2 me. I'm going to start off, colleagues, if you
3 don't mind. If you--we're going to switch the
4 order up tonight.

5 MR. GEORGE: Mr. Chairman, Florida
6 Avenue is well-known, one of the city's major
7 arterial streets, runs along the property here.
8 Four lanes of traffic. It's busy, particularly
9 during the peak hours.

10 CHAIRMAN HOOD: You had another
11 slide, I think, that represents that whole area
12 better than that, and what it did--what I'm
13 trying to do is see how the moving trucks--I want
14 to see how that whole piece is going to operate.

15 MR. GEORGE: Okay.

16 CHAIRMAN HOOD: I thought I saw one
17 that was rather--

18 MR. GEORGE: All right.

19 CHAIRMAN HOOD: Okay. Let's use
20 that one.

21 MR. GEORGE: All right. Again,
22 Florida Avenue. Two lanes of traffic going,

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1 flowing east, two flowing west. This is somewhat
2 undefined right now, it's a wide-open area
3 because of the old Porter Street which connected
4 here. A narrow alley of about 12 feet runs up
5 north-south, then turns east, and goes along the
6 property here.

7 Here it turns north, it narrows
8 significantly, and flow in this corner is
9 somewhat constrained. It connects to 1st Street
10 and then connects through Q Street which runs
11 along the north side of the area.

12 The townhouses are pretty much in
13 that dark area here. Vehicles would enter like
14 they do now, at any driveway or alleyway.

15 CHAIRMAN HOOD: Let me ask you. The
16 front of the townhouses or the back of the
17 townhouses?

18 MR. GEORGE: No. The back of the
19 townhouses. Q Street is up here.

20 CHAIRMAN HOOD: Okay. So it's in
21 front of the townhouses.

22 MR. GEORGE: Yes. So if you wanted

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1 to get to Q Street, you'd turn right here. You
2 can drive up here now, turn right here, make a
3 sharp left here. And there's an issue with the
4 corner here. You know, as development of this
5 property takes place, I think there are small
6 fixes that need to be done, and I'm sure that as
7 part of the public space processing, and so on,
8 this would be highlighted for DDOT's attention.

9 CHAIRMAN HOOD: Let me get straight
10 to my point, Mr. George.

11 MR. GEORGE: Yes.

12 CHAIRMAN HOOD: The alley back
13 there between the town homes and the--that's
14 going to be used for this subject site.

15 MR. GEORGE: Yes.

16 CHAIRMAN HOOD: How's all that
17 going to work? Cause if I'm not mistaken,
18 aren't there places for home owners to park in
19 their backyards? I mean, what is the
20 distance--is that the same alley? I mean, help
21 me understand that.

22 MR. GEORGE: Okay.

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1 MR. FREEMAN: Mr. Chairman, the
2 majority of the homes along that alley have
3 retainer walls that measure about 10 feet high.

4 MR. GEORGE: Yes.

5 MR. FREEMAN: So the majority of
6 those homes do not park from the alley. What
7 we're finding now are pictures showing the
8 alley--

9 CHAIRMAN HOOD: See the bottom
10 right? Okay. Help me understand.

11 MR. GEORGE: Is it here?

12 MR. FREEMAN: Yes.

13 CHAIRMAN HOOD: What's the bottom
14 right? Am I orientated wrong or something? Maybe
15 my orientation's off.

16 MR. GEORGE: Bottom right. Okay.

17 MR. FREEMAN: Can you make those
18 big as possible.

19 CHAIRMAN HOOD: Look, I tell you, I
20 know that the neighbors want to help me, but I
21 want to hear from the Applicant, cause they
22 obviously drove 14 times around, so they know

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1 exactly what happened.

2 MR. DOVE: What you see in the
3 lower-right-hand corner is looking west on the
4 alley. At the eastern end of the alley, there
5 are a couple of spots that do have parking spaces
6 carved out. As you go further down the hill of
7 the alley, it becomes predominantly stair access
8 and retaining walls.

9 I think the thing you see on the
10 right is the--one of the very few paths that have
11 been carved out, because the alley is high enough
12 that there's not a big retaining wall at that
13 location.

14 CHAIRMAN HOOD: So let me ask you:
15 How is that person's home--how are they going to
16 interact with everything that's going on in
17 the--with the project? I'm just curious. And
18 that's what I wanted to know from Mr. George. How
19 is all that going to work?

20 MR. GEORGE: This is a 12-foot
21 alley at the present time.

22 CHAIRMAN HOOD: And I know you're

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1 going to 20 feet. I understand that.

2 MR. GEORGE: Yes. So this wall will
3 be knocked down.

4 MR. DOVE: Yes.

5 MR. GEORGE: This wall will be
6 knocked down and the widening would take place
7 within the property here. So you'd have a
8 20-foot alley providing for a 10 foot travel
9 way, which is wide, according to the city
10 standards, along here, Mr. Chairman.

11 At the end of the alleyway, we see
12 here it turns left, pretty much at 90 degrees,
13 and you're able to, in the vicinity of where the
14 future loading dock will be, and we can get to
15 a slide that shows that, if you like.

16 CHAIRMAN HOOD: Yes. Let's go ahead
17 and do that. Let's do that. One of the things that
18 we're looking at in the ZR is not causing jams
19 and problems when people are trying to maneuver
20 in alleys.

21 MR. GEORGE: Yes.

22 CHAIRMAN HOOD: So I think that's

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1 one of the things we've been looking at, which
2 is a problem.

3 MR. GEORGE: Yes.

4 CHAIRMAN HOOD: Which is a problem.

5 MR. GEORGE: Yes.

6 CHAIRMAN HOOD: And we don't want to
7 create a new problem, when we're trying to do
8 away with old problems.

9 MR. GEORGE: Okay. We think this is
10 a good one, Mr. Chairman. The widened alley is
11 here. The loading facilities are here. They're
12 recessed, they're set back from the alleyway, so
13 while you have a 12-foot public alley, you'd have
14 another, maybe 10 or 12 feet before you enter the
15 loading area proper.

16 CHAIRMAN HOOD: So how is that truck
17 going to come in again?

18 MR. GEORGE: Okay.

19 CHAIRMAN HOOD: So come up Florida
20 Avenue, going to make a left or right, right-in,
21 right-out.

22 MR. GEORGE: The typical truck

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1 accessing the site would be a 20 foot. They would
2 turn in right from Florida Avenue, go up this
3 widened portion, turn right here, and back
4 straight into it.

5 CHAIRMAN HOOD: So they're going to
6 pull into the 20-foot alley?

7 MR. GEORGE: Yes.

8 CHAIRMAN HOOD: And then in that
9 20-foot alley, they're going to back into the
10 dock?

11 MR. GEORGE: Yes. So I'm driving
12 along here, I turn right, I come to this point,
13 back in, and I'm in my spot.

14 CHAIRMAN HOOD: Now while that's
15 going on, we have no driveways like right in that
16 area, I believe, right? Cause you said
17 there was a retaining wall.

18 MR. GEORGE: No, the driveway
19 is--the driveway is--

20 CHAIRMAN HOOD: Further down?

21 MR. GEORGE: Yes. Okay.

22 CHAIRMAN HOOD: I'm going to ask the

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1 neighbors--let me hold tight. When I get to the
2 neighbors, you all can help clarify.

3 Mr. George rode around there 14
4 times. No, not you. But somebody rode around
5 there 14 times.

6 MR. GEORGE: Yes.

7 CHAIRMAN HOOD: So some of that
8 stuff we should know.

9 MR. GEORGE: Right. From this
10 point, Mr. Chairman. Right. Again, they're
11 looking out at, Mr. Chairman, is that as we
12 stated, move-in and move-out would be quite
13 infrequent. Trash delivery--or trash pickup, I
14 should say, will also take place here. Trucks
15 would come in, and receive trash receptacles in
16 this area, and again they would move out. So we
17 do not--

18 CHAIRMAN HOOD: Okay. I'm not for
19 long, but I can tell you, I have some serious
20 problems with what I see. Maybe it's just, maybe
21 I'm not conveying it right, not getting the right
22 answers, but I can tell you right now from the

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1 start, I have problems with what I see. Let me
2 ask this. Let me move on, because I don't want
3 Mr. May to be too long. So I'm not going to be
4 too long.

5 Let me ask this question. I saw what
6 you said, the RPP exclusion, and I know that--Mr.
7 Freeman, do we meet the criteria that DDOT has
8 for the RPP exclusion--

9 MR. FREEMAN: Yes.

10 CHAIRMAN HOOD: --in this case? We
11 do? So that's what you all are doing--a RPP
12 exclusion?

13 MR. FREEMAN: Yes.

14 CHAIRMAN HOOD: Okay. It's good to
15 know. Okay. Okay. But I can tell you, I'm heavily
16 concerned about what I see here. Maybe as my
17 colleagues ask other questions--

18 MR. FREEMAN: Could I just make two
19 clarifications.

20 CHAIRMAN HOOD: --I may be--I may be
21 able to get more clarification, give me a little
22 ease, but right now I'm very uneasy about this.

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1 MR. FREEMAN: Could I just make two
2 clarifications. The existing alley is 16 feet,
3 both in east-west--

4 CHAIRMAN HOOD: And we're going to
5 twenty.

6 MR. FREEMAN: --and in the
7 north-south cause--

8 CHAIRMAN HOOD: And we're going to
9 twenty. I got that.

10 MR. FREEMAN: It's not twelve. And
11 those turn movements on the north side are just
12 the trucks. The actual cars that go into the
13 building, you don't use the east-west portion.
14 They use, if you want to point--the vehicle
15 entrance into the building is separate from the
16 truck entrance.

17 So it's not that all car--it's not
18 that all vehicles go in and out that alley. That
19 might have been clear, but I just wanted to make
20 sure that was--

21 CHAIRMAN HOOD: Yes. I understood
22 that. But I'll tell you this, Mr. George. Another

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1 thing that concerns me is when it was used for
2 another feature, it wasn't as much traffic going
3 in and out of there. And I heard in your report,
4 you saying that this is already existing. But
5 that wasn't what's going to be the traffic going
6 in and out of there, at this point, if this site
7 is developed. That's just another--I'm just
8 concerned about this part of it.

9 MR. GEORGE: Yes.

10 CHAIRMAN HOOD: Maybe through some
11 more planning, or some--look at it again, and I'm
12 going to hear from DDOT, I'm very concerned about
13 that, and I agree with DDOT with the right-in,
14 right-out. So anyway.

15 MR. FREEMAN: Can you reiterate
16 what the a.m. and p.m. peak is on vehicle trips.

17 MR. GEORGE: Yes. I think we
18 projected that, more or less in a worst-case
19 scenario, that there would be about 25 vehicles
20 entering the entire development in an hour.

21 CHAIRMAN HOOD: You know, Mr.
22 George, and you might not have heard my

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1 saying--every time I'm in traffic in the city,
2 I think about you guys, you professionals, and
3 I will tell you--I'm a realist. I understand the
4 textbook. But actually I'm a realist. And I'm not
5 being hard on you, Mr. George, cause you and I
6 have been--I've been knowing you for years.

7 I'm being a realist, and I think the
8 impacts of that neighborhood, we need to make
9 sure, if we're going to do this, we need to make
10 sure we do it right. And that's not necessarily
11 directed at Mr. George, but that's to the
12 developer.

13 Okay. Let me open to my colleagues
14 cause--let me start with--you're next. Oh,
15 okay. The Vice Chair says Mr. Turnbull.

16 COMMISSIONER TURNBULL: You're
17 very polite. Thank you, Madam, or the Vice Chair.
18 Let me continue on with the traffic.

19 Mr. George, you mentioned, and it's
20 stated in your--in the materials, a major
21 arterial street, it's busy--

22 MR. GEORGE: Yes.

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1 COMMISSIONER TURNBULL: --peak
2 hours are terrible, we have level of service of
3 F and E at most of the intersections. You just
4 said 25 cars. And you say we have no impact on
5 the street. It just seems like, and I'm--maybe
6 Mr. Henson can help on this too. But I'm always
7 concerned about these traffic counts. A lot of
8 it seems like a lot of "smoke and mirrors," and
9 it's a little magic show on how the stuff is
10 presented.

11 But I am just trying to figure out--I
12 think the rest of the people in the neighborhood
13 wants to know of this is a heavily congested
14 street, it's an arterial street, and it's a "pain
15 in the behind" to get down, there's no impact.
16 Or minimal impact.

17 Can you explain that. And how would
18 you get the trip generation, where you've got
19 four times the amount of cars you're providing
20 for as required. Fifty-four versus 210. And we
21 say that we're going to have minimal impact.

22 Can you somehow try to clarify that.

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1 MR. GEORGE: Okay. So what's the
2 fifty-four? You're talking about the parking.

3 COMMISSIONER TURNBULL: Parking.
4 Fifty-four is required, and you want to provide
5 210, which Mr. Henson has already said is way,
6 way overparked.

7 MR. GEORGE: Yes.

8 COMMISSIONER TURNBULL:
9 Considering it's a Metro area, you've got--and
10 people can get to transportation, and yet you
11 want to park this, and you're saying you're only
12 going to have 25 cars, a.m. and p.m., per hour
13 in the peak periods?

14 MR. GEORGE: Yes.

15 COMMISSIONER TURNBULL: You want
16 to make a left turn into a busy street.

17 MR. GEORGE: Well, you know, I--

18 COMMISSIONER TURNBULL: I'm
19 sorry, I don't want to interrupt you, but a lot
20 of this doesn't really make sense.

21 MR. GEORGE: Let me explain that,
22 please. Let me explain. We don't just sit in our

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1 office and say the trip should be that. The way
2 the transportation profession does is we look at
3 sites that exist, and we surveyed according to
4 the prescription of DDOT, and the national
5 process. We survey--if we had to estimate how
6 many trips this building generates, we don't
7 just do that in a petri dish in the lab.

8 We come out here on typical days,
9 repeated times, and then we use statistics to
10 average things out. That is the only way it's
11 done, similar to determining a typical blood
12 pressure of an individual to be 120 over 80,
13 which is accepted.

14 So this is what we do. Standard
15 statistics from ITE, and survey. And I went
16 through the fact that we agreed with DDOT. Let
17 us look at some sites that are representative of
18 what the Applicant is proposing, and let us see
19 what those sites are generating.

20 And we did it, and that's what the
21 numbers show. And not only that. But DDOT is
22 saying in the future, we're going to "hold your

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1 feet to the fire," and we are somewhat a
2 consultant, we'll come back for two years and
3 three years--

4 COMMISSIONER TURNBULL: I think
5 it's three years.

6 MR. GEORGE: Three years. Yes. Or
7 perhaps longer. And say: Are you meeting that
8 standard? And if you're not, then the Applicant
9 would be called to book.

10 COMMISSIONER MAY: One of the
11 items which you didn't discuss, but you had a
12 question mark for, was the unbundling of the
13 parking requirement with the units.

14 MR. GEORGE: Yes. And I did say
15 that, you know, that of course is not within my
16 area of expertise, but--

17 COMMISSIONER TURNBULL: Well, maybe
18 somebody could talk about that.

19 MR. GEORGE: Mr. Viola.

20 MR. VIOLA: My name is Andrew Viola
21 and I'm with Bush Construction Corporation, and
22 the answer to your question is we only sell

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1 spaces to the residents. We do not allow
2 residents, or the association, or ourselves, to
3 rent spaces to anyone who's not a resident there.

4 So it's very difficult to unbundle
5 them. Our sentiment is that we find when people
6 buy condominiums, and then they go to sell them
7 later, and don't have parking, that's an
8 impediment to sales.

9 Now we know that in this city,
10 currently, a lot of people are developing micro
11 units, very small one-bedroom units, and that
12 seems to be kind of in vogue.

13 We've been around a long time
14 developing condominiums, since 1983, and we know
15 what sells, and we are not one to suggest "get
16 on the bandwagon" and proceed that way. So even
17 though everybody's building small one bedrooms,
18 we more are inclined to embrace what's being done
19 at the Old Convention Center site.

20 We believe that mixes more, more
21 that would appeal to other buyers, and not just,
22 you know, the people who are right out of

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1 college. So that's why we are developing it the
2 way we are, and our experience--

3 COMMISSIONER TURNBULL: So are the
4 residents then required to buy a parking space?

5 MR. VIOLA: Yes.

6 COMMISSIONER TURNBULL: Even if
7 they don't have a car, they have to have a parking
8 space?

9 MR. VIOLA: Yes. The whole idea is
10 within the price is one space, and we--we do not
11 unbundle. Spaces run about 40,000. We're not
12 making a lot of money on parking spaces. We do
13 it because we believe it's the right thing to do.
14 That we don't sell but 10 percent of our units
15 to investors, because we believe that's the
16 right thing to do.

17 There's lots of people who would
18 say, oh, let anybody buy. No. We will only let
19 investors buy 10 percent of our units. It's a
20 philosophy that we developed over the years
21 based upon our experience in this industry.

22 One of the projects that Mr. George

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1 analyzed was 2020 Lofts up on the U Street
2 Corridor. Our parking ration was more than one
3 to one. Now would we build parking if we didn't
4 think we could sell it? Obviously, that's not the
5 case.

6 In addition, we know that there are
7 lots of people--we absolutely agree, that we
8 want to be near Metro stations. Most of our
9 projects that we've developed over the years
10 have been near, you know, public transportation.

11 However, we also note people want to
12 own cars, especially when somebody's paying
13 \$500,000 or more for a condominium. Okay. They
14 own cars. That's, you know, irrefutable. But if
15 they're buying small micro units that are 400,
16 450 square feet, of course they can qualify
17 easier for that kind of, with a lower salary.

18 The people we're proposing to cater
19 to aren't those buyers.

20 COMMISSIONER TURNBULL: But
21 you're saying--so if half the people in your
22 building do not own cars--

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1 MR. VIOLA: I'm sorry?

2 COMMISSIONER TURNBULL: I'm just
3 saying if half the people who are going to have
4 units in your building don't have a car-

5 MR. VIOLA: I don't believe that for
6 a minute.

7 COMMISSIONER TURNBULL: Okay.
8 Well, I mean, in Washington, D.C., a lot of
9 people are not buying cars. Not everybody has a
10 car.

11 MR. VIOLA: What I'm saying is those
12 people who afford these price units do buy cars.
13 And that's what we've--and I have--

14 COMMISSIONER TURNBULL: So your
15 philosophy is in this building, it's only going
16 to be wealthy people who can buy these
17 building--these units, and are going to have a
18 car? Everybody's going to have a car? Is that
19 what you're telling us?

20 MR. VIOLA: No. What I'm saying is
21 I would insist that everybody buy a space--like
22 I said, it's within the price, it's

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1 included--because ultimately, when they go to
2 sell, and I'm no longer there, I want them to be
3 assured that they will be able to sell, and I
4 think that is a restriction on the market ability
5 of the unit.

6 COMMISSIONER TURNBULL: That's
7 counter to what DDOT is saying.

8 MR. VIOLA: I know it is. But I've
9 been doing this a long time.

10 MR. FREEMAN: Let me jump in for a
11 second, if you don't mind, and I've done a lot
12 of cases, and I know what cases you've seen. So
13 there are certain cases that there are buildings
14 that have no parking. I think in those cases, the
15 philosophy of that developer, and the philosophy
16 of the people that move into that building, are
17 we are moving in here because we don't want
18 parking. And that is the philosophy of that
19 developer and the people that would move into
20 that building.

21 I think what you're hearing Mr.
22 Viola say is the philosophy of this building is

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1 I will only move into this building if you
2 provide parking. I think that--you know,
3 different people might have different views on
4 which philosophy is better, but our view is that
5 you will move into this building if you want a
6 parking space.

7 If not, you'll go to a different
8 project that's going to provide fewer, or no
9 parking spaces. And with respect to traffic, I
10 know Mr. Brown is jumping at this. One of the
11 other things that we looked at in the trip
12 generation--I mean, Mr. George can talk to this
13 in more detail.

14 The level of traffic generated by a
15 residential building would be much less than the
16 level of traffic generated by an office building
17 that would be constructed on the site.

18 So we--they put thought into this,
19 and Mr. George talked about how they did their
20 analysis. But it's also to keep in mind, in our
21 view, important to keep in mind that we are doing
22 things, the step-backs, the set-downs, the use

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1 that will minimize the adverse impact over what
2 would be done there as a matter of right. Mr.
3 Brown.

4 MR. BROWN: Thank you. Two things
5 that I'd like to comment. One is that we
6 increased the parking because the residents were
7 insistent that our residents not be neighborhood
8 parkers. So that we put more parking in there,
9 so we would save the residents from having to be
10 able to have spaces. That's number one.

11 Number two is that trips generated
12 at twenty-five is probably 90 percent less than
13 the trips generated, if we were to build by
14 right.

15 Today, we could build a 175,000
16 square feet office building. That would bring,
17 on an average of 300 per square feet workers, 540
18 workers there. I don't know how many trips that
19 would generate, but it's going to be two to three
20 hundred, 400, 500 per day. We're coming to 25 per
21 day. We're going down 90 percent in the parking
22 to that site.

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1 COMMISSIONER TURNBULL:
2 Twenty-five per peak hour.

3 MR. BROWN: Peak hour. Okay. I'm
4 sorry. Sorry about--peak--peak hour. But you get
5 the idea, is that 540 workers, on a daily basis,
6 versus 200 to 300 residents, is going to be far,
7 a dramatically less impact on the parking--on
8 the traffic, is my opinion, so--

9 COMMISSIONER TURNBULL: Okay. Let
10 me, since I don't have my pointer anymore--thank
11 you. The east-west alley here has--there is a
12 unit here. There are bollards. You didn't talk
13 about it. There are bollards along this
14 walkway. What happens--there's--there was a
15 picture of a turning ratio, really here, on one
16 of the other diagrams, that showed a truck really
17 close to the corner of this garage, or this
18 property.

19 What are you doing about that? I
20 couldn't tell, from any of the drawings, what
21 you're trying to do at that corner. That looks
22 like a very precarious situation for that

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1 garage, for that property, and I can't tell
2 what's going on at this point.

3 Are there going to be bollards
4 protecting the corner of this house?

5 MR. FREEMAN: Let me have Mr.
6 George testify, but what --just to make a
7 couple points. That, where you see that paving
8 and those bollards, that's actually part of our
9 property.

10 COMMISSIONER TURNBULL: I
11 understand that, but right adjacent to that is
12 a private residence.

13 MR. FREEMAN: Right. That's open
14 space. There's no building there.

15 COMMISSIONER TURNBULL: There's
16 no build--okay. So there's nothing right here,
17 at all.

18 MR. FREEMAN: The--

19 COMMISSIONER TURNBULL: But there
20 could be something.

21 [Off the record comments]

22 COMMISSIONER TURNBULL: Oh, okay.

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1 And what's here? There is a house there. Okay.

2 MR. FREEMAN: To the north of
3 that--

4 COMMISSIONER TURNBULL: Now this
5 is all a retaining wall along here. There's a
6 retaining wall here with stairs coming down, and
7 the residences put their trash receptacles out
8 here. Now that's been an existing situation. Is
9 that going to--is there going to be a problem
10 with trucks banging into this? Or what are we
11 doing to preserve some kind of integrity back
12 there with the residential neighbors?

13 MR. FREEMAN: We have two things.
14 One. We start from the premise that we're
15 widening the alley from 16 to 20, which increases
16 the space for trash trucks that maneuver in that
17 alley currently.

18 Two. We surveyed the condition of
19 the alley, and we actually had some photos that
20 showed the condition of it. I'm happy to submit
21 that for the record.

22 And as of now, it's not in great

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1 shape, but we believe that widening the alley
2 actually improves the situation. It's important
3 to note that for our building, the trash trucks,
4 for example, will be scheduled. They're not
5 daily occurrences, nor would be the move-ins or
6 move-outs.

7 In terms of
8 construction, we've done a construction
9 management plan which is in the record. We've
10 agreed to survey again the condition of the homes
11 and the retainer walls. We've agreed to provide
12 a point of contact throughout the construction
13 process, and to the extent any damage is caused
14 because of construction, the construction
15 process, we've agreed to restore to the prior
16 condition any damage caused as a result of the
17 construction and the project, and that is in our
18 construction management plan in the record.

19 COMMISSIONER TURNBULL: Is that
20 what I'm looking at in your June 21st submittal?
21 I think Exhibit 25, 25-F.

22 MR. FREEMAN: Our June 21st
submittal. Yes. I don't know your exhibit

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1 number, but tab, Exhibit E, behind that--

2 COMMISSIONER TURNBULL: Right.

3 Yes. It's Tab E.

4 MR. FREEMAN: Yes.

5 COMMISSIONER TURNBULL: It's just
6 activity. And has that been reviewed with
7 residences? I mean, have you done through this
8 with them--

9 MR. FREEMAN: We have gone to a
10 number of community meetings. We have said what
11 is in the report. We have slides that describe
12 that critical component of the construction
13 management plan.

14 So we have pointed them to where it
15 is in the record. So yes, we have shared the
16 fact that we have done a community construction
17 management plan and what its provisions are.

18 COMMISSIONER TURNBULL: Okay.

19 VICE CHAIR COHEN: Mr. Turnbull,
20 before you move ahead, I just want to suggest
21 that if the audience doesn't mind not speaking,
22 because it kind of--it's difficult to hear up

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1 here. But take notes, so that on your, you know,
2 testimony, you can rebut what the Applicant is
3 saying. I'd appreciate that. Thank you.

4 COMMISSIONER TURNBULL: Thank
5 you, Vice Chair. Let me just--

6 CHAIRMAN HOOD: Thank you, Vice
7 Chair. Says everybody. Thank you. Thank you,
8 Vice Chair.

9 COMMISSIONER TURNBULL: We're
10 very polite. I want to say at least the project,
11 from what we saw the first time, has changed
12 significantly. So I want to--I appreciate what
13 you've done to improve the project. I think
14 it's--it makes a big difference.

15 I guess but my other question right
16 now is: You didn't talk about it but lead
17 certificate--but you're only going for lead
18 certification, just the bare minimum here.
19 You're not trying to go silver, or you're simply
20 just trying to make is.

21 Is there a reason why?

22 MR. VIOLA: We have been in

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1 consultation with the architect this last week,
2 and we will strive to achieve the silver
3 designation. Frankly, we do things in our
4 buildings which I--you know, the last time I was
5 involved with LEEDs, it was still on a commercial
6 form, didn't really work for residential. But
7 we do central systems, for example, which are
8 intended to assist us in achieving those, the
9 requirements, or the standards for silver
10 designation. So the intent is that we
11 will achieve silver.

12 COMMISSIONER TURNBULL: Okay.
13 Thank you. Mr. Chair, I will--those are my
14 questions for now. I'll relinquish my time.

15 CHAIRMAN HOOD: Okay. Thank you.
16 Commissioner Miller.

17 COMMISSIONER MILLER: Thank you,
18 Mr. Chairman. Let me just say, at the outset,
19 that in general, I think it's a good thing that
20 the zoning application is being made to permit
21 residential, and I think a residential product
22 can help further benefit the revitalization of

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1 the whole NoMa neighborhood, and so I applaud you
2 for that.

3 On the alley--well, just to move
4 off, that's--I only had one alley question. On
5 the widening of the alley, does that require
6 legislative action of the Council?

7 MR. FREEMAN: There was a street
8 closing, quite some time ago, maybe 50 years ago,
9 and that was part of the agreement, to widen the
10 alley or dedicate some land some place else.
11 There were two options.

12 COMMISSIONER MILLER: So to create
13 that extra space, you don't need any other
14 further--

15 MR. FREEMAN: No.

16 COMMISSIONER MILLER: So to create
17 --legislative action of the Council.

18 MR. FREEMAN: No.

19 COMMISSIONER MILLER: But you will
20 have the public space--

21 MR. FREEMAN: It's--right. It's
22 just the widened portion is actually our private

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1 property, that we're going to create an easement
2 over for public use.

3 COMMISSIONER MILLER: Okay.
4 Following up on Mr. Turnbull's, Commissioner
5 Turnbull's question about the bollards.

6 Can you put up a slide that shows the
7 bollards, and just shows how many there are, and
8 what they're doing, and it seems like a--it looks
9 like you probably do need something there, but
10 I don't like bollards cause that's the security
11 feature of choice by a lot of federal agencies,
12 which aren't--which are "bollardizing the
13 city." So we can get--I just want to get if
14 there's another, a more attractive alternative
15 that might be able to be--I realize it keeps it
16 open, so even if you just put up a big wall,
17 that's not very attractive either.

18 But is there--I think there's one of
19 your renderings from the west, northwest or
20 something, I don't know if you can get to it, to
21 show if it would--

22 MR. DOVE: There are six bollards

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1 indicated now on our property. That's the--

2 COMMISSIONER MILLER: Six. And
3 they're separating--

4 MR. DOVE: I apologize. It's a
5 dozen. They're closer together than I thought.
6 They show, in detail, on the plan.

7 COMMISSIONER MILLER: And they're
8 protecting the--it's right adjacent to the
9 driveway.

10 MR. DOVE: It's adjacent to the
11 curb. It's about five feet off of the existing
12 house, and the objective is obviously to keep
13 that sidewalk open for pedestrian traffic, and
14 to keep cars or trucks from being able to get any
15 closer to the building than about five feet.

16 COMMISSIONER MILLER: Did you
17 consider an alternative? Or is there an
18 alternative that might be more attractive than
19 that? Or is there another--what--do you know
20 the material you're going to use on them? Is it
21 just going to be concrete?

22 MR. DOVE: No. They would be steel

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1 bollards filled with concrete, painted. I mean,
2 the objective obviously is to keep
3 vehicles--they're close enough so the vehicles
4 can't pass between them, and to keep--but then
5 to not prevent people from being able to walk,
6 you know, down the side of the building and cross
7 the street, if they need to.

8 I mean, I don't know what else would
9 be less invasive. I mean, the bollards seem to
10 be relatively open air. They do the job of
11 keeping vehicles off of the--or encroaching on
12 the residents.

13 COMMISSIONER MILLER: Right.

14 MR. DOVE: The option would be a
15 guard rail, or a wall, which would be, in my
16 opinion, a lot more formidable.

17 COMMISSIONER MILLER: Yes. I guess
18 depending on the material, and you've got some
19 nice low stone walls. Well, that's just one
20 concern I have. I would echo Commissioner
21 Turnbull's comment about the LEED, and you said
22 you're going to try to go for the equivalent of

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1 silver, and I saw on the chart that you had in
2 a possible point category enough to get beyond--

3 MR. DOVE: Absolutely.

4 COMMISSIONER MILLER: --silver,
5 and hopefully closer to gold. There was one other
6 question I had, but I can't remember right now,
7 Mr. Chairman, so please come back to me later.

8 CHAIRMAN HOOD: Okay. Vice Chair,
9 do you want to go next? And then when we get to
10 Commissioner May, we'll just put the time clock.

11 VICE CHAIR COHEN: Okay. Thank
12 you, Mr. Chairman.

13 Can you tell me the street numbers
14 of the houses that are across the way from your
15 property. You know, the block numbers, because
16 we have--

17 MR. FREEMAN: They're on Q Street
18 and they're--

19 VICE CHAIR COHEN: Q. But what are
20 the numbers?

21 MR. FREEMAN: They are the
22 two-digit numbers. Single-digit odd numbers.

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1 VICE CHAIR COHEN: Single-digit
2 odd. Okay. Or two-digit? Two-digit odd?

3 MR. FREEMAN: Like 31, 33, 35.

4 VICE CHAIR COHEN: Okay. Thank
5 you. Can you also tell me the closest building
6 that is higher, or as high as your property in
7 the vicinity.

8 MR. FREEMAN: Well, the Zoning
9 Commission approved an 86-foot building at
10 Florida, North Capitol, and Q.

11 VICE CHAIR COHEN: Right.

12 MR. FREEMAN: In 2006. But
13 we're--as you know, we're modifying that, and
14 set that down on Monday. The MRP Building at New
15 York Avenue and Florida is at least 90 feet.

16 VICE CHAIR COHEN: Thank you.
17 Again, I also want to state with my colleagues
18 about LEED certification. It really will add to
19 the value of your building. I know that it costs
20 a bit to get the certification, but for marketing
21 reasons--I mean, the people that I'm talking to,
22 especially younger people, they're really into

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1 this stuff, and so I think it would really--and
2 we, here in the city, are--would like to, you
3 know, continue to be the highest LEED-certified
4 in the country.

5 So I urge you to try to get higher.
6 That I think you had a 49 in your original
7 application. So please consider that.

8 I want to thank Mr. Osborne, because
9 one of the things that I have been doing is taking
10 an informal study. I go around my neighborhood,
11 like a crazy lady, about the size of U-hauls, and
12 he provided a couple of pictures tonight about
13 U-hauls and how much they carry. So this is very
14 helpful for my own, you know, intelligence, and
15 I don't have to go around knocking on the doors
16 of trucks anymore.

17 Let's see. Oh. The penthouse. The
18 height of the penthouse versus the architectural
19 embellishment. What are the differences in
20 height? Because I was kind of surprised to see
21 that the penthouse looks very huge and bulky.

22 MR. DOVE: The height of the

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1 penthouse could be 18.6. This one is 16 feet high
2 and we set it back appropriate from all edges,
3 except one interior core component. So maybe
4 that's a graphic aberration, but it is 16 feet,
5 which is relatively small when compared to most
6 downtown.

7 VICE CHAIR COHEN: And what about
8 the height of the embellishment itself?

9 MR. DOVE: It appears to be about 12
10 feet. I mean, it's within that range. And it's
11 much small--you know, that was one of the
12 comments in the last review, was that it was
13 much, much, much bigger in the previous design.
14 This is relatively just to mark the entrance at
15 12 feet.

16 VICE CHAIR COHEN: Now all of the
17 sides that appear blank, those are the ones that
18 have a little bit of a design embellishment; is
19 that correct? Nothing is just a blank wall. They
20 have embellishments. Is--

21 MR. DOVE: There's only two
22 components where we actually abut the property

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1 line, and as you know, that eventually will
2 disappear with another building perhaps. And
3 so in response to previous, we've enlivened them
4 by two ways. One is adding texture, and the
5 other is by actually having windows, secondary
6 windows and bedrooms, which add additional light
7 and air right now, but are sacrificial, if you
8 will. They will disappear in the future when a
9 building's there.

10 So there's only two areas where this
11 occurs.

12 VICE CHAIR COHEN: And the retail.
13 That's just a modest amount of square footage;
14 is that correct?

15 MR. DOVE: About 7800 square feet,
16 which we believe is appropriate for this
17 location.

18 VICE CHAIR COHEN: All right. And
19 they do have that flow of the full-size windows.
20 Okay. All right. I think that's it for me.

21 CHAIRMAN HOOD: Okay. Commissioner
22 Miller remembered his one question, and then

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1 we'll go to you, Commissioner May.

2 COMMISSIONER MILLER: You
3 had--thank you, Mr. Chairman. You had decorative
4 screening adjacent to the café, also shielding
5 it from I guess the driveway.

6 MR. DOVE: Right.

7 COMMISSIONER MILLER: What
8 is--how--can you describe that a little bit.
9 Will that--what's the material for that? Maybe
10 we have that up here. I don't know.

11 MR. DOVE: The wire mesh stanchion
12 that we have plantings growing on it. It's part
13 of our landscape scheme.

14 COMMISSIONER MILLER: So will the
15 plantings be of a type that will survive a winter
16 season?

17 MR. DOVE: Yes.

18 COMMISSIONER MILLER: So they
19 would still be--they would still function as
20 screening?

21 MR. DOVE: Yes.

22 COMMISSIONER MILLER: Thank you.

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1 That was really my only question.

2 CHAIRMAN HOOD: Everybody wants to
3 go before. You had one--

4 COMMISSIONER TURNBULL: Before we
5 get to Commissioner May, because I know he's got
6 like twenty, I just have one last.

7 Just continuing on with the retail,
8 if you can go to that ground floor plan. And
9 it's just--I mean, you might not know the answer
10 to this, but right now, it looks like you're
11 proposing here could be a restaurant, or a café
12 with outdoor seating.

13 The other space, or two spaces,
14 whatever it is, or three, what do you see as?
15 Neighborhood retail, neighborhood serving, or
16 what kind of ideas do you have on that?

17 MR. VIOLA: Absolutely. I mean,
18 what we expect is that there might be some kind
19 of a sandwich shop, there may be a convenience
20 store, there may be a beauty salon. Candidly, we
21 know that once we've sold out all the
22 condos--it's going to take some work to get the

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1 retail leased out. Even in the heart of
2 Arlington, we found that to be the case.

3 COMMISSIONER TURNBULL: Okay.

4 MR. VIOLA: But we would like to see
5 somebody like a Cava Mezze, which is a little
6 faster than their more sit-down type restaurant,
7 but it's something that would be appealing to the
8 neighbors. You know, if they're on their way
9 home, they can stop in, get something, take it
10 home. That kind of sums up, is really the
11 opportunities I would see.

12 COMMISSIONER TURNBULL: A bank?

13 MR. VIOLA: I can't imagine a bank.
14 These boys keep saying bank and I keep saying
15 why? Or how? Dry cleaner. That's a very good one.

16 COMMISSIONER TURNBULL: Okay. All
17 right.

18 MR. FREEMAN: They have, for--and
19 I have for the record--I don't know if you need
20 it. They have thought about it, and they have
21 a strategy and a plan for how to market and
22 attract retailers.

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1 COMMISSIONER TURNBULL: Okay.

2 Thank you.

3 CHAIRMAN HOOD: Okay. Commissioner
4 May.

5 COMMISSIONER MAY: Okay. So I do
6 have a few questions. First of all, on the
7 right-turn, right-out, I don't think you made
8 a--where's Mr. George? Sorry, Mr. George. I
9 don't think that was convincing at all. You
10 might want to come up here. I'm not sure I'm going
11 to ask any questions. I may just comment on it.

12 First of all, showing this building
13 is a very bad example, cause I worked in this
14 building for a while, and I know how poorly it
15 performs, and how cars get backed up, and so on.

16 I think the major problem here is
17 that it's too close to the intersection. The
18 garage entrance. But still, there is an issue
19 there. I think it's a safety issue with Florida
20 Avenue because people do tend to go too fast on
21 that road when it's free-flowing, and when it's
22 not free-flowing, it's jammed with cars, and so

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1 you get backups.

2 And so I think that the--it's pretty
3 sensible advice to heed the right turn, in and
4 out.

5 MR. GEORGE: Thank you,
6 Commissioner May, and I think the situation
7 speaks exactly to the point that I was making.
8 The entrance was close to the intersection for
9 many, many years. It's been corrected by
10 shifting it to the middle of the block.

11 COMMISSIONER MAY: Here?

12 MR. GEORGE: Yes.

13 COMMISSIONER MAY: No. That's the
14 loading dock in the middle of the block.

15 MR. GEORGE: No, no, no. The garage
16 entrance was shifted to the middle of the block.

17 COMMISSIONER MAY: No.

18 MR. GEORGE: Well, that's the way
19 I enter and leave now. There--

20 COMMISSIONER MAY: Not in the
21 middle of the block here. The middle of the
22 building here is a loading dock.

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1 MR. GEORGE: There are three
2 entrances.

3 COMMISSIONER MAY: And there are
4 garage entrances at the two ends.

5 MR. GEORGE: There are three
6 points of access.

7 COMMISSIONER MAY: That's right.
8 And the ends are garages.

9 MR. GEORGE: Right. The loading
10 dock at the extreme northern end--

11 COMMISSIONER MAY: No; no. Loading
12 dock is in the middle. I used to run this
13 building, Mr. George. I know exactly where
14 everything is. Okay. So anyway. But that
15 doesn't--it's not about this building. It's
16 about that block, and I'm just telling you, I
17 think that you should pay serious heed to what
18 DDOT is advising here, because I think it's a
19 very good argument. Florida Avenue is a very,
20 very tricky road, and anything you can do to
21 avoid those crosses--I mean, the mere fact that
22 you have that many, you know, full movement

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1 turns, in and out of that block, is an indication
2 that you don't need any more. So anyway, that's
3 my comment on that.

4 Can you tell me: Is there actually
5 RPP restriction on Q Street right now?

6 MR. GEORGE: Yes, sir. There is.

7 COMMISSIONER MAY: There is. Okay.
8 So there's a benefit to not having that--

9 MR. GEORGE: Except for the
10 extreme eastern end where there's some
11 commercial buildings; yes.

12 COMMISSIONER MAY: Got it; got it.
13 Okay. So the alley width, all the way around--did
14 I hear someone say that that's 16 feet all the
15 way through, where it exists right now?

16 MR. GEORGE: That--yes.

17 COMMISSIONER MAY: Right. Okay. And
18 does it actually connect to anything at the
19 western end? Or does it just dead-end? I don't
20 need to see it. I just need someone to answer.

21 MR. FREEMAN: I think it just
22 dead-ends.

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1 COMMISSIONER MAY: Okay. So that
2 gets into another question, which is that it
3 would be very helpful to see an aerial photo of
4 that block, that shows it in some detail.

5 I mean, I have something in the OP
6 report. It's just not very high resolution, and
7 I don't think what we had in your submission was
8 really very clear.

9 So maybe it just needs to be a little
10 bit closer up. It would be helpful to understand
11 the relationship of the houses on Q Street to
12 that alley.

13 Is it expected that any of your truck
14 traffic is actually going to come through that
15 alley from Q Street?

16 MR. FREEMAN: No.

17 COMMISSIONER MAY: And how are you
18 going to prevent that?

19 MR. GEORGE: Commissioner May, I
20 think the extremely tight situation which I
21 highlighted, where the alley turns at the corner
22 of the subject property to go north--

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1 COMMISSIONER MAY: That's Q Street.
2 That's Q Street hitting Eckington. So it's
3 the turn at that corner there. Okay. So tell me:
4 How do the garbage trucks get back there now?
5 Cause there must be garbage trucks going back
6 there cause there's the little supercans back
7 there.

8 MR. GEORGE: We did not observe
9 any. One possible way for them to turn here--

10 COMMISSIONER MAY: Okay. So I
11 guess I'll ask the neighbors. They must know
12 where the trucks come from. So--

13 MR. FREEMAN: On the prohibition,
14 what we also have is a residential
15 transportation coordinator, and we can include
16 a provision in there that instructs the trucks
17 to not use the--

18 COMMISSIONER MAY: Okay. I'm not
19 so much concerned about the move-ins, move-outs,
20 cause I think those are going to be relatively
21 infrequent once you lease up the building. But
22 I am concerned if you're going to have

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1 restaurants in the building, in particular,
2 because that means daily deliveries; right? And
3 that's going to be trucks in and out every day,
4 and that's what I would be most concerned about.

5 MR. FREEMAN: We can restrict that
6 for the entire building, the residential and the
7 retail use.

8 COMMISSIONER MAY: Well, you can
9 put some restrictions on it, yes; but I think
10 that you're going to have trucks going in and out
11 of the loading dock on a daily basis to service
12 a restaurant, if you have one. And you may be able
13 to control the time of day or something like
14 that, but they are going to be in and out every
15 day.

16 So did you look, at all, at turning
17 a loading dock 90 degrees, so it actually enters
18 on to that side, that the new alley, the
19 newly-improved alley that you're putting in
20 there?

21 MR. DOVE: We did, in fact, look at
22 that. Where the garage entrance ramps are,

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1 they're dropping down. There was a difficulty to
2 get the kind of clearance that we actually
3 needed, because the grade around back is higher
4 than on the side. That's the problem.

5 COMMISSIONER MAY: So I'm having a
6 hard time understanding how that's correct,
7 cause it seems to me that you have trucks more
8 or less at that same--I mean, coming in from the
9 back, they're going to be at a certain grade.
10 Isn't the driveway at the left ramping up to that
11 grade, to begin with? I mean, is there a way for
12 you to push that loading dock all the way up to
13 the edge of the building? And it still didn't
14 work?

15 MR. DOVE: Yes. The question is
16 could you--forgive me while we have a little
17 consultation here. The question is, could it be
18 90 degrees, like in his area?

19 COMMISSIONER MAY: Okay. So that
20 would necessitate turning the ramp. Did you look
21 at turning your parking ramp?

22 MR. DOVE: There are significant

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1 complications in doing that. I mean, I--the one
2 thing I will say, that's absolute, is that
3 bringing them in from the rear, we were able to
4 enhance the maneuvering space by another 17
5 feet, by being able to pull the loading box docks
6 closer to the front of the building. If we turn
7 them 90 degrees, we would have to push them
8 significantly into the building to get that same
9 amount of maneuvering space. Plus the grade does
10 rise, which helps us with our clearance. So--

11 COMMISSIONER MAY: All right.

12 Well, I'm afraid you might have to look at that,
13 because I am almost concerned about the trucks
14 making use of the Q Street alley, and how that's
15 going to work, so--but we'll have to wait for the
16 sense of the Commission on that. There was a
17 very odd piece in the case record on this. It
18 seemed like it was a secondary notice sent out
19 by this office, in response to some people not
20 receiving notice.

21 Do you know anything about that?

22 MR. FREEMAN: From what I

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1 understand, some folks said they didn't get a
2 copy of--

3 COMMISSIONER MAY: Well, I heard
4 that at the beginning of the--but I mean, do you
5 know anything about what happened? I mean, did
6 you provide the complete list and it just didn't
7 go out, or something like that?

8 MR. FREEMAN: Complete.

9 COMMISSIONER MAY: All right.

10 MR. FREEMAN: And I think all of
11 the notices, as I understand, were sent.

12 COMMISSIONER MAY: Okay. All
13 right. Well ,maybe--

14 CHAIRMAN HOOD: So Commissioner
15 May, the office did send out a second notice, as
16 you alluded to, to those--

17 COMMISSIONER MAY: And how--

18 CHAIRMAN HOOD: None of the notices
19 were returned.

20 COMMISSIONER MAY: Got it. Okay.

21 CHAIRMAN HOOD: None of the first
22 --none of them were returned.

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1 COMMISSIONER MAY: None of them
2 returned. And we sent out a second batch to all
3 the same people?

4 CHAIRMAN HOOD: We sent a second,
5 because I think there was a concern. Just second
6 notice, 42, 43, 44, 45, and 47.

7 COMMISSIONER MAY: Okay. So a
8 little bit about the architecture. First of all,
9 I think this building's a huge improvement over
10 what we saw at sit-down. I mean absolutely. It's
11 a relatively simple coherent scheme with a
12 limited pallet. It holds together well. I think
13 it's a very handsome building, generally
14 speaking, and it very much says that it's a
15 residential building, which is a good thing.

16 I am a little concerned about this
17 portion of the west facade that's on the new
18 alley, and what that looks like, because
19 it's--you know, you're kind of shooting yourself
20 in the foot by showing us this image on the cover,
21 because it sort of plays up the fact that you're
22 going to--this is going to be a very prominent

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1 facade and it doesn't look very special.

2 This certainly looks special. I'm
3 not saying that this has to compete with that.
4 It certainly should not. But I'm wondering if
5 there's something more that should be done to
6 that, to make it a little bit--to have a little
7 bit more of a touch that shows with all of the
8 balconies and the metal windows, and so on. It
9 may be as simple as a different window treatment,
10 or maybe having some balconies on the alley.

11 But I think some examination of that
12 would be good.

13 The last thing is that the
14 information seemed to indicate that the color of
15 the penthouse is the same as the rest of the
16 metal, painted metal; is that right?

17 Okay. It's showing up as a lighter
18 color, which kind of draws too much attention to
19 it. I'm always a bigger fan, a big fan of darker
20 penthouses rather than lighter penthouses. So
21 you might want to look at the color of that. But
22 it's not a big deal.

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1 That's it. Thank you. I had 28
2 seconds to spare.

3 CHAIRMAN HOOD: Is it raining? I'm
4 not sure. What's going on? Is it snowing outside?
5 No. Okay. You're finished?

6 COMMISSIONER MAY: Finished.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER MAY: Thank you.

9 CHAIRMAN HOOD: Any other
10 questions? Any follow-up questions up here?

11 [No response]

12 CHAIRMAN HOOD: Okay. Let's go to
13 the cross-examination from the ANC. I think in
14 this case it's 5E. Do we have the chairperson of
15 ANC 5E, or whoever's supposed to represent--do
16 we have any--let me look and see. Chairperson
17 Barnes. Is Chairperson Barnes here? Okay. I
18 don't see anyone who's supposed to represent the
19 ANC tonight. I don't see Ms. Pinkney. Do we have
20 a representative from the ANC here? Okay. All
21 right. Do we have any cross-examination from
22 our party? Mr. Konkel, any cross-examination?

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1 MS. KONKEL: Yes, and with your
2 permission, I'd like to invite a couple
3 neighbors up who might be able to help cross.

4 CHAIRMAN HOOD: In cross. They can
5 give you the questions. In cross, we usually have
6 one person to give the questions, and we'll take
7 time for them to give you questions.

8 MS. KONKEL: Okay.

9 CHAIRMAN HOOD: So maybe while you
10 all are waiting, if you write your questions down
11 and give them to here, on things that we've
12 heard, or things in the record. She can sit
13 beside you and give you the questions.

14 MS. KONKEL: Okay; great.

15 CHAIRMAN HOOD: But you need to ask
16 them.

17 MS. KONKEL: Fantastic.

18 CHAIRMAN HOOD: Okay.

19 MS. KONKEL: All right.

20 CHAIRMAN HOOD: She can introduce
21 herself since she's at the table.

22 MS. KONKEL: She can?

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1 CHAIRMAN HOOD: Yes.

2 MS. KONKEL: Or she cannot?

3 CHAIRMAN HOOD: She can. I would
4 like to know who she is; yes.

5 MS. MCSWEENEY: Hi. My name is
6 Terrell McSweeney. I live at 51 Q Street,
7 Northeast.

8 CHAIRMAN HOOD: Okay.

9 MS. KONKEL: We have a host of
10 questions. Mr. George, could you please explain
11 the clearance between the turning radius for
12 trucks and our retaining walls with a 30-foot
13 truck, please. Just walk us through how the, kind
14 of the physics of a--the clearance and the
15 turning radius for the trucks and the retaining
16 walls, of a 30-foot truck, please.

17 CHAIRMAN HOOD: Ms. Konkell, do you
18 need lights off so you can see, or--

19 MS. KONKEL: That would be helpful,
20 but I don't want to give people like flash
21 syndrome or something.

22 CHAIRMAN HOOD: Well, it's not

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1 after 11:00, so we won't go to sleep. Yes. Let's
2 turn them off, so everybody can see.

3 MR. GEORGE: Ms. Konkel, what I would
4 say is that we do not actually drive the truck
5 here, because this isn't built. There's a
6 simulated, a model that's part of the--that uses
7 the design features of a truck, and simulates an
8 average, a qualified driver making the movement
9 in to and out of the site.

10 And so what it says, again, the truck
11 would turn in here, this is a 20-foot
12 truck--30-foot truck. It would drive past the
13 entrance to the loading dock and then back up.

14 What you see here is the extreme
15 outer edge of the vehicle, typically
16 representing any overhang of the side mirrors
17 and so on. The wheels are well within here.
18 The wheels are showing approximately here.

19 And so it's simulating the movement
20 of the truck going in. It does come a bit close
21 here, but again these are simulations that
22 reflect a certain factor of safety, using

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1 perhaps--

2 MS. KONKEL: I'm sorry to interrupt.
3 Could you explain how close. You're saying it's
4 close, and I'd like to know specifics.

5 MR. GEORGE: Well, what I'm saying
6 is that it would be perhaps in the range of two
7 to three feet from the--two feet from the, what's
8 shown as where the edge of this property line
9 would be the fence, or the wall would be.

10 MS. KONKEL: And then could you also
11 go to Slide 29, of the depiction that shows the
12 aerial footage of the--there's a concern at a
13 different part of the alleyway. MR.

14 GEORGE: Okay.

15 MS. KONKEL: Slide 29. Just there.
16 If you look up, and if you scroll over towards
17 the east side, where the alley comes from 1st
18 Street down--yes--and comes through there, that
19 is a very difficult--it's on a hill, you can't
20 tell that's a grade that goes down.

21 MR. GEORGE: Yes.

22 MS. KONKEL: And it's tricky.

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1 Sometimes, when I take a Zip Car, that's like one
2 of the little small ones, and I take that alley,
3 it's concerning because of both rubbish and
4 things.

5 MR. GEORGE: Yes.

6 MS. KONKEL: Can you please address
7 how inexperienced drivers of a rental truck of
8 maybe 20 to 30 feet would be able to negotiate
9 that safely.

10 MR. GEORGE: Yes. I don't think we
11 would expect a truck to come through that portion
12 of the alley. I've driven that several times
13 myself, and that's why we show them coming off
14 Florida Avenue and coming into the loading dock
15 here. We don't envision that. As part of the
16 process, and I think DDOT is represented here,
17 they normally look for areas--or elements of the
18 transportation infrastructure that needs
19 addressing, and perhaps that could be fixed.

20 But as of now, the understanding is
21 that they would come in here, come into the
22 loading dock and exit on to Florida Avenue.

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1 MR. BROWN: Mr. George, could I add
2 to the answer to that question, please; if you
3 don't mind. For 90 years, this building has
4 been a warehouse with 30-foot trucks driving up.
5 The entrance and the ramp is on the northwest
6 corner, and on the northeast corner are two
7 loading truck ramps, that for 90 years, trucks
8 have pulled in there, including 30-foot trucks
9 by a company called Echo Lab. That was a tenant
10 there for 25 years.

11 I don't know if any residents have
12 ever had any trouble with any of those trucks.
13 But we're widening the alley to make it less
14 invasive. But for 90 years, it's been a warehouse
15 that has had trucks go up and down that alley,
16 and we're trying to make it safer, so--

17 CHAIRMAN HOOD: Well, I understand.
18 I think her question--and I want to make sure it
19 doesn't get lost--she said inexperienced
20 drivers. And I'm sure that those that have been
21 there for 90 years working for this company--I
22 hope they weren't inexperienced.

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1 MR. BROWN: Yes, sir. I understand.
2 But 30-foot trucks have been using that building
3 and that alley, with a small alley, for many,
4 many years, sir, and I don't know if any
5 residents have complained or if there have been
6 any accidents. I don't know. Maybe there have
7 been. But, you know, we're doing--we think we're
8 making it much easier.

9 MS. KONKEL: Getting back to our
10 questions--but thank you for that
11 clarification--there are also utility poles
12 back in the alley that are also subject to
13 injury.

14 They actually--my retaining wall
15 sits exactly--I've taken a tape measure and did
16 it just this morning--16 feet from the building.
17 But there's two utility poles that stand out four
18 inches from my retaining wall, and then they're
19 about a foot thick as well.

20 So that shrinks it down one foot. And
21 then our trash collection actually takes place
22 back there. So we have supercans, as has been

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1 mentioned.

2 How do you propose that that is both
3 safely collected, and that we don't have outages
4 with our utility?

5 MR. FREEMAN: Well,
6 cross-examination is kind a to ask people
7 questions about what they testified about. No
8 one testified about utilities or poles.

9 CHAIRMAN HOOD: I'm going to--if
10 you object, then I'm going to turn the objection
11 down. I want you to ask the question. I'd like
12 for somebody to answer.

13 MS. KONKEL: It is a shame that we
14 didn't talk about utilities, frankly.

15 CHAIRMAN HOOD: Here's the thing,
16 though, Mr. Konkel.

17 MS. KONKEL: Yes.

18 CHAIRMAN HOOD: You're supposed to
19 ask a question. I think the question is valid.

20 MS. KONKEL: Yes.

21 CHAIRMAN HOOD: Actually, I let you
22 go for a minute. I don't know how many times

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1 you've been in front of us but--

2 MS. KONKEL: Never.

3 CHAIRMAN HOOD: Oh, okay. Well, let
4 me help you a little bit.

5 MS. KONKEL: I'm a social worker.
6 This isn't my "cup a tea," really.

7 CHAIRMAN HOOD: I understand.
8 Cross-examination is to ask a question. You gave
9 us a nice descriptive first, and then you gave
10 us a question.

11 MS. KONKEL: I'm sorry.

12 CHAIRMAN HOOD: In cross, you give
13 us the question, and what you can do, the issues
14 that you want to bring up when you do your
15 presentation to us, put those in the parking lot
16 and then bring them to us when you do your
17 presentation, cause you will be coming back up.

18 MS. KONKEL: Okay. I appreciate
19 that. I'm sorry. I was trying to clarify on
20 that--

21 CHAIRMAN HOOD: I'm going to allow
22 the next--I'm going to allow the last question.

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1 Just ask the last part of your question.

2 MS. KONKEL: Okay. So how will the
3 traffic plan protect the utility poles and the
4 trash collection in the back alley for the
5 residents of Q Street?

6 MR. GEORGE: I can try that, Mr.
7 Freeman. Ms. Konk-el--Konkel is correct--

8 MS. KONKEL: Konk-el.

9 MR. GEORGE: --is correct that
10 there are utility poles. What I would say is
11 that--and you're correct--there would probably
12 be about--take away one foot of the clear
13 distance of the alley. I would just ask you, Ms.
14 Konk-el, and the Commission, to consider the fact
15 that typically, alleyways in the city are much
16 less than 20 feet.

17 They're typically in the range
18 of-it's currently 16 feet. So the additional
19 four feet, I think would allow for vehicles to
20 travel there safely.

21 The other thing about alleys is that
22 it's very, very infrequent, that you have two

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1 vehicles passing one another within an alleyway.
2 The speed limits within alleyways are usually
3 five to a maximum of 10 miles per hour. And if
4 you could just visualize, there are numerous
5 major streets in the city where the traffic use
6 trucks, and everyday traffic, where the lanes
7 are nine and ten feet wide.

8 So we think with the low volume of
9 traffic, the infrequency of vehicles passing one
10 another, that loss of a foot because of the
11 utility pole--and you're correct, there are
12 utility poles--would not present a significant
13 operational challenge. COMMISSIONER MAY:
14 Mr. Chairman, can I speak on this for a second.

15 CHAIRMAN HOOD: Sure; sure.

16 COMMISSIONER MAY: Because I'd
17 like to--I would like to ask something. Mr.
18 George, do you know if there are actually any
19 poles in the area of where you're showing your
20 turning movements, where the trucks are backing
21 up, and so on?

22 I'm not asking you to find out if

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1 they are. I'm asking you if you know, right now,
2 whether there are or are not.

3 MR. GEORGE: I don't believe there
4 are.

5 COMMISSIONER MAY: Okay. So maybe
6 you all can document whether, in fact, there are
7 going to be any poles in that vicinity. The only
8 thing I'd say is that--

9 COMMISSIONER TURNBULL:
10 Commissioner May, if you look on Sheet C-603.

11 COMMISSIONER MAY: Okay. I'll look
12 at that. So the other thing I want to say about
13 this is that this--the problem you're talking
14 about with utility poles and trash cans is a
15 common things, and it happens in my alley, and
16 the utility pole has been armored, so that if
17 there's damage, it's damage to the truck. It's
18 not to the utility. The utility stays. The
19 other thing is that I hope you're aware that your
20 cans that have been issued by the city are
21 actually supposed to be kept on your property,
22 and not in the public space.

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1 MS. KONKEL: The elderly residents
2 have dispensation due to their handicaps.

3 COMMISSIONER MAY: Oh. They do?
4 Okay. Cause that's not the case in--

5 MS. KONKEL: We have dispensation
6 for our alley.

7 COMMISSIONER MAY: You have a
8 dispensation for your alley? For the whole
9 alley?

10 MS. KONKEL: I don't know.

11 MS. MCSWEENEY: I don't know if I'm
12 allowed to talk. I'm happy to answer.

13 COMMISSIONER MAY: No. Okay. I was
14 asking if you knew that it's normally supposed
15 to be kept on public--on private property and not
16 in public space.

17 MS. KONKEL: I understand that--

18 COMMISSIONER MAY: And the answer
19 to that is yes.

20 MS. KONKEL: --but I believe that we
21 have a certain type of dispensation.

22 COMMISSIONER MAY: Okay. All

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1 right. That's all. Thanks.

2 MS. KONKEL: The residents that
3 have steps that are more than 12 feet have
4 special dispensation to keep their cans there,
5 and we all have such steps in our back alley.

6 COMMISSIONER MAY: All right.
7 Thanks.

8 MS. KONKEL: Thank you. Sorry. I
9 wasn't ready for questions. But I have more
10 questions. Can I continue to ask?

11 CHAIRMAN HOOD: Sure. Go right
12 ahead.

13 MS. KONKEL: Thank you. Is it
14 possible to have the lights turned back on for
15 a moment. Thank you. Before we move away from
16 the alley questions, could you describe the
17 embellishment on the back, that will be facing
18 our homes, and could you address privacy issues
19 as well.

20 MR. DOVE: In the back alley
21 elevation, the building has several things that
22 are articulated. One is that most balconies, if

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1 not all, have--I mean, the apartments have
2 balconies which project, which have decorative
3 railings around them.

4 Secondly, it's a significant--the
5 masonry has been intentionally kept low key, as
6 we discussed earlier. I think that the--those
7 are the basic embellishments.

8 MS. KONKEL: And--

9 MR. DOVE: There's the elevation.

10 MS. KONKEL: That there's a
11 question about the color, why it's a dark color
12 rather than a light color, as it seems to have
13 impact on light, which we'll move to in a minute.

14 MR. DOVE: I can only address what
15 the color is, which is not a dark brick color.
16 It's a relatively medium-toned brick color,
17 which is consistent with the rest of the
18 building.

19 MS. KONKEL: Regarding safety in
20 the alley, how--there are a lot of school
21 children, use that alley to go back and forth
22 between McKinley Tech and other--Dunbar and

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1 things. Do you have any plans for pedestrian
2 safety?

3 MR. FREEMAN: I'm trying to figure
4 out how best to answer that. The proposed use of
5 the alley is consistent with the city's proposed
6 use of public alleys.

7 CHAIRMAN HOOD: I'm sorry. What was
8 the question?

9 MS. KONKEL: The question is that a
10 lot of children use that alley to walk back and
11 forth to school. We're in between two high
12 schools, and they transverse through there,
13 often Dunbar, and then there's another, other--

14 CHAIRMAN HOOD: Oh, Dunbar students
15 use--

16 MS. KONKEL: You know, Dunbar kids
17 from our neighborhood walk--

18 CHAIRMAN HOOD: Oh, they go to
19 Dunbar.

20 MS. KONKEL: Yes.

21 CHAIRMAN HOOD: Oh, okay. I know
22 about McKinley. I went to McKinley, so--

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1 MS. KONKEL: Oh, good. And Langley
2 as well. Sorry. Langley. I'm forgetting all the
3 schools. There's--you know, I see--I garden
4 between two of the things there. I see kids
5 walking down a lot.

6 CHAIRMAN HOOD: So your question is
7 the safety mechanism in place for kids.

8 MS. KONKEL: Safety of kids, and
9 it's already feels dangerous, and I'm worried
10 about more traffic.

11 MR. FREEMAN: It's a public alley,
12 so we can't restrict the public from using the
13 alley, and the purpose of an alley is for
14 vehicular movements.

15 CHAIRMAN HOOD: Okay. I think the
16 question--the reason why the question, I think
17 is applicable, because how we--when we make that
18 turn back in and we're getting ready to pull out,
19 are there bells or something--you know how you
20 have mirrors. What's going on to let them know
21 that a truck may be pulling back out?

22 COMMISSIONER TURNBULL: Or maybe

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1 some additional signage to supplement.

2 CHAIRMAN HOOD: Yes. I think that's
3 a legitimate question.

4 MR. FREEMAN: We can definitely add
5 additional signage on the building for--to alert
6 people--

7 CHAIRMAN HOOD: Is there a blind
8 spot? Is there a blind spot?

9 MR. FREEMAN: And--

10 CHAIRMAN HOOD: Yes. We definitely
11 need some--

12 MR. FREEMAN: --a mirror. A mirror.

13 CHAIRMAN HOOD: I know downtown
14 here, they used to have a bell or something. So,
15 you know, I think that's a legitimate question.
16 Okay. Next question.

17 MS. KONKEL: We were surprised to
18 hear of your outreach, and we'd like to hear more
19 description of what your outreach was for the
20 residents of Q Street.

21 MR. FREEMAN: I think what we said
22 in our opening statement is that we've attended

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1 multiple ANC meetings, which is true. We've
2 attended multiple Eckington Civic Association
3 meetings, which is true. And we have attended at
4 least one community meeting. So I can think of
5 six meetings that we've attended, five of which
6 everyone here was at.

7 CHAIRMAN HOOD: Okay. So the
8 community-- what was the community meeting? I'm
9 just curious.

10 MR. FREEMAN: It was a Single
11 Member District ANC meeting, and I guess that's
12 what I'd call--

13 CHAIRMAN HOOD: So it was still an
14 ANC meeting. So a Single Member District ANC, the
15 full ANC--

16 MR. FREEMAN: Yes.

17 CHAIRMAN HOOD: --and the civic
18 association?

19 MR. FREEMAN: Multiple times. Yes.

20 CHAIRMAN HOOD: Okay. All right.

21 MS. KONKEL: Was there any specific
22 outreach to the residents of Q Street or

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1 residents within the 200-foot radius?

2 MR. FREEMAN: No. We did not knock
3 on doors on Q Street. However, we did submit a
4 petition that had some folks on Q Street in
5 support.

6 MS. KONKEL: I would like to call
7 into question the validity of that petition,
8 because I have a text message from one of the
9 people on that, saying that she misunderstood
10 what that was about, and there are other people
11 here--

12 CHAIRMAN HOOD: That's okay. That's
13 okay. We'll--

14 MS. KONKEL: Okay.

15 CHAIRMAN HOOD: We'll get to that.

16 MS. KONKEL: Oh. Maybe you could
17 explain how you got that petition.

18 MR. FREEMAN: Well, actually a
19 neighbor prepared the petition and gave it to us.

20 MS. KONKEL: Who?

21 MR. FREEMAN: It--the neighbor
22 gave us the petition and we submitted it.

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1 MS. KONKEL: And anonymous
2 neighbor, or is it somebody that we know their
3 address, and is actually a neighbor? And is it
4 a home owner or a renter?

5 MR. FREEMAN: The petition was
6 circulated by a neighbor that got signatures,
7 and gave it to us, and we submitted it for the
8 record.

9 CHAIRMAN HOOD: Okay. That's the
10 answer. Let's go to the next question.

11 MS. KONKEL: Okay. Regarding the
12 construction plans and demolition plans, could
13 you share with us your demolition planning. We
14 don't see much of that.

15 MR. FREEMAN: Why don't I have Mr.
16 Viola talk about the general--I'm not sure I
17 quite understand the question, but included in
18 the civil plans, there's a demolition plan. But
19 I don't know if the question--

20 COMMISSIONER TURNBULL: Ms.
21 Konkell, have you seen their construction
22 management plan?

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1 MS. KONKEL: Yes, sir.

2 COMMISSIONER TURNBULL: You have.

3 MS. KONKEL: I'm not an expert in
4 these matters, but we've shared it with other
5 people who seem to be able to read these things
6 better than I can, and we have some concerns. I'm
7 not frankly sure which of those concerns I can
8 bring up here in testimony, so I'm reading
9 through things and getting things handed, so--

10 COMMISSIONER TURNBULL: Okay. All
11 right.

12 MR. VIOLA: So demolition.
13 Essentially--

14 VICE CHAIR COHEN: And I think
15 you're doing a good job.

16 MS. KONKEL: Thanks.

17 MR. VIOLA: Essentially,
18 demolition entails removing what's there, and
19 part of that will be recycling what we can, and,
20 you know, as part of our LEED certification . But
21 we'll have of course trucks there to--with
22 water, so that they can keep the dust from, you

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1 know, going throughout the neighborhood.

2 We'll be--I'm sure the city requires
3 disconnect of the utilities through the
4 building, the water, the sewer, electrical.
5 We'll also be putting out traps to try to keep
6 the vermin down, because, you know, when you
7 start disturbing their surroundings, they start
8 to move. And of course we'll be warning the
9 neighbors, to know if they're having any issues
10 with vermin.

11 We have a truck route, so that would
12 be part of the demolition as well. This is not
13 a large building, so it's not likely there would
14 be wrecking balls out there, or anything like
15 that. So--but obviously, the site will be
16 fenced from the time that we initially get
17 involved with it, and that would be in place
18 during the demolition as well.

19 MR. FREEMAN: And not to testify,
20 but as a Zoning Commission, where construction
21 is subject to the D.C. construction code, not the
22 zoning regulations, and we would comply with all

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1 applicable D.C. construction code requirements
2 with respect to demolition.

3 MS. KONKEL: Has there been a
4 vibration study regarding the type of damage
5 that the vibration from demolition, and from
6 constructing the underground parking garage,
7 could have to the nearby historical residences?

8 MR. FREEMAN: We have not gotten
9 into the construction process, but once we get
10 into the construction process, we will obviously
11 prepare all studies and reports that are
12 required as part--under the construction code as
13 part of that process, and take appropriate
14 measures.

15 MS. KONKEL: I'm not aware of
16 standard procedures, but is it typical--I don't
17 know who to ask this question--that a demolition
18 plan won't have a vibration
19 study--particularly, our concerns is we've
20 already had a facade in our--on our street topple
21 due to construction happening next, you know,
22 like really fast flipping of a home, and so--and

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1 we've had the earthquake, which created some
2 issues with--my house was built in 1903, so
3 the--there seems to--I'm concerned, that there
4 hasn't been much research about the impact of
5 that vibration on not just the home, but the
6 foundation, the retaining wall, and like the
7 surroundings.

8 MR. FREEMAN: I think the answer is,
9 again, we will do everything that the building
10 code requires with respect to studies and
11 reports, and I again would not that our
12 construction management plan does include
13 pre-surveys of the existing conditions, a
14 contact person for any home owner to call during
15 the construction process, and a commitment to
16 repair or restore any damage caused by us during
17 the construction process.

18 MS. KONKEL: According to the
19 documents I have here, it doesn't indicate
20 anything about mitigation or a vibration study
21 specifically. Can you point that to me. I'm
22 sorry. I just can't--

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1 MR. FREEMAN: That's not what I
2 said. I said we will comply with all applicable
3 D.C. construction code requirements.

4 COMMISSIONER TURNBULL: I think
5 what they're talking about is that they're going
6 to document the site, your homes, and I mean,
7 whether it's through photographs or whatever, so
8 that there is a complete record. I mean, it's
9 nothing we can enforce. I mean, it's something
10 they're going to get up, it's a voluntary between
11 you and them, but they're going to be able to
12 basically document the existing structures that
13 are there, and if something should happen--I
14 mean, it's protecting you, it's protecting them,
15 from whatever happens.

16 MS. KONKEL: We just prefer to have
17 a mitigation plan so there isn't damage. So is
18 it possible to have a mitigation plan added to
19 this? Can you be more specific in the plan. Why
20 is it not included?, I guess is the more
21 important question.

22 MR. FREEMAN: Again, we--the answer

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1 again is we will comply with all applicable
2 construction code requirements, For example,
3 the construction code requires notices, the
4 construction code requires, to the extent it
5 would impact them, underpinnings, tie-back
6 shoring--the construction code covers a range of
7 methodologies intended to address building in
8 the District of Columbia within a distance of
9 other homes.

10 MS. KONKEL: Okay. Moving on to the
11 light aspects. Can you specify exactly what
12 months my house will not--will be affected by the
13 building of your building.

14 MR. FREEMAN: We can walk through
15 the Shadow Study again.

16 MS. KONKEL: Thank you. That'd be
17 nice.

18 CHAIRMAN HOOD: Mr. Konkel, were
19 you here when we went through it? Or--

20 MS. KONKEL: I was there.

21 CHAIRMAN HOOD: --were you just
22 outside?

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1 MS. KONKEL: We have some
2 questions. I need to see that, so I can ask some
3 questions.

4 CHAIRMAN HOOD: Okay. Let's put
5 that back up and let's try to clarify. Yes. Do
6 we need the lights?

7 MS. KONKEL: Yes.

8 CHAIRMAN HOOD: I will tell you,
9 after about a quarter to 11:00, we might not want
10 to turn the lights on.

11 MS. KONKEL: I feel you. I feel you.
12 I had a busy day at work already.

13 MR. FREEMAN: And do you want to
14 identify your house.

15 MS. KONKEL: If we could go to
16 December, that'd be better.

17 CHAIRMAN HOOD: What is yours?

18 MS. KONKEL: 45. I 'm smack dab in
19 the middle.

20 MR. FREEMAN: You want to go with
21 that right here?

22 MS. KONKEL: Yes. Would you go to

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1 the Shadow Study from December, please.

2 MR. FREEMAN: Well, her question
3 was the impact of the Shadow Studies, so if you
4 look at--

5 MS. KONKEL: Yes. I'm most
6 concerned about December myself. So I'm asking
7 about December. Thank you.

8 I have solar installments on my
9 home, and was--received D.C. grants for that.
10 Can you explain how this will then impact my
11 ability to generate electricity and heat for my
12 home.

13 MR. FREEMAN: Two things. We have a
14 brief in the record that talks about the fact
15 that there's no easement for light, air, or
16 ventilation across a private property without an
17 easement. So I'm not going to get into the legal
18 argument.

19 But I think the short answer is the
20 shadow caused--cast by our building is the same
21 exact shadow that would be cast by a
22 matter-of-right 60-foot building.

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1 MR. DOVE: I might add that I assume
2 the solar arrays are on the roof?

3 MS. KONKEL: Yes, sir.

4 MR. DOVE: Then the way our diagrams
5 show it, we don't believe that the roof is
6 impacted at all.

7 MS. KONKEL: I hope you're right.

8 MR. DOVE: At noon. At noon.

9 MS. KONKEL: Only at noon?

10 MR. DOVE: Well, in the mid part of
11 the day.

12 MR. FREEMAN: That shadow is at 8:00
13 a.m., and if you look at the second part it's--

14 CHAIRMAN HOOD: Here's really what
15 we need so we can follow it. We need Ms. Konkell
16 to ask a question. We need one person to
17 ask--she's asking a question. I've got three
18 people answering, and the Commission--I don't
19 know about them, but I get dizzy looking to
20 figure out who's answering, so I know who to look
21 at. We need one person to ask a question, and then
22 if we all talk--if one person's talking, then

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1 maybe we'll all understand it. Okay?

2 So again, Ms. Konkel, did you
3 understand that about the Shadow Study?

4 MS. KONKEL: It sounds to me like
5 they're not completely sure, but they're hoping
6 that most of the impact won't occur. I think
7 it--my question. Do you have anything to
8 demonstrate the difference between what exists
9 now, and what will exist when you build your
10 building?

11 MR. DOVE: We don't have that
12 diagram here.

13 CHAIRMAN HOOD: But you do have it?

14 MR. DOVE: Yes.

15 CHAIRMAN HOOD: Can you provide
16 that to us for the record.

17 MR. DOVE: Yes.

18 CHAIRMAN HOOD: Okay. Next
19 question.

20 MS. KONKEL: Does the--does that
21 study, the one they'll now include, does that
22 include the penthouse pic--the penthouse on the

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1 top as well?

2 And does this one even?

3 MR. DOVE: I guess I'm answering the
4 Shadow Studies. George Dove. The diagrams
5 include the outline of the building. The
6 penthouse is far enough forward, that it will not
7 have--it does not participate in the shading
8 impact that we're showing here. What is the
9 impact zone is the 60-foot wall. The penthouse
10 does not contribute to it.

11 COMMISSIONER TURNBULL: But Mr.
12 Dove, maybe it'd help simplify. Your drawing
13 shows, here--is that like through the face of the
14 rear of the house, or is that where we're saying
15 it's going--

16 MR. DOVE: Where you're seeing the
17 dark shadow, that is going up to the base of the
18 building. The buildings rise three stories above
19 that to the roof.

20 COMMISSIONER TURNBULL: Okay. So
21 you're basically trying to summarize. You go
22 back to the rear of the building and you don't

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1 believe it's going to go on the roof?

2 MR. DOVE: That is correct. And we
3 could demonstrate that in section plans.
4 Obviously, it's more difficult--

5 COMMISSIONER TURNBULL: You know,
6 that might be good, a section, just showing how
7 it would--maybe that would help clarify it.

8 MS. KONKEL: Ms. Jackie, at 43, and
9 I, share a garden at the very back of our homes.
10 I'm wondering, in March, in your March study, can
11 you explain how that--the sun will impact our
12 gardens.

13 MR. DOVE: I can only--

14 MS. KONKEL: I think cause March and
15 September are growing months, and then, you
16 know, June, it doesn't seem--hopefully won't
17 have much impact. But--and again, it would be
18 helpful if you could compare what exists to what
19 you're proposing. Could you just explain how
20 March will impact the very back of the yards.

21 MR. DOVE: I'm unable to explain it
22 other than the diagram we're showing, which

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1 shows that part of your rear yard, at this
2 particular moment, is shaded in the wintertime,
3 and in March.

4 MS. KONKEL: How much--

5 MR. DOVE: At mid--at noon.

6 MS. KONKEL: How much of the yards
7 at 43 and 45 would you estimate are shadowed
8 throughout the day?

9 MR. DOVE: I don't want to estimate
10 from this diagram.

11 MS. KONKEL: Is there any way to
12 mitigate how the limited access to sun will
13 impact snow melting?

14 MR. DOVE: Do I answer it now or--

15 CHAIRMAN HOOD: Let me ask you this.
16 Do you need time to answer these questions, or--

17 MR. DOVE: I don't have the answers
18 to those, cause I have not researched it.

19 CHAIRMAN HOOD: I actually think
20 there--Mr. Freeman, before you say anything, I
21 think those are valid questions. I think that the
22 neighbor has a right to know that. We just need

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1 to get the information to her. She's now a party.
2 So we need to get that information to her.

3 MR. FREEMAN: I'm just trying to
4 make sure I understand the question. Is it--

5 CHAIRMAN HOOD: She asked about the
6 snow, and she asked about the garden in March,
7 and the effect of the sunlight at that time, I
8 think during the growing season.

9 MS. KONKEL: Right. We also use
10 passive heating --

11 CHAIRMAN HOOD: How far--I guess
12 how far does the shade go? I guess that's kind
13 a what she needs to know. Cause I think,
14 though--I'm not sure how you could move the
15 garden up or get this improved. I don't know. I'm
16 just saying, right here--

17 MS. KONKEL: It would cost a lot of
18 money--

19 CHAIRMAN HOOD: I think what I'm
20 hearing is workable, and I will tell you right
21 now, before we get to the end, like I always do
22 in most cases--I think this is workable. I think

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1 that the neighborhood needs to have a
2 conversation. They may not have attended the
3 civic association. They may not have attended
4 the ANC. Mr. Freeman, you know I'm going to ask
5 that you all, the Applicant, meet with the Q
6 Street neighbors, and when you all come back to
7 see us, probably in October, you're holding
8 hands. Okay.

9 So I'm just putting that out there.
10 That's what I'll be asking for at the end.

11 MS. KONKEL: Thank you, Chairman
12 Hood. I'd like to--along that point, I'm curious
13 to know who you worked with to negotiate the
14 current plan you have.

15 MR. FREEMAN: Which plan?

16 MS. KONKEL: The current amenities
17 plan.

18 MR. FREEMAN: We worked with the
19 ANC.

20 MS. KONKEL: Could you be more
21 specific, please.

22 MR. FREEMAN: We worked, as the case

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1 with every PUD, we start with our ANC Single
2 Member District member, and that is then
3 ultimately approved and adopted by the full ANC.

4 CHAIRMAN HOOD: They work with the
5 ANC, and, you know, I don't know if you attend
6 the ANC meetings--

7 MS. KONKEL: I was there.

8 CHAIRMAN HOOD: Oh, okay.

9 COMMISSIONER TURNBULL: Mr.
10 Chairman.

11 CHAIRMAN HOOD: Yes.

12 COMMISSIONER TURNBULL: Can I ask
13 a question of Ms. Konkkel? Cause I was the one--

14 CHAIRMAN HOOD: I haven't seen it
15 done that way before. That's why I cut it off.
16 I haven't seen it done that way. But you know
17 what? You're like I am, because I've done it too
18 in the past. But I'm not going to allow that.

19 COMMISSIONER TURNBULL: Okay. I'm
20 sorry. I'll wait till the next turn.

21 CHAIRMAN HOOD: Okay. You can--if
22 it's something you want to talk about, you can

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1 talk about it in rebuttal. Okay.

2 MS. KONKEL: We have a question
3 about electrical outages, and the changes of
4 impact on our electrical grid due to the increase
5 in residency.

6 Can you speak to how this building
7 will both impact our grid, and what you're
8 doing to mitigate that as you--I'm sure are well
9 aware we've had outages, even last week.

10 CHAIRMAN HOOD: I'm not sure if that
11 is relevant. Can you ask another question. They
12 didn't--maybe you did when I was out the room.

13 MR. FREEMAN: We did not.

14 CHAIRMAN HOOD: Okay. It's what
15 they testified to. I know there's some questions
16 that you may want to bring to our attention. You
17 can do that when you do your presentation.

18 MS. KONKEL: Okay.

19 CHAIRMAN HOOD: We can turn the
20 lights back on.

21 MS. KONKEL: Yes. That'll be in
22 there too. Just to clarify. So even though

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1 we're concerned about the impact on our
2 like--the potential of not having power, we
3 can't ask them for clarification until later?

4 CHAIRMAN HOOD: You can--no. You
5 can mention it to us, but they did not
6 testify--well, I may have missed, but they did
7 not testify to that.

8 MS. KONKEL: About anything
9 about--got you.

10 CHAIRMAN HOOD: Right. Everything
11 that they spoke about--

12 MS. KONKEL: I understand. Okay;
13 sorry.

14 CHAIRMAN HOOD: --that's what you
15 cross-examine and ask. Now if you want to put it
16 on our radar screen, just mention it when you
17 come up again.

18 MS. KONKEL: Okay.

19 COMMISSIONER MAY: That may also
20 be something that you can talk to them about
21 directly, because I'm sure they'll be able to
22 tell you what they have to go through to get power

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1 service for a building like this--

2 MS. KONKEL: Okay.

3 COMMISSIONER MAY: --and they get
4 "put through the wringer" by PEPCO, and having
5 been through that wringer, I know. So they'll
6 tell you all about it.

7 MS. KONKEL: One last question is
8 about--it's kind of a question regarding
9 neighborhood cultural sensitivity. NoMa versus
10 Eckington. It sounds like you also did some
11 negotiating with NoMa. You mentioned a woman
12 named Liz when you were making your plan.

13 And Eckington, where I live, is not
14 NoMa, and we resent some of the changes taking
15 place there. And we just are curious, with all
16 the historical renovation we're trying to effect
17 in our neighborhood, why you wouldn't work with
18 us to make this look more in line with the
19 historical nature of our neighborhood.

20 MR. FREEMAN: Just a point of
21 clarification. It's not a historic district.
22 It's not a historic landmark. I think Mr. Dove

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1 can talk about how--their approach in designing
2 the building.

3 MR. BROWN: Can I make a comment.

4 CHAIRMAN HOOD: How did you call
5 what you--your product, Mr. Dove? I think is what
6 you're asking for. I mean, the opponent is saying
7 that necessarily is not in character with the
8 neighborhood. How did you get to the point of
9 trying to make it in character? How did you end
10 up where you are?

11 MR. DOVE: Our approach from the
12 very beginning, and we've expressed this
13 numerous times, is to keep the building as much
14 of a background building as possible.

15 One of the things that we felt was
16 important, particularly as you turn the corner
17 along the alley, was to keep materiality simple
18 and masonry in nature. And that is what we've
19 tried to do. In addition, the form of the
20 building itself transitions, so that we're
21 trying to change the scale from the higher scale
22 to the south to the lower scale in the north,

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1 through the stepping-down of the building.
2 Again, we've tried to keep the ornamentation
3 simple.

4 The back of these houses, and
5 adjacencies are relatively simple punched
6 openings and masonry, and most of our openings
7 are the same. That's the kind of thing we've
8 done.

9 CHAIRMAN HOOD: Okay. Do you have
10 any other questions?

11 MR. BROWN: Can I add an
12 answer--continue to answer that. Out of the six
13 ANC meetings that I personally attended, going
14 back a year, two years ago, at the first ANC
15 meeting where we presented this property, we had
16 a standing ovation from 25 residents, who
17 thanked us for bringing a residential property
18 to their neighborhood.

19 After that, we then had comments
20 from the ANC commissioner and the neighbors as
21 to making changes. That was a year ago. We came
22 here with those changes. We then went back to the

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1 ANC, and have gone back and back.

2 What's happened is that,
3 unfortunately, or fortunately, however you look
4 at it, there have been new residents that have
5 moved in, and the new residents have moved in and
6 now they have issues. And I don't blame them.
7 They have issues.

8 But we have gone through the normal
9 steps to try to react and interact with the
10 community, multiple times, to get where we were,
11 sir. So I'm just--

12 CHAIRMAN HOOD: Okay.

13 MS. KONKEL: Kind of along those
14 lines, how much affordable housing will be
15 included? You mention that 10 percent of this
16 will be sold to investors. I'm wondering how much
17 will be sold for affordable housing.

18 MR. FREEMAN: We are meeting the IZ
19 requirements for this project, which is about
20 16--16 units.

21 MS. KONKEL: What's the percentage
22 of the entire building, though?

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1 MR. FREEMAN: It's either--that's
2 either 8 or 10 percent.

3 MR. BROWN: 8 percent.

4 MS. KONKEL: Is it eight? Just for
5 clarification, 10 percent will be sold to
6 high-dollar investors, and 8 percent will be for
7 affordable housing; is that correct?

8 MR. FREEMAN: That's not what he
9 said. The answer to the question is 8 percent
10 of the units will meet the inclusionary zoning
11 requirements, which translates into 16 units.

12 MS. KONKEL: Can you clarify, or
13 explain maybe, why you shrunk the retail space,
14 and justify it being considered mixed use, with
15 such a small amount of retail in such a large
16 building.

17 MR. FREEMAN: Mr. Dove can talk about
18 the thought of the retail layout.

19 MR. DOVE: The important thing
20 about providing retail in a building like this
21 is that to be successful in the marketplace. So
22 it really is a service. The amount that we've

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1 done takes into account the street frontage that
2 we have, and the depth of the retail, which is
3 between 60 and 80 feet, which is considered ideal
4 for urban small retailers.

5 MS. KONKEL: And one more question.
6 Have you worked with the Mid City East folks who
7 have conducted a survey showing what business
8 services our entire kind of bigger area is
9 longing for?

10 MR. FREEMAN: We are aware that the
11 Office of Planning is in the process of preparing
12 a Mid City East Plan, and that plan calls for an
13 array of retail uses and services, and we believe
14 that the retail space on our site could
15 accommodate some of the retail services and uses
16 being proposed under that plan.

17 MS. KONKEL: I think that's all.
18 Thank you.

19 CHAIRMAN HOOD: Okay. Thank you.
20 Let's move to the Office of Planning and DDOT,
21 and we'll take you both at the same time.

22 Ms. Thomas, and then Mr. Henson.

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1 MS. THOMAS: Mr. Chairman, at this
2 time we would--the Office of Planning would
3 stand on the record of our report, and we'd be
4 happy to take any questions.

5 CHAIRMAN HOOD: Okay. Mr. Henson,
6 can you talk a little bit about, in your report,
7 Mr. Henson, a little bit about some of the
8 conversations we've heard about right-in,
9 right-out. And, you know, I'm not telling you
10 what to do. You know what to do. But if you could
11 just mention some of those items.

12 MR. HENSON: I can't stand on the
13 record too?

14 CHAIRMAN HOOD: No. You won't be
15 able to stand on the record, because we'll ask
16 plenty of questions.

17 MR. HENSON: No. I'll do my best to
18 actually go into--to try to keep it brief, but,
19 yes, go into a little detail on a couple of the
20 areas that have come up, and hopefully preempt
21 some of the questions.

22 Again, my name is Jamie Henson. I'm

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1 a planner at DDOT. So DDOT did a review on the
2 project, sent it around the agency, across our
3 administrations, and here are the following
4 things we found.

5 One. Florida Avenue is--nobody is
6 surprised, is a constrained facility,
7 experiences a lot of congestion during the peak
8 commuter times. What we also find is that the
9 project is not likely to generate a lot of
10 vehicle trips. On the order of twenty-five seems
11 like a reasonable number of what it can generate.

12 And so let me try to pause here for
13 the first brief discussion. What DDOT
14 affectionately refers to as Dave Thomas Circle
15 at New York and Florida Avenue, there's about
16 roughly 130,000 cars a day that pass through that
17 intersection.

18 At the intersection that's also
19 known as Truxton Circle, at Florida and North
20 Cap, there's on the order of 65,000 vehicles per
21 day that passes through there.

22 So it's highly unlikely that the

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1 peak period traffic volumes are really going to
2 change. It is well within the margin of error in
3 those areas. We can talk more about that, but
4 that's kind of the big picture. It's well
5 within the margin of error of what the area's
6 going to see on a day to day basis.

7 The proposed vehicle parking supply
8 is roughly double what we typically see with
9 projects, not only in this area but across the
10 city. Usually, we see on the order of 0.6
11 parking spaces per residential unit. This is
12 obviously twice that.

13 Now let me try to give a little bit
14 of understanding of what we're thinking.

15 We talk about parking for, really,
16 a couple a reasons. One, to talk about it in terms
17 of trip generation, because generally, the more
18 parking, the more possibility there are for
19 vehicle trips.

20 But two--and this is not necessarily
21 quite as clear, but I want to clarify why we talk
22 about parking--is to help folks understand what

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1 may or may not be value that could be recovered
2 in other areas.

3 So, for example, if there's twice as
4 much parking, do they really need that much?
5 Could that potentially go to an amenities
6 package? Now, obviously, that's not our
7 decision, but we're wanting to inform you, as the
8 Commissioners, of what we see as the likelihood
9 of that, and the ability to potentially have
10 someone else, Office of Planning, or somebody
11 else talk through an amenities package that
12 could be hampered by overbuilding parking.

13 So that's some of our reasoning on
14 why we try to talk through parking, in
15 particular, in detail.

16 And so next I'll talk about trip
17 generation. Generally, it's appropriate, but
18 it's not consistent with the parking. We
19 also--the NoMa bid actually did a study and found
20 that fifty--if I remember correctly, 57 percent
21 of residents actually own a car, and 18 percent
22 drive a car to work.

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1 So on the order of about a third of
2 the people who have cars drive them.

3 Maybe that extrapolates to this
4 site, maybe not, but that's what they find, which
5 is generally consistent with what the Applicant
6 assumes.

7 So with that, let me go into what our
8 requests were of the Commission and the
9 Applicant.

10 We'd like the parking supply to be
11 lower. If that can't happen, we'd like to--for
12 the Applicant to commit to a
13 performance-monitoring program which they've
14 done. We'd rather the parking be lower, but if
15 that can't work, performance monitoring can
16 address the issue on trip generation.

17 We'd like the Applicant to limit
18 access to ride-in, ride-out. I think the
19 Applicant actually did an excellent job of
20 demonstrating why. I think there's on the order
21 of six to eight different places to access
22 Florida Avenue at that point.

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1 You could actually argue that the
2 access management on that part of Florida could
3 be as bad or worse than many of the spots on New
4 York Avenue much further out in the city, which
5 is reason enough to argue for constraining the
6 access there.

7 And we think that the Applicant
8 should, indeed, unbundle the cost of parking,
9 because it will discourage automobile use. If
10 you don't have to pay for it, you might not
11 actually use it.

12 The Applicant--and also an
13 explanation on the SmarTrip card. And this is
14 what we'll be asking from, really, almost all
15 parts of the city from here forward. We're--we,
16 as the agency, are looking for TDM programs that
17 maximize non-auto modes. There are very few
18 people in this city that don't have a SmarTrip
19 card, and that don't understand how to get around
20 by rail, often by bus, but, in particular, by
21 rail. We don't find SmarTrip necessarily
22 changing patterns of mobility around the city.

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1 What we do find changing that are
2 things like carshare and bikeshare. It allows
3 people a different way to experience the city and
4 the city's travel network, and so that's why we
5 like for those two things, in particular for
6 residential uses, to be proffered, and not just
7 what amounts, frankly, to often a throw-away
8 SmarTrip card that doesn't really do anybody any
9 good, that doesn't change travel. So that's why
10 we--why you hear that from us more regularly. And
11 we can talk through that if you like.

12 And then we also ask that the
13 Commission provide flexibility to the Applicant
14 on the public space elements. There's a few
15 things in public space--the street actually
16 extends into the site. So what's not typically,
17 appears as public space, is actually public
18 space. So we would actually like for you to give
19 the Applicant a little bit of flexibility in
20 those public spaces to design--they're going to
21 need to go through because that's actually a
22 public street.

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1 They may actually have to go through
2 a more rigorous design review because it's a
3 public street. There's some pylons that look
4 like that were in the public street, and that we
5 would like to leave those in public space and not
6 be limited in what the Applicant can do.

7 And then I'll also note in the
8 alleys, the Applicant, my guess, is going to need
9 to completely redo the alley, and even if not,
10 they can locate their--relocate the utility
11 poles at appropriate locations.

12 They're going to be expanding it.
13 They're going to be back there anyway. If they
14 need to move poles to accommodate trucks, that's
15 another thing that they can do.

16 So I'm sure I've missed some things
17 that need to be discussed, and I'm open to
18 questions.

19 CHAIRMAN HOOD: Okay. I want to
20 thank you both, Ms. Thomas and Mr. Henson.

21 Commissioners, any questions of
22 either Office of Planning or DDOT? This never

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1 fails. Okay. We'll go to the--okay. Go right
2 ahead.

3 VICE CHAIR COHEN: Mr. Henson, I'm
4 just curious about--you have Florida Avenue is
5 very--it's choked. If I rode a bicycle down
6 there, I don't think I'd be very comfortable. Are
7 there any plans to do anything about that for
8 bicyclists?

9 MR. HENSON: I think generally, how
10 I'd respond to that question is that we've
11 addressed bicycling mobility needs in that area
12 through the Met Branch T rail. So the Met Branch
13 Trail actually goes under New York Avenue, over
14 Florida Avenue, and I believe you go over on Q
15 Street, I think is how you get to the trail. And
16 so then you can go down toward the central part
17 of the city. You can also go across, although
18 it's a little more difficult, up and across, I
19 think it's Q and R that have bike lanes that go
20 over toward the U Street Corridor, and then you
21 can come down some of the other streets that we
22 have.

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1 But no, I wouldn't have a bike on
2 Florida or New York.

3 VICE CHAIR COHEN: Also in your
4 experience with other condominium projects,
5 what is the ratios--I mean, we had a discussion
6 of three buildings, but I know one of the three,
7 CityLine, apparently has excess parking. So do
8 you have any specific things that you could
9 contribute.

10 MR. HENSON: Sure. Anecdotally,
11 what we hear is that the facilities, in
12 particular--I've heard specifically City Vista
13 has a fair amount of excess parking. We
14 hear--and, you know, it's hard for me to
15 distinguish between rental and condominium--but
16 I don't remember anything that's much above 0.6
17 or 0.7 in the past couple years on the parking
18 ratio.

19 CHAIRMAN HOOD: Okay. Any other
20 questions? Okay.

21 Mr. Henson, can we talk a little bit
22 about the--I guess you heard my exchange or my

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1 concern about the circulation.

2 It sounds as though--well, it sounds
3 as though that you all, the Applicant and DDOT,
4 are still having discussions on the
5 ride-in/ride-out. So you all don't agree with
6 that. You all disagree on that issue?

7 MR. HENSON: We'll listen to the
8 Applicant and work toward addressing the needs
9 of the site, but it's hard to imagine a scenario
10 where there's going to be full access that's
11 allowed. I mean, the Applicant makes good points
12 about, you know, late night, Sunday access,
13 where there's not as much traffic on Florida
14 Avenue. But at the end of the day, it's hard to
15 manage that facility, such that what needs to
16 happen every other day is going to happen.

17 I mean, it may be one of those things
18 where there needs to be the little rubber plastic
19 sticks that stick up in the air to keep people
20 from turning across that, and that doesn't
21 change on the night or a weekend.

22 CHAIRMAN HOOD: The last time I said

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1 something to Mr. George about New York Avenue,
2 about it being a lot of traffic, and I didn't
3 believe his report. The next day there was no
4 traffic. But I'm going to say the same thing
5 about Florida Avenue. So I'm going to go down
6 tomorrow. There probably won't be no traffic.
7 But I can tell you, Florida Avenue is
8 always--well, years ago, when I used to travel
9 it frequently, it was always busy. But now that
10 I'm on a bicycle, I'm on Metro now, more often.
11 Well, I can ask the neighbors.

12 I always thought Florida Avenue was
13 always busy. But maybe things have changed. I
14 don't frequent it as much. They're laughing. So
15 I thought that would have been a joke. But every
16 time I'm on it, I always have a problem. And I
17 think about the traffic consultants that come
18 and tell me level of service is A. But the left
19 turn--well, the--let me ask you this. The left
20 turn--I'm more concerned about the left turn
21 into the site.

22 Does DDOT share that same concern?

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1 MR. HENSON: Absolutely.

2 CHAIRMAN HOOD: Okay.

3 MR. HENSON: And in particular
4 because of the traffic, because what happens is
5 what we call a multi-lane--or it's a multi-point
6 threat. So if you're coming in to the site, and
7 you're turning left, say, from U Street, and
8 you're turning left, maybe the first lane stops
9 and the second doesn't, somebody stops to try to
10 be nice, but the guy on the inside lane at the
11 sidewalk doesn't see you and all of a sudden
12 you're in a crash. That typically is a problem
13 for ped crashes, but the same holds true for
14 vehicles as well. And so that's one of the
15 reasons that we're concerned with that movement,
16 and then obviously it's not all that different
17 on the left out either.

18 CHAIRMAN HOOD: Okay. All right. I
19 would agree. I'm not sure how much we can hold
20 to that. I think that is a very serious point.
21 I don't want to see--I would not like to be a part
22 of a Commission that endangers anyone, and I

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1 would hope DDOT would hold their point.

2 MR. HENSON: We absolutely do.

3 CHAIRMAN HOOD: Okay. Commissioner
4 Miller.

5 COMMISSIONER MILLER: Yes. Thank
6 you, Mr. Chairman. I understand what you're
7 saying, Mr. Henson, about this--why DDOT wants
8 to eliminate the SmarTrip option as opposed to
9 the carsharing and bikesharing, to incentive
10 non-auto use. But in this particular case,
11 you've got all these autos that are there. I've
12 just seen a couple of references, I think in--I
13 don't know if it was in your report, but it was
14 in OP's report, in the Applicant's statement,
15 about the unfriendly pedestrian route to the
16 closest Metro station.

17 I would think that that should be an
18 option that is a--to be offered to the owner as
19 what they originally proposed, but at a higher
20 value, to make it closer to the \$85 value of the
21 bikeshare or the carshare, as opposed to the \$50
22 a day.

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1 But can you comment on that?

2 MR. HENSON: Sure. Absolutely. So
3 one of the things that we think about on these
4 sharing services is that they can be used across
5 the city. So they're not just for use at that
6 site.

7 So we want to make sure that people
8 have mobility, not only at their home, but also
9 when they go out as well.

10 And we just don't see the ability to
11 change behavior. Because that's really what
12 we're looking for here. We're looking to make,
13 to help the District facilitate a very high
14 non-automotive split. I believe the mayor has
15 set the standard at 75 percent non-auto for
16 commute periods, if I remember correctly.

17 So with doing that means encouraging
18 modes and methods that are not necessarily
19 standard, in order to, I think, if I'm
20 remembering correctly--I'll defer to colleagues
21 at OP--but I believe the standard that we've set
22 is a 10 percent bike mode share. So these things

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1 are working toward those types of goals as well,
2 not--I mean, the carshare's a little bit
3 different. That those things end up working, but
4 actually the bikeshare and carshare end up
5 working together quite well, I think, but--and
6 we're also pushing SmarTrip as we encounter
7 businesses, much more on the business side,
8 because it's much more of a reduction that you
9 can get taken off your pay check.

10 So it's easier to actually request
11 that on the office side, and on the residential
12 side, actually focus a little bit differently.

13 So we're trying to have an
14 overarching TDM Program that addresses all
15 sides.

16 COMMISSIONER MILLER: I think that
17 makes sense. I just was pointing out--

18 MR. HENSON: Sure.

19 COMMISSIONER MILLER: --a couple
20 things on this site, particularly why you might
21 want to make sure they start out with the Metro
22 and not start out, I mean with the car.

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1 CHAIRMAN HOOD: Any other
2 questions, Commissioners, either Office of
3 Planning or DDOT? Okay. Does the Applicant have
4 any cross-examination of either Office of
5 Planning or DDOT?

6 MR. FREEMAN: No. No, Mr. Chairman.

7 CHAIRMAN HOOD: Okay. Thank you.

8 Ms. Konkel, do you have any
9 cross-examination of either Office of Planning
10 or DDOT?

11 MS. KONKEL: Yes. I do.

12 CHAIRMAN HOOD: Okay.

13 MS. KONKEL: Would the bikes be
14 using the alley?

15 MR. HENSON: Well, it's hard to
16 imagine--well, there's different types of
17 bikes. So if we're talking private bike or
18 bikeshare, hard to imagine bikeshare using that
19 too much; but they could. Much easier to imagine
20 folks--I think the Applicant's said that they'll
21 commit to 68 inside parking spaces. So they
22 would be using--they would be likely to use the

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1 alley to go up to Q Street to get to the trail,
2 though I don't know how many would use that.

3 But yes, it's very likely they
4 would.

5 MS. KONKEL: Where are the people
6 parking the carshare?

7 MR. HENSON: You know, I don't know
8 exactly where all the carshare locations are in
9 that neighborhood. They're generally mapped out
10 on the carshare Web sites, and obviously Car2Go
11 is a different "beast" and you can look on their
12 site.

13 I don't know how it congregates, or
14 doesn't congregate in the Eckington
15 neighborhood. I assume it does but--

16 MS. KONKEL: Is there a way to
17 protect the Q Street block from the Car2Go, and
18 all the--I mean, we already have problems with
19 that man.

20 MR. HENSON: Honest--I have a
21 fairly limited understanding, but basically
22 my--the way that I have understood the Car2Go,

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1 in particular, is that they can park basically
2 any, in any legal spot in the city, metered or
3 unmetered, RPP or non-RPP.

4 It's just the illegal streets and
5 streets I believe that have rush-hour
6 restrictions, if I remember correctly.

7 MS. KONKEL: Does the current
8 traffic study--is there one that's
9 comprehensive with the elevation development,
10 the inclusion of Trilogy already at the end of
11 Q Street, that's potential development, and then
12 the potential development just a couple feet
13 away, both around pedestrian safety, which is
14 egregious, and both bicycle and auto?

15 MR. HENSON: So three things I'll note.
16 First, the Applicant has produced their study,
17 which focused on really that section, on the
18 traffic piece on that section of Florida Avenue.

19 The District, DDOT put together a
20 study of NoMa At Large, the NoMa circulation
21 study, I believe it's got a date of 2010 on it.
22 And we're also engaged in a process, on the other

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1 side of New York Avenue, on Florida Avenue, from
2 Florida, I believe the end of the study area is
3 at New York down to--I don't know if it stops at
4 8th, or all the way to where Florida meets H. That
5 we're currently engaged in on a safety project,
6 and a pedestrian project there, all of which have
7 had to be--or were comprehensive.

8 MS. KONKEL: Some of the veterans in
9 our neighborhood have a term for the Dave
10 Thomas Circle, and its cluster, and there's a
11 word that I won't use here cause it's
12 inappropriate, and I think part of that might be
13 due to the fact that the studies are really
14 disjointed.

15 Is there a way to get--you know, when
16 you have half of a thoroughfare studied and the
17 other half studied--I mean, part of the problem
18 with this particular development is you have
19 NoMa really on one side and Eckington on another.

20 Is it possible to get something like
21 that done prior to making big decisions like
22 this?

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1 MR. HENSON: And we did. Now if I
2 remember correctly--I'll let the Applicant
3 verify--but I think they actually got the work
4 that we did a few years ago, three or four years
5 ago, in NoMa, that did do that.

6 MS. KONKEL: Did that include like
7 Trilogy, Elevation, this, and--

8 MR. HENSON: Yes, ma'am. It
9 included all the developments in NoMa, and
10 actually included a much higher trip generation
11 than what we're--than what the area's realizing.

12 MS. KONKEL: Can I get a copy of
13 that?

14 MR. HENSON: It's on our Web site,
15 and I'll be glad to point it to you afterwards,
16 if you like.

17 MS. KONKEL: Okay. Thanks. All
18 right. Thank you.

19 CHAIRMAN HOOD: Thank you. Let's go
20 to ANC 5E. Is there a representative from ANC 5E?
21 Let me see if I can find a report. It's in
22 support. Oh, here it is. I caught myself being

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1 organized. Okay. Here it is.

2 It says: Now therefore be it
3 resolved, that ANC 5E agrees with the position
4 taken by the Eckington Civic Association, who
5 also voted in support, and that's our Exhibit No.
6 32. I think they were waiting for a response from
7 them, the way I read it. Advisory Neighborhood
8 Commission 5E supports this project. The project
9 is an improvement over the existing conditions
10 of the site, will help continue the positive
11 development of the area, and will result in a
12 number of public benefits.

13 ANC 5E therefore recommends that the
14 Zoning Commission approve Zoning Commission
15 Case No. 12-02.

16 Okay. And that's signed by
17 Chairperson Barnes as well as Commissioner
18 Pinkney, I believe may be the secretarial vice
19 chair. Whatever the position. Both officers of
20 the ANC have signed it.

21 Also let me go back to other
22 government reports. We did have something from

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1 DC Water, and it basically says a final
2 determination of the existing public system's
3 ability to support the proposed project cannot
4 be made until detailed plans are submitted to DC
5 Water for review.

6 I don't know if that's been done,
7 but, if not, that's another venue where that will
8 be taken care of.

9 Did I miss any other reports? Okay.
10 All right. Let's go to--again, no one's here from
11 ANC 5E.

12 Let's go to organizations and
13 persons in support.

14 I don't have anyone on the list who's
15 in support. Is anyone here who'd like to come and
16 testify in support? Organizations or persons?

17 We do have a petition, which I will
18 be asking some questions during rebuttal, about
19 this particular petition.

20 Okay. Let's go to the party in
21 opposition. Ms. Konkel, if you want to come up
22 and bring your support.

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1 Hold on. Can you come forward and
2 tell me--let me know what's going on. I'm taking
3 organizations and persons in support. Are you in
4 support?

5 MS. KONKEL: Her name is on the
6 petition to support, but she wants to clarify
7 that she didn't intend--

8 CHAIRMAN HOOD: Okay. Come up and
9 clarify. That may answer my question. Thank you.
10 So right now, you're not in support. You're in
11 a corrective mode.

12 MS. HALL: Yes. My name is Gail Hall
13 and I live at 42 Q Street, and that petition is
14 not--the 15 names on that petition, I don't know
15 if it literally means that us 15 people support
16 this development. That petition was taken by one
17 of our neighbors, Mr. Snell, and it was to be
18 given to the ECA two Mondays ago, the first
19 Monday of this month, so that we could stop
20 voting, and that the community could have more
21 time to discuss and deal with this.

22 Because a lot of those 15 people are

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1 200 feet away. We weren't apprised of this
2 development.

3 CHAIRMAN HOOD: Okay. But let me
4 just ask you this. When you signed this, did it
5 say: The following residents are in support of
6 the proposed multi-unit residential building to
7 be located at 50 Florida Avenue, N.E.,
8 Washington, D.C. 20002?

9 MS. HALL: Yes, it did say that, but
10 I was told that it wasn't to be submitted for
11 support. It was to be--it was a strategy to be
12 given to the ECA last Monday, the first Monday
13 of July, so that we could get them to postpone,
14 so we could show the ECA you've got some
15 neighbors who know about this, some neighbors
16 who don't. Mr. Snell say he was using that as a
17 strategy.

18 CHAIRMAN HOOD: But when you signed
19 this, it says: The following residents are in
20 support of the proposed multi-unit residential
21 building.

22 MS. HALL: It did say--

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1 CHAIRMAN HOOD: It said that one
2 sentence; right? That's all it said?

3 MS. HALL: Yes.

4 CHAIRMAN HOOD: Okay.

5 MS. HALL: So I would like to take my
6 name off. Could I, right now?

7 CHAIRMAN HOOD: I'll take it off for
8 you.

9 MS. HALL: Because when I signed it,
10 it wasn't to support.

11 CHAIRMAN HOOD: We'll just draw a
12 line through it.

13 COMMISSIONER TURNBULL: We
14 crossed it off.

15 MS. HALL: So a lot--

16 CHAIRMAN HOOD: Yes. We'll just--

17 MS. HALL: Mr. Snell could probably
18 explain it. Those 15 people, we didn't know it
19 was going to be submitted for support purpose.

20 CHAIRMAN HOOD: Okay. This is not
21 the first time we've seen something like that
22 done. Okay. All right. Thank you. Thank you for

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1 clarification. Okay.

2 Let's go to organizations and
3 persons--well, let me go to the party in
4 opposition. Ms. Konkell, if you want to bring your
5 team up, and Mr. Freeman, if you all could--I
6 don't know how many she has--but make way for
7 her.

8 MS. SCHELLIN: They have 45
9 minutes. The Applicant took 45 minutes. Or
10 actually it's 44, but--

11 CHAIRMAN HOOD: Ms. Konkell, do you
12 need--how much time do you think you need?

13 MS. KONKEL: We'd like the full 60
14 minutes, if we can. We have--

15 CHAIRMAN HOOD: The Applicant only
16 took 45, and our regulations say that whatever
17 the Applicant took in presentation, you have
18 that.

19 MS. KONKEL: Okay. Sure.

20 CHAIRMAN HOOD: So you're going to
21 need all 45 minutes?

22 MS. KONKEL: Yes, sir. And we have

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1 two people that have to leave cause they have
2 early jobs, and so they're going to come up
3 first. Unfortunately, we're going to have--it's
4 going to be a little disjointed because I'm not
5 going to be able to set the stage. But she needs
6 to--

7 CHAIRMAN HOOD: Just bring
8 everybody up to the table, and whichever order
9 they go in. But here's the issue.

10 MS. KONKEL: We're going to--

11 CHAIRMAN HOOD: Before they
12 leave--let me just say this, Ms. Konkell. Before
13 they leave, I'm going to have to have them
14 cross-examined, in cross-examination.

15 MS. MCGOWAN: Go first. So they can
16 go ahead, cause I've got to get up at 4:30.

17 MS. KONKEL: He's saying you can't
18 leave once you speak--

19 CHAIRMAN HOOD: Well, what I'm
20 going to do is once she finishes, I'm going to
21 give them the opportunity to cross, if they want
22 to.

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1 MS. KONKEL: Oh, I see. Okay.

2 CHAIRMAN HOOD: Okay. And that way
3 she can leave--

4 MS. KONKEL: Frankly , we were
5 hoping to use the 45 minutes to really present
6 our case, and then have people do the three
7 minute witness things. But because she has to
8 wake up at 4:30--she's a nurse.

9 CHAIRMAN HOOD: Let me ask you this.
10 Do you have people who are going to do both? Is
11 that what you--

12 MS. KONKEL: Yes.

13 CHAIRMAN HOOD: Okay. That's fine.

14 MS. KONKEL: So really, what she
15 wants to do is do the three minutes. But she has
16 to go to work at 4:30 in the morning and I don't
17 want to--

18 CHAIRMAN HOOD: Let's--you can get
19 started. We can take her first.

20 MS. KONKEL: Okay.

21 CHAIRMAN HOOD: She's part of your
22 presentation; right?

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1 MS. KONKEL: No. She was going to be
2 her own individual witness, appearing for
3 herself. I was going to do a presentation that
4 was really 45 minutes long with one expert.

5 CHAIRMAN HOOD: Okay. Well, why
6 don't we take this young lady and then we'll
7 come back to you.

8 MS. KONKEL: I just want, cause
9 she's got--

10 CHAIRMAN HOOD: Right. I
11 understand. Okay. So you may go ahead.

12 MS. MCGOWAN: Hello. My name is
13 Janathea McGowan and I live at 41 Q Street N.E.,
14 and I've lived there for over the last 30 years.
15 Now they could building a building. My thing is
16 with the whole thing--we never learned of this
17 building being built. I never received anything
18 in the mail. I never knew about the ANC meetings
19 until about a couple--a month or two ago. That's
20 when I started attending.

21 When they plan--when our ANC
22 Commissioner did this with them, they talked to

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1 nobody that live on the backside of that
2 warehouse. Our warehouses were built in the
3 early 1900s. The least little thing that hits
4 that ground is going to rock our house. Them
5 houses are old. The people that live behind that
6 warehouse, the ANC Commissioner, or nobody else
7 around here came and spoke to the people that
8 lives directly behind that warehouse.

9 The people that votes last week was
10 people that live a block over, or two blocks, or
11 three blocks over, not none a the people that
12 live directly behind the warehouse.

13 These guys, they didn't work with
14 the people that live behind that warehouse.

15 They didn't question us, or ask us
16 anything, you know, what was our input, or
17 anything. It was like the ANC Commissioner sold
18 the south side of Q Street for some tree boxes
19 and some historical plaques. And that's the way
20 I feel. We were sold out for tree boxes that's
21 not even going to go in our block. Or our-the
22 people that live behind that warehouse were

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1 asked or questioned, you know, how do they feel
2 about it. They just went upon themselves and did
3 it. And that's how I feel. I feel like those of
4 us that live behind that warehouse, we were sold
5 out for tree boxes and plaques.

6 And that's my testimony.

7 CHAIRMAN HOOD: Okay. Thank you.

8 MS. MCGOWAN: And I've never seen
9 nothing like it, and I've on Q Street for over
10 35 years.

11 CHAIRMAN HOOD: And you're at 41 Q;
12 right?

13 MS. MCGOWAN: 41.

14 CHAIRMAN HOOD: 43 Q is your
15 neighbor?

16 MS. MCGOWAN: Yes.

17 CHAIRMAN HOOD: Okay. His name is on
18 hold. Whoever the person--"Dye."

19 MS. MCGOWAN: "Dye." She's right
20 there. That was her daughter that signed that.
21 She didn't sign it.

22 MS. KONKEL: Jackie Dye.

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1 CHAIRMAN HOOD: Okay; okay. Let me
2 just ask: Who is your ANC Commissioner?

3 MS. MCGOWAN: Sylvia Pinkney.

4 COMMISSIONER MAY: Mr. Chairman,
5 was 41 one of the addresses where the notice was
6 sent twice?

7 CHAIRMAN HOOD: I don't--I looked
8 for that. I know it was not. So 41 was not sent
9 twice. 43 was. 43. That's you, right, Ms.
10 Konkell?

11 Oh. 45? 45 got it twice. 43 got it.
12 41 did not get it twice.

13 MS. MCGOWAN: I didn't receive a
14 notice. If I got my free parking, visitor
15 parking pass, and I know I got that, and I didn't
16 get a letter about no building.

17 CHAIRMAN HOOD: Okay. All right.
18 Any questions? Your last name again is...?

19 MS. MCGOWAN: McGowan.
20 M-c-G-o-w-a-n.

21 CHAIRMAN HOOD: Okay. Any cross of
22 Ms. McGowan?

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1 Thank you very much, Ms. McGowan.

2 MS. MCGOWAN: You're welcome. Thank
3 you.

4 CHAIRMAN HOOD: Thank you for your
5 testimony.

6 Okay, Ms. Konkell.

7 MS. KONKEL: Can we have the same
8 permission for Kenny as well?

9 CHAIRMAN HOOD: Okay.

10 MR. SPARROW: Yes. My name is
11 Kenneth Sparrow. I live at 24 Q Street, N.E. The
12 particular slide was Slide No. 4, I think it was,
13 where it was a color slide showing the alley
14 running east and west. There was a color
15 slide--there were several slides where you could
16 see the angle of the turn exiting--what do I want
17 to say?--Florida Avenue into 1st Street, where
18 the turn is.

19 Now I understand Mr. May is very
20 familiar with that alley, and there is a steep
21 incline, whereas at the time of trouble, where
22 snow, ice, the vehicles, trash trucks were

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1 having--will get stuck. Okay. As far as Porter
2 Street is concerned, they said it was inactive.
3 The people, I think it was approximately three
4 or four houses, including a condo, what have you,
5 their address was still listed as Porter Street,
6 N.E.

7 Traffic, North Capitol, Florida
8 Avenue, everybody's aware of that. And adjacent
9 to FedEx traffic, up and down Q Street itself.
10 A lot of the people will take 1st Street, exit,
11 going down the alley to enter Florida Avenue.
12 Or vice-versa. Exiting Florida Avenue up 1st
13 Street through Eckington down what's R Street.
14 Vice-versa.

15 So that's all I have.

16 CHAIRMAN HOOD: You mentioned
17 Florida Avenue. Tell me a little bit about
18 Florida Avenue.

19 MR. SPARROW: One other thing. I
20 didn't bring that. I didn't think of it at the
21 particular time. They're doing construction
22 next door to me on 26 Q Street. I live at 24, as

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1 I mentioned. From the vibration from their
2 construction, I received cracks in my wall, and
3 in my foundation. I spoke with them, DCRA. They
4 had inspectors come out to inspect the
5 buildings. Now how in the world they inspect--I
6 mean inspect it and pass that 26 Q Street,
7 where you can see flaws in the building itself.

8 Now I know for a fact they hit my
9 foundation, because it knocked the pillar which
10 support my overhead roof off. I mean, knocked the
11 pillar where you can see fresh cracks. They asked
12 me were those cracks there prior to it.

13 I'm not the type of person that takes
14 pictures of my house every day, my walls every
15 day. I can realize--I know when I see a fresh
16 crack. So I'm opposed to it because the houses
17 are very old. As a matter of fact, the inspector
18 wrote my report up as "minimal damage."

19 It should be "collateral damage." These
20 houses are old.

21 CHAIRMAN HOOD: Okay. Thank you.
22 Let's see if we've got any questions for you. You

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1 did mention Florida Avenue. You say everybody
2 knows about. What about Florida Avenue?

3 MR. SPARROW: Florida Avenue as far
4 as the traffic is concerned?

5 CHAIRMAN HOOD: No. I'm talking
6 about--you didn't finish. You said everybody
7 knows about Florida Avenue. I know what I thought
8 about Florida Avenue.

9 MR. SPARROW: Oh. I'm talking about
10 traffic itself.

11 CHAIRMAN HOOD: Okay. So is it still
12 backed up on Florida Avenue ?

13 MR. SPARROW: Oh, yes.

14 CHAIRMAN HOOD: Okay; okay. All
15 right. Any other questions, Commissioners?

16 Any cross-examination?

17 Okay. Thank you very much.

18 MR. SPARROW: Okay. Thank you.

19 MS. KONKEL: Thank you for your
20 flexibility.

21 CHAIRMAN HOOD: Now we're ready?

22 MS. KONKEL: Yes.

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1 CHAIRMAN HOOD: Okay.

2 MS. KONKEL: If I could get Terrell
3 and Mike to just come up here.

4 CHAIRMAN HOOD: Okay. After the
5 presentation--how many more people do we have
6 that need to testify tonight? We've got one,
7 two--okay. You know, it's--that's all right.
8 I'll call everybody up. But we had a list to sign
9 in. The only person who signed in is Mr. Buns,
10 Bins, Buins? Anyway. Burns. I'm sorry. Mr.
11 Burns. Here's the witness--I have one name on the
12 witness list. That's all right. We're going to
13 call everybody up once we finish.

14 So Ms. Konkell, if you hit the
15 highlights, and you have 45 minutes, but if you
16 can do it sooner--

17 MS. KONKEL: Okay. We will--we'll
18 do it quickly cause I think we're all tired.

19 CHAIRMAN HOOD: Go till about
20 11:45. So we're fine.

21 MS. KONKEL: That sounds fine.

22 Obviously, we're having--we have a

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1 concern about due process. We actually
2 considered filing a petition to delay this
3 hearing, and then frankly, we just weren't quite
4 sure how you do that.

5 But I'd like to do some
6 clarification on both the ECA vote and the ANC
7 vote. The ECA vote was very close. It was 17 to
8 20 to support, and I think there was some
9 shenanigans and confusion about what it meant to
10 support, and what it meant to oppose, and what
11 would then be the outcome.

12 I have a hard time believing that due
13 process would follow--followed. Additionally,
14 at the ANC meeting, the ANC voted at the meeting
15 to--they voted to oppose, contingent upon an ECA
16 vote, because the ECA had not been able to quite
17 organize itself to get the vote together.

18 There was discussion at the ANC
19 meeting regarding the problem that it costs
20 money to be a member of the ECA, and that maybe
21 we were being taxed on voting for a building.
22 There was a lot of discussion. The meeting was

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1 "going over." There was a quick vote, a lot of
2 motions, a lot of confusion, and people voted,
3 in the end, to oppose the development,
4 contingent on the ECA's vote.

5 Then on July 1st, in a thrown-together
6 meeting--I was away at a family funeral--a
7 vote, 17 to 20, was voted to support it with, as
8 had been mentioned, kind of a "deck stacked" with
9 people from kind of northern Eckington, closer
10 to Edgewood there, voting in support.

11 So there's clarification of process
12 which seems both like, A, notification, and just
13 the confusion around due process, and the
14 dysfunction of our ANC, in particular.

15 We've talked a bit about
16 construction and the vibrations, and we have--we
17 are lucky to have very smart neighbors in our
18 midst, and one of them is a metallurgist, and has
19 volunteered, with his expertise, to provide us
20 with a cursory vibration study. I'm going turn
21 my time over to Mike for an explanation of that.

22 MR. BJORNSON: Hi. My name is Mike

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1 Bjornson. I live a block away at 117 Quincy, N.E.
2 I have prepared a vibration study. I can give you
3 guys copies of it, if you like, to follow along.

4 CHAIRMAN HOOD: Give it to Ms.
5 Schellin, to your left. She'll give it to us.

6 MR. BJORNSON: I, just by way of
7 preface, the homes that are adjacent to this
8 really weren't shown in the presentation.
9 Sometimes we saw a shadowy representation.
10 There--they might not be all in great shape, but
11 they are two- and three-story row homes. They
12 have turrets on 'em. They're very beautiful
13 homes. They--you know, we border on some pretty
14 historic neighbors--LeDroit Park,
15 Capital--Capital Hill. So very beautiful
16 architecture, they're beautiful homes, inside
17 and out. But they are old. They've--a lot--they
18 have plaster ceilings and plaster walls.

19 So I did an assessment that followed
20 a guideline manual published by Department of
21 Transportation. Their--I have a copy of that
22 here as well, if anyone would like to see it. But

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1 you can get it off the internet. It's my
2 Reference A in my presentation.

3 Essentially, the Federal Transit
4 Administration does a lot of--has a lot of
5 concerns for not only vibration due to rail
6 movements and heavy trucks, but also due to
7 construction. So they've developed an
8 assessment method that will characterize the
9 vibrations during construction.

10 The concern here is that there's
11 going to be a three-story parking garage. After
12 they tear down the old building, there's going
13 to be a three-story parking garage. There's
14 going to be new retaining walls established for
15 that hole, and there's going to have to be piles
16 driven. There's going to be quite a lot of
17 vibration.

18 So what I did, lacking specific
19 information was--I'm just going to go through
20 this quickly as I--on the second page, it shows
21 the method, so--as Kimberly indicated, I'm an
22 engineer. I'm not a civil engineer, but this is

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1 just a simple method, with a simple equation,
2 that--that compares vibration that was produced
3 by--by known pieces of equipment.

4 At a specific distance, it allows
5 you to predict what vibration that piece of
6 equipment is going to produce, some--at some
7 other distance. So it's a very simple equation.
8 On page three, I use the table provided by US DOT
9 for examples of all kinds of different pieces of
10 equipment. from bulldozers to loaded trucks, to
11 pile drivers, different kinds of pile drivers,
12 and using the method that was on page two, I
13 constructed a spreadsheet on page four.

14 The numbers fall out, and then
15 they're judged against the criteria that DOT
16 provides for concern. So the numbers that are in
17 red, without highlighting, those are relatively
18 low numbers, but--so they pass the threshold for
19 concern for vibration damage to fragile historic
20 structures.

21 The greater number of red numbers,
22 values that have red highlighting, those are

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1 larger numbers, and those numbers will damage
2 more robust structures, and that--such as just
3 an old building, and particularly of no--a
4 building with plaster walls or ceilings.

5 So my concern would be that with
6 the--with a great deal of red on this page, just
7 doing a simple assessment for--the way that DOT
8 did it, we have an example of values they
9 provided, cause I don't have values, no one's
10 really probably sure what equipment's going to
11 be used at this point--at distances basically
12 that reflect the retaining wall, and then on to
13 the properties, out to about 100 feet away, where
14 the effect starts to fade. You can see there's
15 always a consistent effect. There should be
16 significant concern that these houses are going
17 to be damaged, based on this report.

18 So I provide a number of
19 recommendations. I'll read them, briefly.
20 Further study and mitigation plans are
21 recommended, provided by a licensed
22 professional engineer. Somebody should do this

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1 professionally. Someone should do it with the
2 type of equipment they're going to use. Because
3 this is very serious.

4 The developer should incorporate
5 vibration monitoring and mitigation in their
6 construction plan, assessment of the condition
7 of the existing structures. They've talked about
8 that.

9 There should be provisions put in
10 place to halt construction and establish
11 mitigation to change to a different piece of
12 equipment, or something like that, if there's a
13 problem. I think there should be some plan in
14 place for the residents to be able to have
15 redress, if issues to start to arise.

16 And I think it's important that--I
17 didn't complete it--but this same document shows
18 how to do annoyance level evaluation of
19 vibration, and noise, construction noise
20 evaluation. And just looking at it carefully,
21 but not having enough time, looking at it
22 quickly, but not having enough time, it's clear

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1 that both of those thresholds are going to be
2 surpassed in this case.

3 I think that the neighbors are owed
4 an understanding of what's going to happen in
5 their backyard. I think that needs to become
6 part of the discussion.

7 So that's my testimony.

8 VICE CHAIR COHEN: Thank you very
9 much.

10 CHAIRMAN HOOD: Ms. Konkel, let me
11 just--just stop the clock for a minute. Were you
12 asking--and Mr. "Jernson"--I think it's
13 "Jernson."

14 MR. BJORNSON: Bjornson.

15 CHAIRMAN HOOD: Bjornson. Excuse
16 me. Were you asking that Ms. Bjornson--Mr.
17 Bjornson be an expert?

18 MS. KONKEL: I don't know if I
19 should do that or not. I don't know the rules.

20 CHAIRMAN HOOD: I thought you
21 said--I thought you mentioned that.

22 MS. KONKEL: I mean, I think he's an

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1 expert, but I don't know about in your rulebook,
2 if he is--

3 CHAIRMAN HOOD: Okay, that's all
4 right, cause we don't have his resume. I just
5 wanted to clarify, cause you mentioned that,
6 early on, so--

7 MS. KONKEL: Yes. Maybe not. I don't
8 know.

9 CHAIRMAN HOOD: We'll just take
10 this--

11 MS. KONKEL: I mean, he probably
12 could qualify, and then that'd be "cool," but I
13 don't know if that's the right thing to do.

14 CHAIRMAN HOOD: You're enjoying
15 yourself, aren't you?

16 MS. KONKEL: Well, I don't know
17 about enjoying myself. I'm trying to make the
18 lemonade here. Okay. So actually, I'd like to
19 kind a back up, cause I had a little bit--my
20 neighbor, another neighbor, Ms. Jackie, who has
21 had to leave as well, he son and I are the same
22 age, and he wanted to be here, very badly, but

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1 he wasn't able to also because of work.

2 And this morning, we spent a good
3 amount of time preparing an opening statement,
4 because as we--it was his moment to preach. And
5 there are a couple of things I think are very
6 important. I'm just going to back up. It's going
7 to be philosophical for a second. You'll have to
8 forgive me. I do faith and health, and social
9 work type stuff, professionally, so it might
10 just make me a bit more comfortable talking in
11 this room too.

12 There's a phrase in Hinduism called
13 bodhichitta. It means-bodha meaning awakening,
14 and chitta means heart. It's the awakened heart.
15 It's a complicated idea that encompasses both
16 compassion, kind of the native American idea of
17 "walking a mile in someone's shoes."

18 So it's both a feeling of warmth and
19 a question. I happen to be Mormon, and in our
20 theology, we carry an idea called Zion, which
21 is a word that's used around this city quite a
22 bit, but not under our understanding.

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1 In our understanding, Zion is a
2 place of unity, where we're of one mind, one
3 heart. There are no poor among us. I have made
4 a covenant in the Mormon Temple to build Zion,
5 which means that I've covenanted with God to
6 bring Christ into my heart, and share that love
7 with everyone, and being no respecter of
8 persons, I've not lived the easiest of lives, and
9 probably, in part, by choice, because I decided,
10 early on, that I would not live far from poor
11 people. I wouldn't be afraid of poverty. I
12 wouldn't be afraid of pain and suffering, and
13 that I wouldn't live too far away from my
14 upbringing.

15 And as such, I decided to kind a
16 fulfill my own little American Dream. I grew up
17 in rural Gilbert, Arizona, and was a little bit
18 of a latchkey kid, and loved watching This Old
19 House, and wanted, really badly, to some day see
20 Washington, D.C.

21 Cause it seemed like Washington,
22 D.C., when you're way, far away in Arizona, it

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1 seems like D.C. has not only a lot of power but
2 are kind a together, and it might be fun to live
3 there, and be part of that action, especially
4 cause I grew up in an abusive home where we
5 weren't able to get a lot of help.

6 Now my neighbors grew up in very
7 similar circumstances. I was in a rural area, and
8 they were in urban areas. So some of our
9 struggles are different, but, really, at heart
10 of it, it's all the same.

11 And so I mentioned I'm a social
12 worker. I have the hardest time advocating for
13 myself, but the moment I can advocate for someone
14 else, I can do an "okay job." So I'm not really
15 here as much for me. I can sell my house, make
16 a profit, move, frankly, probably go by the farm
17 I should be living in and not in this silly city
18 that's making people crazy.

19 But I don't want to move because
20 we're building Zion. I have a garden with Ms.
21 Jackie. We build--we grow organic things. That's
22 probably right now, cause I'm too stressed out,

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1 and we're all a mess because this has started to
2 happen. But that's what we want in our backyard.

3 That ice house was there, you know,
4 since 1923. No--I--everyone liked being able to
5 go get ice there. I don't know--I don't know that
6 anyone wanted to not have a close place to get
7 kegs, frankly, and that's coming from the Mormon
8 in the neighborhood. So that said, there's
9 something about the city that's changing so
10 rapidly, we're losing sight of L'Enfant's
11 vision. The mayor speaks boldly about building
12 the greenest, most livable city in the world. I
13 want to do that.

14 I have made my house--I--I have
15 friends who do LEED certification. In a
16 restoration, mine is the highest that it could
17 get, right now, and it will be more, because I
18 want to live like we did in Arizona, off the grid,
19 and be self-sufficient. But not completely off
20 the grid, cause I'm totally into sharing.

21 So like we can all help each other
22 by doing exactly what the mayor has asked us to

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1 do in Task Force 2012, where he's talking about
2 restoring these old properties, bringing them,
3 maybe turning them into multi-family homes,
4 which is happening in our neighborhood, where
5 you'll see these three-story row houses
6 converting into a basement, so you have higher
7 density but not over density. I think that we,
8 as a Zoning Commission, because I have your ear
9 for a minute, I would really beg you to consider
10 the historic power and--of this city, but I think
11 when you live here, and are here for a long time,
12 you forget that this feels like the center of
13 power for people all over the world.

14 I walked down the street with a
15 friend a mine from Zimbabwe not two months ago.
16 It was the first time we were in D.C. together,
17 but we walked in Harare, and I was mugged and
18 stabbed in Harare, trying to do stuff there, to
19 help.

20 And as we walked through D.C. here,
21 I felt--I felt this doesn't feel as safe as
22 Harare. He's like: Why do you live in this

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1 neighborhood? I'm like cause this is what I do.

2 Because I believe that if I live in
3 my neighborhood, I can make it safe here, not
4 just in Cleveland Park, and not just in Crystal
5 City. And not even just in NoMa. But across the
6 street from NoMa, where the poor people live,
7 where they don't actually have Internet access,
8 which these folks actually have the audacity to
9 say in an ECA meeting, "You are lying."

10 I'm not lying. I have neighbors who
11 don't have Internet access. And it's not fair,
12 that the people who are being most impacted, who
13 have the most to lose, don't have a voice here.

14 Not only do they not only have a
15 voice--because this is hard--this is hard for
16 me. Imagine how intimidating it is. Kenny was
17 here. He's a Vietnam vet. But this is "not his
18 thing." And--and--and them not providing us
19 information to us is--is a travesty. It "laughs
20 in the face of democracy." So sorry about the
21 tirade, but this is not a fair process.

22 That said, we--we would prefer this

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1 not to be torn down. Restore it, turn it into
2 something useful. We do--we agree that
3 affordable housing would be wonderful, but
4 that's not what this is going to be. We need jobs.
5 We have an alternate buyer who is interested, and
6 frankly, wanted to apply for party status, but
7 we just couldn't get all of our stuff together,
8 who wants to partner, to put in some type of
9 vocational, industrial--like where students
10 could come and learn to do the things that we need
11 in Washington. D.C. Like plumbing, ironwork,
12 electrical, solar installation.

13 We need some place for people to
14 learn to do that, so that it's done properly
15 here.

16 There are alternative solutions,
17 and things that we could do, that would be
18 beneficial to the community in a number of ways,
19 and this community is actually really willing to
20 work with you guys. But like there's been
21 absolutely no dialogue. And so I--so A, we
22 don't want to even see it demolished. We're

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1 obviously very concerned with what just the
2 demolition will do.

3 Also the light in our homes is a
4 significant problem for us. As you well know,
5 there are, you know, health impacts to not having
6 light. I left a lot of that data at home. I can
7 say that in a recent Lancet article, in 2010, it
8 demonstrated that not only do you have an
9 increase when you have a lack of access to light
10 in a community, you see rates of depression and
11 other anxiety disorders go up.

12 We have a number of people in our
13 block with post-traumatic stress disorder. I,
14 unfortunately, have complex post-traumatic
15 stress disorder, and having access to sunlight
16 is a very important thing for our well-being.

17 Not only that. It kind of "laughs in
18 the face" of all of the green--"green talk" of
19 the mayor and the city when we're building harm
20 and keeping our neighbors from doing anything.

21 And just to the point of amenities.
22 I'm shocked that an amenities package is

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1 negotiated the way it is here, in the city,
2 because it seems like, ideally, the building
3 itself would be an amenity, and then there would
4 be--like you would just not be building harm. You
5 would be building something of benefit.

6 And so we maybe even wouldn't need
7 to negotiate too much. But an amenities package
8 that doesn't deal with any of the consequences
9 of building the building, doesn't seem to
10 actually address what the idea of an amenities
11 package is about.

12 When the concerns are around
13 traffic, and lack of light, and increase in
14 density, we have significant concerns about
15 utility, water, pollution, and then we don't
16 hear any real redress on those issues, and that
17 we have an ANC Commissioner who has a map of tree
18 boxes in the northern part of our--of her ANC,
19 that has nothing to do, again, with our--with our
20 block.

21 There--I think that we can do
22 better. I think that there's got to be a way to,

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1 in this city, build without harm, and build
2 things that are productive, to actually build,
3 to construct, to progress.

4 And there are significant concerns
5 around the impact on the utility grid, water
6 supply, flooding and pollution, that have just
7 either--you know, we weren't--we didn't hear
8 anything in the testimony, and this seemed to be
9 completely unaddressed.

10 So now I'm going to turn the time
11 over to Terrell McSweeney.

12 MS. MCSWEENY: Hi. Thanks very much
13 for hearing us, and for granting Kimberly party
14 status. My name's Terrell McSweeney. I live at 51
15 Q Street, which is on the--I'm terrible with
16 north and south, but I think it's--it's one of
17 those houses on the alleyway, right behind the
18 building.

19 I've there since 2007, and, you
20 know, I think one of the things that's wonderful
21 about our neighborhood is that it is a terrific
22 family-oriented neighborhood full of historic,

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1 relatively low structures. It's experiencing a
2 big change. There's been some large developments
3 that have come in. You know, I'm sure that's
4 good from a planning perspective in terms of
5 maximizing density around public
6 transportation. I totally support that. Seems
7 green.

8 A lot of those structures, though,
9 are really in keeping with what our neighborhood
10 looks like. They are 50, 60 feet. They
11 look--they are brick, and they look like town
12 homes, or they look like the feeling of our
13 neighborhood.

14 And as a parent in the neighborhood,
15 that's really important to me, because what I
16 like is that we're all out on our stoops, or we're
17 playing on the street, and the kids are running
18 around, and it's sort of a--it's a--it's a very
19 wonderful community.

20 I wanted to speak briefly about the
21 ANC and Eckington Civic Association views that
22 are before you, I really don't think represent

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1 the complete picture, and so I would ask that you
2 not give them the level of weight that I think
3 maybe is the normal process here.

4 There really was an engagement by
5 this developer, by the civic association, which
6 doesn't connect directly to people who live on
7 the street in any real way. Like I don't know how
8 you know when their meetings are, or anything,
9 if you're not on the listserv. I happen to be on
10 the listserv, so I watch it. But, you know, if
11 you're not in that little group of people, and
12 you don't pay your dues, then that's not part of
13 your community engagement.

14 And, you know, the ANC and the
15 developers here didn't come and talk to the
16 people on Q Street. I think one of the things
17 we're asking for--I mean, in my, like
18 uninformed view, I think the scale of this
19 building is not in keeping with the site. I
20 prefer that the Zoning Commission scale to a
21 smaller zone, like a C, a C-2-B, as I understand
22 it, as opposed to this larger mixed-use

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1 building.

2 But I think, at minimum, what would
3 be fair in this situation, given the disconnect
4 between the people who are most directly
5 impacted by this building, and the amenities
6 package, and engagement that has occurred, is to
7 delay until we've had a chance to really work
8 through some of the concerns we've raised.

9 We have attended meetings, and since
10 we started to understand what was happening, in
11 June there's been a couple meetings. There was
12 an ANC meeting and a civic association meeting,
13 and some of us were able to go to those. We asked
14 several questions of the developers. Some of my
15 neighbors also wrote letters.

16 We've asked for things to be
17 included in the amenities package, and to get
18 documentation in the construction plan about
19 vibrations and things like that, and assurances
20 that these mitigation plans will occur, and some
21 assurances that this would happen, none of which
22 I think are overfly burdensome, to be honest, and

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1 they won't change anything. They won't negotiate
2 with us. They won't talk to us about the
3 amenities plan.

4 I mean, if it was up to me, I'd say:
5 Please--instead of \$300,000 for tree boxes and
6 some heritage signs, like let's invest that in
7 making sure you can address the inspection, the
8 mitigation plan, the things that we are worried
9 about in architect structures.

10 The concerns around the alleyway I
11 think are very valid, and, you know, we've asked
12 for, you know, what if--some of our--some of the
13 retaining walls, particularly for people who
14 haven't been able to maintain them very well, are
15 not in great shape. It'd be great if an amenity
16 package included some bollards to protect those;
17 right? Why--what would happen if they crumble
18 because of a couple of impacts from a truck?

19 You know, those people would
20 probably end up in a situation where their walls
21 were already cracked, the truck driver and the
22 developer wouldn't be liable for that cause they

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1 might have fallen down anyway, and, you know,
2 there's no protection for them. Whereas putting
3 in a couple little things might be relatively
4 easy, not very expensive, and provide some
5 degree of protection.

6 So these are the types of things that
7 we've asked for, but it hasn't been a dialogue,
8 it hasn't been an exchange of views, and there
9 hasn't been any change in what's been proposed.

10 So I think at this point, what we're
11 really asking for is what you, Mr. Chairman, have
12 noted, is for the developer to come back, discuss
13 this with us further, you know, and maybe we'll
14 get to everything that we want in the community,
15 but we'd like at least a fair chance at trying
16 to make the balance, the impact on us, with the
17 justification for this project.

18 Cause as I understand it, the test
19 that you all apply here is like a balancing test;
20 right? Everybody assumes like that there's a
21 piece of property, it's zoned a certain way,
22 people get to do what is within their right.

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1 Okay. That's terrific.

2 If they're asking for exceptions,
3 which they are here, to do something more, then
4 they have to justify that in some way.

5 The justifications are kind of
6 lacking. You know, there isn't really a lot of
7 affordable housing in this building. It's made
8 very nice, very high-end condos, but it's not
9 going to help people in our neighborhood who need
10 housing.

11 And I don't really see the other
12 justifications, other than tree boxes, I guess,
13 which again doesn't really address the concerns
14 that have come up as we've really engaged with
15 our neighborhood.

16 So I'm going to stop. Oh, I had
17 just--I had--I was going to submit this as
18 written testimony, as a witness. Can I just
19 give you a copy of it. Thanks.

20 MR. PAGE: I'm Jonathan Page. I
21 live at 35 Q Street. I'm one of those persons who
22 just moved here in the last couple of months. So

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1 I wasn't privy to some of the dialogue that was
2 happening two years ago, as some of the
3 developers have kind of alluded to. You know,
4 when we went to ask questions at the
5 different--at the ANC meetings or the
6 neighborhood meetings, one of the things I
7 wanted to clarify is that I never felt that there
8 was a dialogue.

9 You know, just because somebody else
10 is in the room with me, and might be talking to
11 me, doesn't mean we're having a conversation,
12 necessarily. I think that a lot of our concerns
13 have already been, have been discussed.

14 I, myself, when I first moved, and
15 then found out about the development, which I
16 knew that there probably was going to be
17 something happening with this property before I
18 bought my house and moved in. But I didn't know
19 exactly what that was. I didn't know how to find
20 that out. I Googled it, and such, but didn't
21 find out much information until after I was
22 there, met my lovely neighbors.

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1 One of the things, when I first heard
2 about it, I was like, hey, this is a good thing,
3 you know, a little added density, that's
4 probably a good thing for the neighborhood,
5 residential units and such.

6 And then I got out of my--drove
7 --drove out of my car--out of my house, went to
8 work, I work out in northern Virginia just for
9 the next year, I'm finishing my residency in
10 family medicine. I came back. I went to Home
11 Depot. We've been working on our house, trying
12 to improve it, and I passed by a lot of other
13 developments, and I actually don't think there
14 were any that were quite as tall or as large as
15 this building, and it was then that I kind a felt
16 that this really wasn't in the character of these
17 things that I passed on the way. I'm speaking of,
18 you know, of Trilogy, or the big development up
19 by Rhode Island, right by the Metro there.

20 All of these are smaller than this
21 proposed development. And then we had a
22 neighborhood meeting, I think within a couple

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1 days of kind of this "ah-ha moment" for me, and
2 I asked the developers about this, you know, why
3 does it have to be so tall.

4 And I think it was Mr. Viola, and I
5 do think this is a direct quote, as his response
6 when I said why does it have to be so tall. And
7 I think he directed this to me, and I think some
8 of the other persons who were newer residents of
9 the area, that we should have known better when
10 we bought these houses. That we should have known
11 better than to buy a house, and I think he said
12 they were nice houses in a nice neighborhood, but
13 to buy a house next to a property that could be
14 developed, that somehow, I should have had, you
15 know, had the forethought to research these
16 things, and realize that something so tall, or
17 so large, or with such an impact, that I'm going
18 to feel was there.

19 And then all that while, with me
20 trying to create this dialogue, I just was trying
21 to express that I didn't feel like that happened.
22 And I feel like a lot of other people just didn't

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1 feel like our voices were ever heard, even the
2 ones that I've talked to who have been here for
3 many, many years, and have been to those meetings
4 since they first came to us. Thank you. That's
5 all I have.

6 MS. TANNO: Hi. My name is Sarah
7 Tanno. I'm with Jon. I live at 35 Q Street, and
8 I bought my house two months ago, and I bought
9 it. I've been--I'm 28. I saved diligently, I'm
10 a CPA, and I was very proud of the fact that I
11 could put down the money for a house. And it was
12 aft--we'd been looking for a house for eight
13 months. We put offers on five houses before we
14 finally got this one. And I was very glad about
15 living in the neighborhood.

16 I was aware that the building behind
17 us would be turned into something, eventually.
18 I just didn't think it would double in size. I
19 live--I love my back yard, and sitting in the
20 back yard, and thinking that I'm going to be
21 essentially living next to a brick wall, is not
22 what I had envisioned when I bought my house.

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1 My--one of my main concerns is that
2 this 60-foot structure, which, by right, can be
3 60 feet, is pretty dark. Right now, it's a light
4 facade, and sunlight bounces off the wall, which
5 makes it feel lighter. I've actually had many
6 dialogues with Mr. Viola, who--he and I have a
7 pretty civil relationship over e-mail now, and
8 he sent me the color of bricks that he's
9 considering, which was very nice, but they are
10 all pretty dark shades. They're in the crimson
11 category. So it's ver--really dark. If you go
12 around town, you see that buildings are lighter,
13 and I don't know if that's a trend in
14 architecture, but I feel like this will make us
15 feel like we are living next to a brick wall.

16 I'm one of the houses with the
17 retaining walls that will be behind where the
18 loading dock is, and I'm concerned that trucks
19 could hit my wall. I don't necessarily want a
20 bollard there because when I purchased my house,
21 I did have a thought that maybe one day I'd want
22 to dig out part of my yard for a parking spot,

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1 especially since Q Street seems to be filling up
2 pretty fast these days, now that Trilogy is
3 filling in. So I don't necessarily want a
4 bollard.

5 But some kind of reinforcement of my
6 wall, to make sure that if these trucks were to
7 hit it, it would be--make--help me sleep at
8 night. And I do want to bring up the LEED
9 certification. I do encourage them to strive for
10 higher standards. As one of these people who's
11 in to LEED certification, I know--I'm not a LEED
12 expert but I know that they only received one out
13 of six--someone took my notes.

14 I think one out of six in ingenuity
15 and design, and one out of four from City Need.
16 So I just would like to point that out, that one
17 out of six for ingenuity and design. It's a very
18 tall building. They also didn't get points for
19 light pollution reduction.

20 I mean, living next to a building
21 with 46 balconies that will have lights on, it
22 will be pretty light in our back yard, and I know

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1 you can't control that in the city, but it's
2 something to think about, that we won't really
3 be able to see the night sky. I'll turn my time
4 over.

5 MS. DOWNING: Hi. My name is Roberta
6 Downing, and I live at 40 Quincy Place, so I'm
7 not one of the people that's directly affected
8 by this, and so--but the reason why I'm here is
9 I first got --I have actually been--I think you
10 all have been to five community meetings, and
11 I've been to all five of those.

12 So I'm someone who can historically
13 speak to how the process has gone. The first
14 time, I think about two years ago, that they, the
15 developers, attended a civic association
16 meeting, I thought great, this will be great for
17 the neighborhood, and, you know, I was in full
18 support.

19 I didn't understand the details of
20 the project. I didn't understand how tall it was
21 going to be, and I was very interested in the
22 community amenities package, because our ANC

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1 Commissioner was promising all kinds of things
2 that sounded really great, about what could
3 happen, including rebuilding the playground.

4 I have a two-year-old, and a
5 four-year old, and our playground was in
6 horrible, very unsafe, broken glass, terrible
7 playground at the Harry Thomas Rec Center. It's
8 now being rehabbed through DC Play, which is one
9 of the greatest things to happen since I moved
10 to the neighborhood four years ago.

11 But even in that two years, I'm
12 starting to feel like we're getting boxed in in
13 our neighborhood. There have been at least, I
14 think 12 high-rise buildings going up all around
15 NoMa. And the traffic. I mean, I know--and I'm
16 so grateful for all of your concerns about
17 traffic.

18 But I walk--my son goes to Two Rivers
19 Public Charter School over by Gallaudet, so I
20 have to walk my 4-year-old through that Dave
21 Thomas traffic circle every day, and it is
22 hair-raising, and somebody is going to get

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1 killed there. I'm just waiting for the news
2 story, because--and it's not necessarily the
3 amount of traffic. It's everybody's frustration
4 when they're driving through there, and they
5 start running the light, and then they block the
6 street, and then everybody gets mad, and they
7 drive erratically, and they honk, and it feels
8 extremely dangerous to me.

9 And one option would be, oh, I can
10 take him on the Met Branch Trail, but people keep
11 getting attacked on the Met Branch Trail, and
12 that whole stretch of the Met Branch Trail, if
13 someone approaches me and wants to hurt me or my
14 son, there's nowhere for us to run.

15 There's no outlet. There's no way to
16 call for help or anything.

17 So I don't know how much you all can
18 address this, but, you know, as if--there's even
19 the right-in, right-out thing. All those cars,
20 then, they're going to go down Florida Avenue,
21 turn right on North Capitol, and go down Q
22 Street.

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1 So they're going to have a lot more
2 traffic on their street, but also on my street,
3 on Quincy Place. I also want to just--and so
4 I've been peripherally participating in the
5 e-mail exchange around this, and really don't
6 have time for it. I have two young kids. I work
7 full time.

8 But today, I saw the letter from the
9 civic association meeting, and I couldn't
10 believe the way that it was written about,
11 because there's been a lot of dissension about
12 this project in our neighborhood, and none a that
13 is reflected in that letter.

14 Our ANC Commissioner, I really like
15 her a lot, but she has not followed due process
16 in any of these things.

17 This is the most organized meeting
18 that we've every had to talk about this project.
19 The meet--civic association meetings, the ANC
20 meetings are chaotic. There are new people
21 coming to every different meeting. So every
22 meeting, we have to rehash the same questions.

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1 These guys have had a lot of patience
2 answering the same questions, over and over
3 again, from the community.

4 But the community--any time the
5 community would ask, Can you do lighter brick?
6 No. Can--the community desperately wants
7 retail. Well, the retail space was cut in half
8 here, and now the retail space has six parking
9 spaces, which I don't really know what business
10 can go in there with six parking spaces.

11 It's not my area of expertise, but
12 I question that there's going to be a viable
13 retail place. And everybody keeps saying we need
14 more density, we need more density to attract
15 retail.

16 Well, we've got 600 units over at
17 Trilogy and there's no retail there. And then we
18 have the minimal amount of retail, it's going to
19 be with this building.

20 So I really just want to say I
21 feel--I'm starting to feel boxed in in our
22 neighborhood cause now North Capitol and

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1 Florida, they're going to put this big high-rise
2 condo building, and all the condos look the same
3 to me, and then they're going to--whatever they
4 do at McMillan.

5 The McMillan project has done a
6 traffic study, and that's going to increase
7 traffic going north on North Capitol, which is
8 how I have to travel if I ever go from my work
9 home. So thank you for your concerns about
10 traffic, and thank you for giving the community
11 a voice, because our--oh, I'm sorry.

12 There's one more very important
13 point to give you, that I think is not important
14 to the Q Street people, but an example of how the
15 community amenities package has been
16 negotiated.

17 They--the--if you look at it,
18 there's the funding for the historical trail.
19 That sounds like an interesting project. It
20 doesn't address the Q--what Q Street neighbors
21 need.

22 But the tree boxes, if you'll

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1 notice, are going to be put in on Q Street and
2 on R Street, skipping over Quincy Place, which
3 is the street in between. And the reason for
4 that, which nobody has said, but the only reason
5 I can imagine is because our ANC Commissioner
6 lives on R Street. And so all these different
7 things make me feel like this has not been a
8 transparent process, or has followed kind of due
9 process.

10 I would never be able to run meetings
11 at work, the way that the meetings in our
12 community have been run around this project. So
13 thank you. And I know it's late and everyone's
14 tired, so thank you for listening.

15 CHAIRMAN HOOD: Before everybody
16 leaves, who's testifying on your party, they're
17 going to need to stay because I'm going to call
18 them all up. So you don't have to leave. You
19 just need to come--everybody needs to come back
20 up, because we may have some questions,
21 cross-examination. MS. KONKEL: While
22 he's coming up, I'd just like to make one point.

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1 Our neighborhood is also the neighborhood that
2 is most affected by the Harry Thomas scandal,
3 Harry Thomas Rec Center is in our--right in our
4 neighborhood. That's where we have our--some of
5 our community meetings, and there's been no
6 remediation of that, and no acknowledgment from
7 the city, that our youths have suffered because
8 we didn't get the money that Harry Thomas stole,
9 and that didn't go into our youth programs, and
10 we have youth that have been injured by that.

11 And not that this is necessarily the
12 place for that type of remediation to take place,
13 but just to take note, that this neighborhood has
14 been kind of beaten down, perpetually, and it'd
15 be nice to get a win for us.

16 CHAIRMAN HOOD: Let me correct you
17 on that. Ward 5 was done an injustice by the--

18 MS. KONKEL: Thank you.

19 CHAIRMAN HOOD: --statement former
20 Council Member Harry Thomas made. But Harry
21 Thomas Sr. Rec Center had nothing to--is no
22 correlation with what went on. His fat her was

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1 upstanding.

2 MS. KONKEL: Right.

3 CHAIRMAN HOOD: His father served
4 the city well. I actually was there when his
5 fa--when that rec center was renamed. It goes
6 back to his point. See, I was here when that
7 center was named. So Ward 5--

8 MS. KONKEL: I'm sorry. I--

9 CHAIRMAN HOOD: Let me just say
10 that--let me just say, that was out of order.
11 That was inappropriate.

12 MS. KONKEL: Oh, I think I was
13 misinterpreted.

14 CHAIRMAN HOOD: We all--no. You
15 started off saying how you were bringing
16 people--people do make mistakes. Okay. Next.

17 MS. KONKEL: I--

18 CHAIRMAN HOOD: No. That's good.
19 You said it.

20 MS. KONKEL: I just want to clarify
21 that.

22 CHAIRMAN HOOD: You said it.

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1 MS. KONKEL: I really feel
2 misinterpreted.

3 CHAIRMAN HOOD: Okay.

4 MS. KONKEL: What I'm saying is--

5 CHAIRMAN HOOD: No. Let me just say
6 this to you. You said it. So let's move on. This
7 is a zoning hearing. Let's move on. Next.

8 MR. BURNS: Yes. Ralph Burns, 51 Q
9 Street. I have three or four things I want to
10 talk about. One thing I'm a little bit concerned
11 about is we're talking about changing the zoning
12 from commercial to residential. So that's
13 basically what this body does. And so the
14 developer has brought us the package, showing us
15 what it looks like, split level to let the sun
16 in.

17 And I'm not asking you to answer, but
18 I'm asking you to think about it. Can that
19 package change, so the back is higher. So when
20 it leaves this body, can the developer change the
21 package, and say, all right, it's all now top
22 maximum? his package has to go forward.

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1 So I'm a little concerned. You know,
2 I don't know the process, exactly, so I'm a
3 little bit worried, that if it goes through as
4 is, and can they make adjustments, and all of a
5 sudden the elevation does go higher, which--so
6 that's kind of one point I don't have clarity on.

7 You know, the--this is a--I believe
8 in development. You know, I think the city is
9 doing a good job, and I think we should "strike
10 while the iron's hot." You know, there's a lot
11 of growth. We've probably got 70 cranes up right
12 now throughout the city.

13 So I support that. But I don't
14 support the package as it is. And I don't--I do
15 not think, and I know for a fact--I've been there
16 for a long time, and none a these gentlemen--I'm
17 on the back of that building, and none of these
18 gentlemen, or any of their representatives have
19 been to my house to say, hey, we're coming here,
20 we want to work with you.

21 They've done a very poor job in
22 coming to us. Attending meetings is great, but

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1 as it's been explained, it's hard to get on that
2 radar and understand what's happening and when.
3 But when they're going to become my neighbor,
4 they should come to me. And they have not.

5 Talking about the alley. You guys
6 hit a really good point. We've got a
7 transportation expert here. So they keep
8 saying, well, we're expanding the alley. Well,
9 they're expanding because they have to. I think
10 that was the way I interpreted it today.

11 So when you get an expansion in a system,
12 I think that that is going to create an
13 opportunity to allow more traffic to come
14 through there. If it's wider, people are going
15 to start using that. We know we have problems at
16 the Florida virtual circle, so people are always
17 trying to figure out, how can I skip that? How
18 can I get through?

19 So my concern is making that alley
20 wider. You know, it's part of the package. But
21 we do have a lot of kids in our neighborhood that
22 use that to go to school.

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1 So all of a sudden, you know, if it
2 goes to 20 feet, there's going to be more traffic
3 up through there because everybody knows how to
4 figure, everybody from Maryland, everybody
5 from Virginia coming through, will find those
6 little paths to pop off to Florida, skip the
7 virtual circle.

8 So we're going to increase that
9 traffic. The developer has a package, and it
10 shows bollards up close to their building, which
11 is creating a walkway. Where does that walkway
12 go? It takes you to the alley.

13 So they've protected the people
14 walking in the alley going up. But how are they
15 protecting the people that, now they're in the
16 alley, how are they protecting them all the way
17 up the alley? Is there any kind a mitigation to
18 ensure that, hey, if we're going to start
19 creating the ability for people to walk and
20 people to drive, is there appropriate safety
21 measures for the kids, and the people that are
22 going to start using that more and more?

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1 So I have a big problem with that.

2 And the trucks. So, you know,
3 the--what we've seen was like, you know, here's
4 an example of trucks, and like here's an example
5 of the size of a condo, and this is what their
6 truck size might be.

7 But unless they can guarantee that
8 that's the truck size, we're going to have
9 30-footers and 45-footers coming in there, not
10 knowing, and they're going to get jammed in that
11 alley. They're going to start hitting my
12 neighbor's backyard. They're going to create
13 just the biggest cluster back there, and it's
14 just--I don't think, unless they can guarantee
15 that there's going to be small trucks coming in
16 there, that's going to cause a problem. And it's
17 going to be unsafe for kids and people walking
18 around.

19 And the retail. You know, you've
20 heard all the retail and operation studies. I
21 think this--these guys are trying to do a good
22 job. I don't the package is hardened, the way it

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1 should be. There--they haven't talked to us.
2 They haven't--you know, they're talking a
3 little bit about odds and ends. But this is not
4 the package that you guys want to put forward.
5 They need to work with us, get some a these
6 things--we don't want to--like we have mixed
7 opinions in our neighborhood.

8 We want growth. We want good growth.
9 We don't want that growth. We want it to be
10 better. We want them to address us and they
11 haven't. Thank you.

12 MR. SOO: So my name is David Soo.
13 I'm at 33 Q Street. So I'm also right behind the
14 building. I'm aware I have 40 seconds. So I
15 actually sent you guys a letter, which you should
16 have gotten today. It outlines, I guess,
17 three--well, I guess the one--you can see my
18 stuff in here. I want the back facade to be
19 lighter, maybe take it down a little bit. Do
20 something with the loading dock and the
21 retaining walls.

22 But I guess I would just echo, and

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1 I wouldn't have thought I would say this, but the
2 community--this community is really wonderful.
3 We just moved in, and the people who have lived
4 here for years have embraced us in like such a
5 wonderful way.

6 And so, you know, you see a lot of
7 the young people, the new residents, who came out
8 here late in the night. But we just out fliers,
9 the other day, and said, hey, everyone, come by
10 our house, we brought some little supplies, and
11 we had a little meeting the other day. And we
12 had all these people out on our front stoop, and
13 I took a picture. I could send that to you too.

14 You know, it's just--it's a really
15 nice community, some really nice people, and so
16 don't--I would just say that there's more
17 opinions than are just the ones that are here,
18 and you've got a flavor of some of them, but
19 there's a lot more residents with a lot more to
20 say.

21 CHAIRMAN HOOD: Okay. Well, we
22 thank you for that presentation. Let's see

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1 if--colleagues, do you have any questions? Let
2 me ask everybody who testified, if you could come
3 back to the table, especially--well, everyone
4 who testified. I can see we have enough seats.
5 Cause there may be some cross-examination. If
6 not, sit close in the front row.

7 If you can come, in the red shirt.
8 I forgot your name, but I want to ask you a
9 question. If you can come forward. Anyone else,
10 Commissioners? Okay. Is there everyone, with
11 the exception of the three in the front row ?
12 Okay. This is a group that was part of the party.
13 Mr. Freeman may have some cross-examination. I'm
14 not sure. But we need to get to that point.

15 But let's see if we have any
16 questions, Commissioners. Commissioner May.

17 COMMISSIONER MAY: I just have one
18 quick one. What is Trilogy? Everybody keeps
19 talking about Trilogy. I don't know what it is.

20 MS. MCSWEENY: Trilogy is a new
21 development that went in next to the FedEx
22 building on Eckington.

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1 COMMISSIONER MAY: So behind the
2 FedEx?

3 MS. MCSWEENY: So Q Street comes--XM
4 Satellite Radio building.

5 COMMISSIONER MAY: Yes.

6 MS. MCSWEENY: Q Street. And it is
7 on Q Street. And it's 600 units of--

8 COMMISSIONER MAY: So it's on the
9 north side of Q, just up--

10 MS. MCSWEENY: Yes. You're asking
11 me about--

12 MS. KONKEL: It's on the east side
13 of Q, on both sides of the street. So you have,
14 it goes all the way down Q Street. Eckington kind
15 a functions as the 100 block. It's about 150 Q
16 Street, goes down to 300 Q Street, and there's
17 600 residences on both sides. They were supposed
18 to have--

19 COMMISSIONER MAY: But, well, in
20 that big blank area behind the FedEx?

21 MS. KONKEL: Right.

22 MS. MCSWEENY: It used to be a big

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1 open field.

2 MS. KONKEL: It was supposed to be
3 mixed development, and they worked with us, and
4 all these things, and then right at the last
5 minute--that's what I think prompted some of our
6 concerns about like how do we hold them to it,
7 because there is no retail in there. It's not
8 mixed. It is only residential.

9 COMMISSIONER MAY: And what--

10 MS. MCSWEENEY: One note on it,
11 though. It's only about 50 feet tall.

12 MR. BJORNSON: It's 50 feet tall but
13 it's only 40 where it borders the rest of
14 Eckington. The 50 foot is all where it borders
15 industrial property.

16 MR. SOO: And it's a light sandstone
17 color.

18 MR. BJORNSON: It fits in very nicely
19 but it's six hundred--

20 COMMISSIONER MAY: Okay. Thanks. I
21 got plenty of information now. Thank you. Now
22 I know.

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1 MR. BJORNSON: And it's empty.

2 MS. KONKEL: And it's not--again,
3 they're having a hard time selling them.

4 COMMISSIONER MAY: Your mike is
5 not on.

6 MS. TANNO: It seems that people are
7 parking on our street rather than paying for
8 parking spots in the building, cause it's
9 rentals. It's not condominium. It's not forced
10 in the price.

11 CHAIRMAN HOOD: Any other
12 questions?

13 Let me just go down the line, and
14 it's not that this is a prerequisite or a
15 criteria. I'm just curious. I'm trying to
16 understand one of the points that was made by the
17 Applicant.

18 How long have you been living in the
19 neighborhood? Let me start to my left and just
20 come all the way down.

21 MR. SOO: Three months; four months.

22 MS. MCSWEENEY: Seven years.

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1 MR. BJORNSON: Three and a half
2 years.

3 MS. DOWNING: Four years.

4 MS. TANNO: Two months.

5 MS. KONKEL: Six years.

6 MR. BURNS: Seven years.

7 CHAIRMAN HOOD: And your name, sir?

8 MR. BURNS: Ralph Burns.

9 CHAIRMAN HOOD: Mr. Burns. Okay.
10 You had signed up.

11 MR. BURNS: The only one that signed
12 up.

13 CHAIRMAN HOOD: Yes. You're the
14 only one signed up. I'm will tell you: One of
15 the things that I am--one of the things that I
16 appreciate, and I appreciate all your testimony.
17 So don't get me wrong, what I'm getting ready to
18 say. One of the things I appreciated, you really
19 talked about land use and some of the issues. So
20 when you do all--when you all do have the
21 meeting, make sure you attend. Okay? I want all
22 of you all to attend. But you're talking about

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1 land use.

2 So I think that for us, and the
3 decision we're going to make, and all of you all
4 have concerns, but one of the things that he did
5 differently than everyone else, he basically
6 talked about some scenarios, and I'm not sure
7 that what happened is on--scenarios--they
8 probably could be, if everyone agrees with
9 you--hopefully they do cause you were part of
10 their party--if everyone agrees with some of the
11 things that you said, I think that would be a good
12 dialogue and a good discussion, for them to meet
13 with the--with you all.

14 I mean, all of you had great points,
15 but most of his was land use, and which this body
16 here has jurisdiction. Okay. All right.

17 COMMISSIONER MAY: Should we
18 answer Mr. Burns' question about what--whether
19 they can go ahead and build whatever they want
20 after they get their approval?

21 CHAIRMAN HOOD: Go ahead. Go ahead
22 and answer that.

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1 COMMISSIONER MAY: No. The
2 answer's no. What they get approved for here, the
3 approved plans that are in the record, that's
4 what they have to build, and if they change it
5 in any but the most minor way, they have to come
6 back here to get a modification approved.

7 MR. BURNS: Thank you, Mr. May.

8 CHAIRMAN HOOD: And also I want to
9 say something to Mr.--you get in trouble when you
10 do this--but Mr. Bjornson -

11 MR. BJORNSON: Yes.

12 CHAIRMAN HOOD: I know I'm
13 mess--what is it?

14 MR. BJORNSON: Bjornson.

15 CHAIRMAN HOOD: Bjornson. I'm going
16 to mess--I'm going to mess that up. I appreciate
17 the work that you put into this. This says a lot,
18 and I'll have to study it; but I appreciate that.
19 I appreciate it. And I don't want anyone to think
20 that I'm cutting their presentation of testimony
21 short. But that's what we listen--we deal with
22 zoning, zoning land use.

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1 MS. KONKEL: You can tell we don't
2 know what we're doing.

3 CHAIRMAN HOOD: No, no, no. I didn't
4 say that. We deal with land use. But one of the
5 things that I am going to insist upon, and I said
6 earlier, is that they meet with this party. I'm
7 going to insist upon that, I'm going to be
8 looking for that, and I want some results. Okay.
9 Any other--

10 COMMISSIONER TURNBULL: Mr.
11 Chair, I don't have any questions for the group.
12 I just have a comment, that for--as Ms. Konkell
13 has said, for an organized--an unorganized
14 group, I think you were very organized, you were
15 very articulate, and I think you brought home
16 your points. So I want to thank you again for
17 coming down and being here.

18 CHAIRMAN HOOD: Okay. We have a
19 comment. Commissioner Miller.

20 COMMISSIONER MILLER: I would echo
21 that, Commissioner Turnbull. And I had one quick
22 question. Any of you can answer. Are each of your

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1 back yards about the same length? And what would
2 that--what is that length?

3 MS. MCSWEENY: No, they're not
4 because--

5 COMMISSIONER MILLER: Or
6 approximately what is the range?

7 MS. MCSWEENY: --people use that
8 back space differently. So some people might
9 have a carport, and then some people might have
10 a yard, a retaining wall, and I--Ralph, what is
11 it? Probably 30 feet.

12 MR. BURNS: Between 25 and 30 feet--

13 MR. BJORNSON: Yes; yes.

14 MR. BURNS: --from the back of the
15 house to the--

16 MR. BJORNSON: To the retaining wall.

17 MS. MCSWEENY: As has been
18 mentioned, the alley's on a grade, so it looks
19 very different at the top of the alley, what
20 those back yards spaces look like, and they're
21 more like driveways versus at the bottom, where
22 you really have more retaining walls, and--

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1 COMMISSIONER MILLER: Thank you.
2 Thank you all for your testimony.

3 CHAIRMAN HOOD: Any other
4 questions?

5 [No response]

6 CHAIRMAN HOOD: Mr. Freeman, do you
7 have any cross-examination of anyone on the
8 party?

9 MR. FREEMAN: I don't have any
10 cross-examination. I think we'll cover
11 everything in rebuttal. But I did have just one
12 quick question about this study prepared. Are
13 you a geotechnical engineer?

14 MR. BJORNSON: No.

15 MR. FREEMAN: Okay. Are you--have
16 you ever done a vibration study in the District
17 of Columbia before?

18 MR. BJORNSON: I work for the Navy.
19 I work on hull structure for nuclear submarines
20 and aircraft carriers.

21 MR. FREEMAN: So have you ever
22 done--

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1 MR. BJORNSON: So that's my
2 background. So I--if you look--so I have not done
3 that. If you look at this, you'll see, it's a very
4 simple format.

5 MR. FREEMAN: So is that a yes or no?
6 Have you ever done a vibration study in the--

7 MR. BJORNSON: I have not. This is my
8 first.

9 MR. FREEMAN: Okay. Have you seen
10 our construction management plan?

11 MR. BJORNSON: I have not had a chance
12 to review it.

13 MR. FREEMAN: But you're aware that
14 we have a construction--

15 MR. BJORNSON: I 'm aware that you
16 have it, and I understand that there's not such
17 an analysis in there.

18 MR. FREEMAN: Thank you.

19 MR. BJORNSON: Yes.

20 CHAIRMAN HOOD: All right. Well,
21 thank you all. We appreciate your presentation
22 and your testimony. Okay. Let's go to other

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1 persons who are here in opposition. If you could
2 just come forward. I don't have anyone on the
3 list. If you could just come forward, and you may
4 go ahead and get started. And each person will
5 have three minutes, unless someone's
6 representing a organization.

7 MR. NOLAN: My name is Randy Nolan.
8 I live a block away at 38 Quincy Place. I've been
9 in D.C. for two and a half years. I was going to
10 address the whole process. I do go to the
11 Eckington Civic Association's regular--they
12 have several committees. And basically from my
13 standpoint, the scenario is, you know, an e-mail
14 goes out. Whoever comes comes.

15 The presenters do a very polished
16 job of presenting this project, and we go "great,
17 great," and I'm not taking responsibility away
18 from neighbors to really get into it, but it just
19 has not generated any traction in terms of the
20 neighborhood
21 critically looking at that.

22 The civic association does not have

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1 a Planning Committee. It has no technical
2 assistance available to really get into some of
3 these issues, and so we really do struggle until,
4 like this group, anchors down to understand
5 what's going on.

6 Personally, I am in favor of
7 density. I was initially in favor of the project.
8 But when I started to look into it a little bit
9 more, especially walking down that alley--that
10 alley is a total mess, really.

11 The transportation expert who made
12 a comment about sort of a right-hand turn on to
13 1st Street, and say, well, I guess we'll get to
14 that sooner or later, to paraphrase what I heard
15 him say.

16 I really feel, in terms of
17 appropriate amenities, that alley does need to
18 be addressed, or when is it going to change? I
19 think that's a huge issue.

20 And also the other point, I would
21 just state, personally, is that the zoning
22 request from industrial to mixed use is for the

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1 highest category with 90 foot, feet, and nine
2 stories.

3 If you look at the buildings around
4 it, like the People's Building, that is I think
5 six stories. It's no more than six. And Trilogy
6 is five stories, even though it was zoned higher.
7 I think it's because it's wood construction. It
8 is a lower structure.

9 This is really setting a precedent
10 in Eckington, and this is on the Eckington side
11 of Florida, for much higher buildings. The other
12 point, and I'll quit, is that this particular
13 site is also fairly unique, in that it is
14 adjacent to the rear of a number of historic row
15 houses.

16 Going around D.C. and seeing nine or
17 higher-story buildings, most often I see that
18 there is a complete street separating them from
19 the adjacent neighborhoods. So my opinion is
20 that it is a too ambitious, too large project or
21 this particular site, and I would urge the Zoning
22 Commission to approve a lower, less--lower

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1 height, less-ambitious structure.

2 CHAIRMAN HOOD: Thank you. Next.
3 Hold your seat cause we may have some questions
4 for you on cross. Next.

5 MS. ROBINSON: My name is Nesetari
6 Robinson. I also go by the nick name "Nes." I
7 live in 310 Todd Place, N.E., and I'm here on the
8 northern end of Eckington, and I'm here with my
9 peers on Q and Quincy Street, and in agreement
10 with my peers, excuse me, and my neighbors in
11 Eckington neighborhood.

12 My concern here being at the zoning
13 hearing actually has already been voiced a
14 couple--multiple times now, which was why does
15 this project need to be at the higher end of the
16 mixed use zoning opportunity? Why not keep it in
17 the true essence of the neighborhood and be at
18 a lower, the 2-C, or C-2-B range?

19 And also that I think would keep in
20 the same flavor of the Eckington neighborhood.
21 So again, I'm here on the northern end, and I
22 recognize I'm not in the 200 feet of impact. But

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1 I am here to let my neighbors know, that are in
2 the impacted area, that they have support for
3 those of us here on the northern end of the
4 Eckington neighborhood. So thank you very much
5 for taking the time to listen to us.

6 CHAIRMAN HOOD: Sure. Thank you.
7 Next.

8 MS. HEDLAND: Hi. I'm Julia Hedland.
9 I live at 27 Q Street so I am--is this on?

10 CHAIRMAN HOOD: Is it on or off?

11 MS. HEDLAND: Okay. I'm speaking into
12 it now. I live on, in 27 Q Street in the affected
13 part of the alley. So right backing into the new
14 proposal. So I have to say I'm not
15 anti-development. I don't love the vacant
16 warehouse behind our house.

17 I do have some concerns about the
18 package that's been proposed, and based on the
19 neighbors' concerns as well, it seems like more
20 time is needed to "hash out" some of these
21 things.

22 I'm a new neighbor. I've only been

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1 there about a month. I don't have a car, so I
2 walk, and it's a very dangerous part of town to
3 walk in. I'm coming from Columbia Heights where
4 I walked a lot, and this area is much more
5 dangerous. And Florida has lots of traffic.
6 North Capitol has lots of traffic. People drive
7 really fast. The crosswalks are not respected.

8 And I'm concerned with this
9 proposal, that the alley is being turned into a
10 street by the, as one of our neighbors mentioned,
11 the fact that it's being widened, people are
12 going to take advantage of it to cut through.

13 And that poses safety risks. It
14 poses congestion for city services. You know,
15 garbage trucks. We--there are some neighbors
16 that have parking garages in the alley, so they
17 could be affected as well by this new congestion
18 in the alley, basically.

19 And my other concern really is about
20 this amenities package, which really does not
21 seem to address any of the things. We do have a
22 retaining wall. I'm worried about the, you know,

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1 whatever vibration is going to be caused by the
2 construction. It seems to me maybe the amenities
3 package could be put in escrow, or something like
4 that, to deal with damages. That seems like it
5 would make sense to me, if damage is caused by
6 the construction.

7 And also I'm concerned about
8 utilities, which is not something we've really
9 had a chance to talk about. I've heard from other
10 neighbors that we lose power when it goes about
11 94 degrees in our neighborhood.

12 So my main concern, though, and I
13 thank all of you for bringing up traffic
14 concerns.

15 CHAIRMAN HOOD: Okay. Thank you.
16 Next.

17 MR. MICKLESS: My name is Jeff
18 Mickless. I live at 27 Q Street, and I just wanted
19 to touch on a few things, just to reiterate them.
20 My house is directly behind the alley where the
21 main entrance would be, so all the loading dock
22 traffic is very, very concerning to me.

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1 I have a garage under my back yard,
2 and so it's sort of right there, the bottom of
3 everything. I'm worried about being able to use
4 it. Like other folks have said, like damage to
5 the retaining walls seems like a very real
6 threat.

7 I know that it's been said that
8 they're not in pristine shape, nor would we
9 expect them to be, and it would be really good
10 to hear from the developer that they would bring
11 them back to sound condition, not necessarily
12 the condition they were found in when they
13 started doing construction.

14 With walking and other traffic
15 concerns, you know, I want to echo just what
16 other folks have said. Florida and North Capitol
17 is a horrific intersection. I sort of have
18 different rules for crossing those streets than
19 I do anywhere else in the city, because people
20 just fly around the corners. They do not pay
21 attention.

22 So assuming that things would be

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1 any different with that alley entrance, if there
2 are no restrictions, is just sort of silly. So
3 the right-in, right-out, only, to me, sounds
4 like the only possible way to make that a safe
5 intersection, and I'm also very concerned, like
6 others have brought up, with people walking in
7 the alley.

8 It happens a lot. Especially if
9 we're going to provide a guarded spot on the very
10 tippy-top of the alley, and I don't hope people
11 cut through my house to get outside the other end
12 of the alley.

13 But yes, thank you for hearing our
14 concerns today.

15 CHAIRMAN HOOD: Did you have any time
16 left on your--

17 MS. HEDLAND: A minute. I'll be super
18 fast. My big shock from this meeting was hearing
19 that there's one parking space per condo for this
20 development. I don't know why somebody would
21 move to that area, two blocks from the Metro, and
22 need a parking space. But if they buy it, if it's

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1 included with the price of the condo, they're
2 going to use it, and I'm, you know, horrified to
3 think of 200 parking spots going in there.

4 If it's going to be high density
5 urban development, let's have people use public
6 transportation.

7 CHAIRMAN HOOD: Okay. All right.
8 I'm going to ask this panel the same question,
9 not that it's a prerequisite. I'm just curious.
10 How long have you been living in the
11 neighborhood?

12 MR. MICKLESS: Just about a month.

13 MS. HEDLAND: Yes. One month.

14 MS. ROBINSON: Five years.

15 MR. NOLAN: Three and a half years.

16 CHAIRMAN HOOD: Okay. All right.

17 Colleagues, any questions of this panel?

18 [No response]

19 CHAIRMAN HOOD: I'm not seeing any.

20 Thank you all--well, hold on. Any
21 cross-examination, Mr. Freeman?

22 Okay. I want to thank you very much

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1 for your--oh, does the--I'm sure he doesn't; but
2 let me ask. Do you have any cross? Okay. Thank
3 you all very much. We appreciate your testimony.

4 Okay. Mr. Freeman, if you can come
5 on up. Now I can tell you how we would refer
6 probably to do. Rebuttal in writing. Responses
7 in writing. Or you can do rebuttal tonight. And
8 we'll have to do cross and rebuttal. But I will
9 tell you--we probably could do it in writing,
10 after you have an additional meeting, which I'm
11 going to ask for, as you call it, the new
12 residents. Some who are new. I don't know what
13 you consider new, whether--five years or less
14 may be new. Especially one month is definitely
15 new. So maybe we can have a meeting with those
16 who just got here, and "bring them up to speed,"
17 and work with them on it. There might not be as
18 much opposition as they have presented, if we
19 just have a conversation. And you know I'm "big
20 on that." I think this Commission is big on that,
21 because at the end of the day, the people who are
22 going to be most impacted are going to be them

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1 and us, when we pass Florida Avenue.

2 I don't plan on going that way no
3 time soon, but I can tell you, there are times
4 when I have to go down Florida Avenue, I'm not
5 sure about others--Commissioner May's on his
6 bike--but even at that, on a serious note, we
7 need to have--they need--what I heard most
8 tonight is a conversation needs to be had, more
9 than those who just got there within a month.

10 So Mr. Freeman, it's your way of
11 doing things.

12 MR. FREEMAN: We will respond, in
13 writing. But I do want to make a couple points
14 that I think you, from what you just heard, you
15 might miss. And--

16 CHAIRMAN HOOD: If you want to
17 start, then we're going to go through the whole
18 process. If you can just give that, make those
19 points--cause you can't be cross-examined.
20 Okay?

21 MR. FREEMAN: Right; right.

22 CHAIRMAN HOOD: So some of the

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1 points you have, someone may need to, want to say
2 something. So I want to be fair about that.

3 MR. FREEMAN: Right.

4 CHAIRMAN HOOD: Okay. So if I allow
5 it, we need to bring everybody up and we'll do
6 rebuttal.

7 MR. FREEMAN: Well, the points are
8 all things in the record, but if that's the
9 case--

10 CHAIRMAN HOOD: Who needs to make
11 the points?

12 MR. FREEMAN: I'm just going to
13 point to some things that are in the record, so
14 that the Zoning Commission--

15 CHAIRMAN HOOD: Well, if it's
16 already in the record, how is it going to benefit
17 us if it's already in the record?

18 MR. FREEMAN: I think it's
19 important. for example--

20 CHAIRMAN HOOD: Everything in the
21 record's important.

22 MR. FREEMAN: For example, I think

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1 you heard a lot of people say they had no idea
2 that this project was happening. I think you
3 heard that. Our application, which we filed in
4 February 2013-I just want to point this to your
5 attention.

6 If you look behind Exhibit G, on
7 December 1st, 2011, we sent a Notice of Intent
8 to all of the property owners within 200 feet.
9 The last paragraph says: "A building will be
10 constructed to a maximum height of 90 feet, with
11 a number of set-downs and set-backs, and a
12 maximum FAR of 4.8."

13 If you look behind Exhibit H, a
14 number of people that are here tonight received
15 that notice, back in December 2011.

16 So this view that we haven't
17 provided any notice, whatsoever, that there
18 would be a 90 foot building is just not supported
19 in the record.

20 I think we can put everything else
21 in writing. I just want that to be clear. We have
22 attended meetings. We have talked to these folks

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1 here. We have--

2 COMMISSIONER TURNBULL: I think
3 you've made that point.

4 CHAIRMAN HOOD: Mr. Freeman, you said
5 that, and actually I have a sheet here, and what
6 was sent. So we actually knew that at the very
7 beginning of this hearing. Okay.

8 MR. FREEMAN: I just think it's
9 worth--I just wanted to leave on that point, and
10 not have the last point--

11 CHAIRMAN HOOD: The point that I'd
12 really like to leave on is that you all will meet
13 again, and I want to ask the Applicant, and I know
14 you've done it for those who've been there ten
15 years, five years. We have a lot of new folks,
16 and I hate to put you through that again, but I
17 can tell you it's been very successful. Very
18 successful. If you go in with a open mind, it's
19 been very successful. If not, we'll make the
20 decision.

21 So I'm encouraging you. Matter of
22 fact, I'm urging you. Now I don't need--you've

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1 already--we're good, we're good. I'm urging you
2 to make our lives a little easier and work with
3 the folks who live in the neighborhood. Even
4 though I know you've done it once, you've done
5 it twice, you've done it with those. You've got
6 a couple people who might need to be--six times;
7 okay. Well, let's make it seven. Seven's going
8 to be the charm, and seven's going to work,
9 because people need to understand the project,
10 and people need to be talked to.

11 Yes, I know that some of them just
12 got here. They said a month. I heard that. And
13 in all fairness--you're right--to be fair to
14 you, you shouldn't have to go back and talk to
15 those been there--but some of them have been
16 there a little longer than that.

17 So we would ask the employer to just
18 go and explain the project, especially Mr. Burns
19 and others, and listen to some of their ideas,
20 cause at the end of the day, guess who's going
21 to endure whatever goes on. The people who live
22 there. So see what we can do.

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1 MR. SOO: That's more to do with
2 dialogue--

3 CHAIRMAN HOOD: Excuse me; excuse
4 me; excuse me. You're out of order, and it's
5 late, and I haven't thrown anybody out--how long
6 has it been, you all? It's been a couple a--no,
7 it's been--it was the other case. Waterfront.
8 Waterfront. It's been a month? Okay. Cause
9 you've been very good. I know you're passionate
10 about the situation. But we run a orderly
11 meeting. Okay.

12 All right. Mr. Freeman, we all
13 right?

14 MR. FREEMAN: We are. Thank you for
15 your time tonight. I know it's been a long
16 night. We have a very full record. What I would
17 like to do is if we could still establish some
18 date, so that we're not in a process of trying
19 to coordinate with 20 people, which we're happy
20 to do, but we would like to--

21 CHAIRMAN HOOD: That's actually a
22 good point.

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1 MR. FREEMAN: Yes.

2 CHAIRMAN HOOD: That's actually a
3 good point. Ms. Konkel, I would like for you to
4 work it out, and make sure that the party--and
5 let's not make it hard for the Applicant. You
6 work everything out, and make the neighbors that
7 need to be there on Q Street, or whatever street,
8 Quincy, or all the people who need to be there
9 are there.

10 You may want to invite your ANC
11 Commissioner. I'm not sure. I'll leave all that
12 up to you. But make sure everybody's there, and
13 then that way the Applicant doesn't have to go
14 around to everybody's house. I'm depending on
15 you to do that, Ms. Konkel.

16 You and Mr. Burns, actually.

17 MS. KONKEL: I'd be happy to host it
18 at my house.

19 CHAIRMAN HOOD: Well, maybe you all
20 can use the rec center. But I'll leave--yes. If
21 you want to come put that on the record. Come up
22 front and why don't you just say it on the record.

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1 But I would encourage you all to try to use the
2 rec center.

3 MS. KONKEL: I'm grateful, frankly,
4 for the opportunity, Mr. Chairman, to be able to
5 do what you're asking us to do. I'm more than
6 happy, and frankly, honored, to be able to
7 convene my neighbors. I'll work with Mr. Burns,
8 cause I think he gets this process a bit better
9 than most of us do, and we will have residents
10 of long-term standing and, short-term standing,
11 in attendance. And I can't promise that we will
12 come together, unified, at the time, but we
13 will--I can promise to work with you, and try to
14 come back here as unified, with the developers,
15 as a community, for our next meeting.

16 CHAIRMAN HOOD: As much as
17 possible, cause if not, we're going to make a
18 decision.

19 Mr. Freeman.

20 MR. FREEMAN: Yes. I'd actually love
21 to set a date for that now.

22 CHAIRMAN HOOD: For the meeting?

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1 MR. FREEMAN: For our meeting.

2 MS. KONKEL: I think that would be
3 impossible for us to do, because it will take a
4 lot of coordinating on our part.

5 CHAIRMAN HOOD: It's going to be--I
6 understand. I understand. Believe me. We're
7 going to balance that. You know, if it doesn't
8 happen, we'll make the decision. So that
9 implores you all to make it happen. Ms. Schellin
10 will give some dates--let me finish. Ms.
11 Schellin will give some dates. Once she gives
12 those dates, then it's up to the community to
13 make those dates--you all work together.

14 You can come on up if you have a
15 concern.

16 MR. BROWN: A point of information.
17 It's just a point of information. Are we
18 actually--are you asking us to actually meet
19 with the ANC, or with this, the individual group
20 only, so--

21 CHAIRMAN HOOD: I'm actually asking
22 you to meet with this party. The ANC is in support

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1 of you. I just said they can invite the ANC
2 Commissioner, if they want. It's up to th em.

3 MR. BROWN: So what would be the end
4 result, sir, if we--will it be a vote? Would they
5 give a report? I'm trying to see where we're
6 trying to get to.

7 CHAIRMAN HOOD: They will give us a
8 comment. What we've heard, mostly, tonight,
9 for a few hours is that--

10 MR. BROWN: Yes, sir.

11 CHAIRMAN HOOD: --they need to be
12 talked to. A lot of them have said they're not
13 totally in opposition. I think they just need to
14 be educated, and brought up to speed. They may
15 have some concerns, and maybe you, all together,
16 can work out those concerns.

17 MR. BROWN: Understand.

18 CHAIRMAN HOOD: Been doing this
19 almost 16 years, and I've seen it done a lot.

20 MR. BROWN: Understand, sir. That
21 was what we started with 13 months ago, was
22 meeting with them to try to figure it out, and

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1 we did, so--

2 CHAIRMAN HOOD: Couldn't have met
3 with all of them, cause some of them just got
4 there a month. And I understand your point. Cause
5 you're exactly right. I want you to know,
6 publicly, I agree with you on you've been there.
7 Some people just got there for two months. I
8 agree. But it doesn't hurt to do it one more time,
9 okay? because the ones who just got there a
10 month--guess what? They're probably going to be
11 there a lot longer. Okay? And they're going to
12 endure whatever project, or whatever goes there.
13 So work with them. Trust me. It works.

14 MR. BROWN: Understand.

15 CHAIRMAN HOOD: Okay. And don't try
16 to make me eat my words on that.

17 MS. KONKEL: We will do our best not
18 to.

19 CHAIRMAN HOOD: All right. Mr.
20 Freeman, do you all want to come up with some
21 dates and stuff for the meeting?

22 MS. SCHELLIN: Do we want to go down

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1 the list of items, if we could do that, real
2 quick. The slides that Osborne George
3 presented at the hearing, that were not
4 submitted to the record already. Consider more
5 lead points, Commissioner Cohen asked for.
6 Commissioner May asked for an aerial photo of,
7 I believe the Q blocks, to show in relation to
8 the alley. He also asked that they look at
9 angling the loading dock, whether it works or
10 not. Just ask them to look at it. Look at a
11 darker color for the penthouse. Look at signage
12 and/or mirrors into the alley for the purpose of
13 safety for pedestrians. That came up during
14 cross-examination.

15 A diagram showing the December
16 shadow for what exists now. That came up during
17 cross. A section Shadow Plan. Commissioner
18 Turnbull thought that would be helpful. What
19 will the impact of the shadow of the building be
20 in March on the garden and snow melt, from
21 cross-examination.

22 Commissioner Hood asked that they

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1 meet with the Konkell party, to see if issues can
2 be addressed, and then report back on the
3 meeting. Both the Applicant and the party,
4 Konkell party, will be able to provide a report
5 back on that meeting, and the Applicant can
6 provide rebuttal, in writing, and of course the
7 Konkell party will be able to respond to that, in
8 writing. That's all I've got.

9 CHAIRMAN HOOD: Did we miss
10 anything, Commissioners?

11 COMMISSIONER TURNBULL: And maybe
12 you addressed it. Did you talk about--I think
13 Commissioner May also mentioned about the
14 elevation by the north side of the alley, a
15 possibility of widening that up. He was
16 concerned that as it hits Florida Avenue, it sort
17 a dies. It doesn't really express much. He said
18 maybe--

19 MR. FREEMAN: The west elevation.

20 COMMISSIONER TURNBULL: Yes. The
21 west elevation. Yes. I think that was it.

22 My only other concern is after

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1 hearing this--I mean, it's the alley. I think
2 you've heard that the alley is a big issue. The
3 question is: Is there an amenity package that
4 goes with this alley? What are we looking at?
5 What's--I mean, we talk about being involved as
6 a PUD with the neighborhood. So what's that
7 alley--what's going on with that alley? I think
8 whether it's signage, it's traffic, it's--I
9 think it's a complete look at that alley.

10 And the other thing is I'm--I mean
11 never came up, is that the elevation of the
12 building that looks on that alley. We talk about
13 LEED, lighting from balconies. what's going to
14 be the impact of that building, what these people
15 see? I'd like, you know, whether it's at night,
16 or whatever, how is this building impacting
17 their lives?

18 So again, I think it's the alley,
19 it's how this building impacts those neighbors
20 on Q Street.

21 CHAIRMAN HOOD: Okay. Do we have
22 anything, Ms. Schellin? Mr. Freeman? Oh. We

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1 need dates?

2 MS. SCHELLIN: I'm getting there,
3 soon as I type this last thing.

4 CHAIRMAN HOOD: Okay; okay.

5 MS. SCHELLIN: Okay. Because
6 we're not going to take this up until September,
7 I thought we could give them double the amount
8 of time. Normally, we allow two weeks for
9 submittal. So I thought we could allow four
10 weeks. That way, they can make sure that they
11 have ample opportunity to meet. So allowing
12 double the amount of time, that would be
13 April--I'm sorry--August 8th. So that means
14 you need to have your meeting within that time
15 period, makes your submittals by 3:00 o'clock
16 p.m., August 8th.

17 Ms. Konkell, that means that what you
18 need to provide is your report on the meeting by
19 3:00 o'clock p.m. Your submission needs to be
20 made through IZIS. Of course Mr. Freeman, you
21 know what you need to provide. And then by August
22 15th, 3:00 o'clock p.m., the parties can provide

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1 responses to any submittals made.

2 Mr. Freeman, you get to make a
3 response to what Ms. Konkel provides, that
4 letter about the meeting that occurs. Ms. Konkel
5 gets to provide responses to anything the
6 Applicant provides by 3:00 o'clock p.m., August
7 15th.

8 I did pick a different date for the
9 ANC, since the ANC usually does not meet in
10 August. I picked September 4th because they
11 don't meet in August, and I thought that would
12 be fair, since they're usually on recess.

13 CHAIRMAN HOOD: Do we need another
14 letter from the ANC? They're already--

15 MS. SCHELLIN: I thought if they
16 wanted to respond to the additional documents
17 that the Applicant provided, we usually do
18 allow them an opportunity to provide to any
19 response, any additional submittals. So I think
20 if they choose--

21 CHAIRMAN HOOD: Okay. I'm kind a
22 agreeing with the Applicant. I'm kind a agreeing

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1 with the Applicant. They've been out there
2 enough, and some people just got there one month.
3 So I want you to know I do sympathize with you,
4 but I'm asking you to do this, and I'm hoping
5 everybody has open minds. And here's the thing.

6 I don't want to see a letter--I'm
7 trying to be nice, what I'm getting ready to say.
8 I don't want to see a letter--"Well, we couldn't
9 agree to meet." I don't want to see that.

10 MS. SCHELLIN: That's why we've
11 given them double--I thought it was, double-time
12 was four weeks, was ample opportunity for them
13 to do that. And again, we'll take this up at the
14 September 9th meeting. September 4th for the
15 ANC, if they choose to provide responses to those
16 additional documents.

17 I just didn't want to leave them out,
18 since they are an automatic party, and they
19 should be afforded an opportunity to respond to
20 those documents. But I know they're on recess in
21 August.

22 CHAIRMAN HOOD: You're exactly

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1 right, Ms. Schellin. Thank you. So we're all on
2 the same page? Okay. So understand, you know,
3 let's work together and try to make it work. All
4 right. So we're all on the same page; right?
5 Okay. So this meeting is adjourned. Thank
6 you. This hearing.

7 [Whereupon, at 11:02 p.m., the
8 hearing of the Zoning Commission was adjourned.]
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