

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

TUESDAY

OCTOBER 6, 2009

+ + + + +

The Regular Public Meeting  
convened in Room 220 South, 441 4th Street,  
N.W., Washington, D.C., 20001, pursuant to  
notice at 11:45 a.m., Marc D. Loud,  
Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

MARC D. LOUD, Chair  
SHANE DETTMAN, Vice Chair (NCPC)  
MERIDITH MOLDENHAUER, Board Member

ZONING COMMISSION MEMBERS PRESENT:

PETER MAY, Commissioner (NPS)  
MICHAEL TURNBULL, FAIA, Commissioner  
(AOC)

OFFICE OF ZONING STAFF PRESENT:

CLIFFORD MOY, Secretary  
BEVERLEY BAILEY, Sr. Zoning Specialist  
JOHN NYARKU, Zoning Specialist

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

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

SHERRY GLAZER, ESQ.  
LORI MONROE, ESQ.

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN MORDFIN  
STEVEN COCHRAN

The transcript constitutes the  
minutes from the Public Hearing held on  
October 6, 2009.

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Adjourn	

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P R O C E E D I N G S

11:45 A.M.

CHAIRPERSON LOUD: Good morning.  
We're going to go directly in our hearing  
calendar for this morning.

Good morning, ladies and gentlemen.

This is the October 6 public hearing of the  
Board of Zoning Adjustment of the District of  
Columbia. My name is Marc Loud, Chairperson.

Joining me today are Vice Chair Shane  
Dettman, representing the National Capital  
Planning Commission; Mr. Michael Turnbull,  
representing the Zoning Commission; Meridith  
Moldenhauer, Board Member; to my left, Mr.  
Clifford Moy, Secretary, BZA; Ms. Laurie  
Monroe, Office of Attorney General; and to my  
far left, Ms. Beverley Bailey, Zoning  
Specialist in the Office of Zoning.

Copies of today's hearing agenda  
are available to you and are located to my  
left in the wall bin near the door.

Please be advised that this

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1 proceeding is being recorded by a court  
2 reporter and it is also webcast live.  
3 Accordingly, we must ask you to refrain from  
4 any disruptive noises or actions in the  
5 hearing room.

6 When presenting information to the  
7 Board, please turn on and speak into the  
8 microphone, first stating your name and home  
9 address. When you are finished speaking,  
10 please turn your microphone off so that your  
11 microphone is no longer picking up sound or  
12 background noise.

13 All persons planning to testify  
14 either in favor or in opposition are to fill  
15 out two witness cards. These cards are  
16 located to my left on the table near the door  
17 and on the witness tables. Upon coming  
18 forward to speak to the Board, please give  
19 both cards to the reporter sitting to my  
20 right.

21 The order of procedure for special  
22 exceptions and variances is as follows:

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1 statements of witnesses of the Applicant;  
2 government reports including the Office of  
3 Planning, the Department of Public Works,  
4 etcetera; report of the ANC: parties and  
5 persons in support; parties and persons in  
6 opposition; and finally closing remarks by the  
7 Applicant.

8 Pursuant to Sections 3117.4 and  
9 3117.5, the following time constraints will be  
10 maintained. The Applicant, Appellant, persons  
11 and parties except an ANC in support including  
12 witnesses, 60 minutes collectively.  
13 Appellees, persons and parties, except an ANC  
14 in opposition including witnesses, 60 minutes  
15 collectively. Individuals, three minutes.  
16 Please be advised that the Board will follow  
17 these times lines. We have a large number of  
18 witnesses to get through in this morning's  
19 hearing calendar and the only way we can do  
20 that is to follow the guidance of Section  
21 3117.4, 3117.5. These time restraints do not  
22 include cross examination and/or questions

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1 from the Board.

2 Cross examination of the witnesses  
3 is permitted by the Applicant or parties. The  
4 ANC within which the property is located is  
5 automatically a party in a special exception  
6 or variance case. Nothing prevents the Board  
7 from placing reasonable restrictions on cross  
8 examination including time limits and  
9 limitations on the scope of cross examination.

10 The record will be closed at the  
11 conclusion of each case except for any  
12 materials specifically requested by the Board.

13 The Board and staff will specify at the end  
14 of the hearing exactly what is expected and  
15 the date when the person must submit the  
16 evidence to the Office of Zoning. After the  
17 record is closed, no other information will be  
18 accepted by the Board.

19 The decision of the Board in these  
20 contested cases must be based exclusively on  
21 the public record to avoid any appearance to  
22 the contrary. The Board requests that persons

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1 present not engage the Members of the Board in  
2 conversation.

3 Please turn off beepers and cell  
4 phones at this time so as to not disrupt these  
5 proceedings.

6 The Board will now consider any  
7 preliminary matters. Preliminary matters are  
8 those which relate to whether a case will or  
9 should be heard today, such as requests for  
10 postponement, continuance, withdrawal or  
11 whether proper and adequate notice of the  
12 hearing has been given.

13 If you are not prepared to go  
14 forward with a case today, or if you believe  
15 the Board should not proceed, now is the time  
16 to raise such a matter.

17 Does the staff have any preliminary  
18 matters?

19 MS. BAILEY: Mr. Chairman, good  
20 morning to the Members of the Board and to  
21 everyone, good morning as well.

22 There is, Mr. Chairman, and it has

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1 to do with Application 17968 of I.S.  
2 Enterprises, Inc. There is a request for  
3 postponement of this case. The Applicant is  
4 requesting that the hearing be postponed for  
5 one month. The Applicant would like an  
6 opportunity to meet additionally with the  
7 Office of Planning, the ANC 6-A and other  
8 interested parties.

9 CHAIRPERSON LOUD: Thank you, Ms.  
10 Bailey. Can we call that case and if perhaps  
11 the Applicant is here, we can dispose of it.

12 MS. BAILEY: Thank you.  
13 Application 17968 of I.S. Enterprises, Inc.  
14 Mr. Rodriguez is the president and it's  
15 pursuant to 11 DCMR Section 3103.2, for a  
16 variance from the non-residential floor area  
17 ratio requirements under subsection 1321.2,  
18 and a variance from ground floor level ceiling  
19 height requirements under subsection 1324.12,  
20 to allow the construction of a new commercial  
21 building that is retail/office at 1242 H  
22 Street, N.E. The proper is located in the H

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1 Street Housing Sub-District Overlay. It's  
2 zoned C-2-A and it's also known as Square  
3 1003, Lot 22.

4 Is Mr. Rodriguez here? He's not  
5 present here at this time, Mr. Chairman. But  
6 the ANC representative is here.

7 CHAIRPERSON LOUD: Thank you, Ms.  
8 Bailey, and we'll turn to the ANC in a moment.

9 I think as you had indicated on behalf of the  
10 Applicant, we had Exhibits 23 and I guess,  
11 well, let's just stick with Exhibit 23. That  
12 was the most recent one, a request for a one-  
13 month delay in order to work with the Office  
14 of Planning and the ANC. And it's good the  
15 ANC is here, because you can corroborate if  
16 that's where things are.

17 Let me turn to you for you to  
18 introduce yourself. Good morning to you.

19 MR. HOLMES: I'm Commissioner David  
20 Holmes, Vice Chair of 6-A. And we have no  
21 problem with the request to postpone. Thirty  
22 days, however, is insufficient. The ANC meets

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1 this week. We've heard nothing from them  
2 about any new plans. The application was  
3 previously rejected by the ANC unanimously.  
4 We hope to work with them and turn this into a  
5 project that will be an asset, but it's a long  
6 ways from being there at this point. So we're  
7 hoping that you can give us at least 60 days  
8 before you reschedule this hearing so that we  
9 have a chance to work and maybe go through a  
10 couple of iterations on this plan.

11 CHAIRPERSON LOUD: So you'd be  
12 talking about December, roughly December 6th,  
13 instead of November 6th?

14 MR. HOLMES: Yes, sir.

15 CHAIRPERSON LOUD: Unfortunately,  
16 the Applicant is not here to advocate for  
17 himself, but I think what comes across to me  
18 in this submission 23 is a real desire to work  
19 with your Commission and so I think your  
20 request for 60 days is fine with me, if it's  
21 okay with other Board Members. And hopefully  
22 by then you would have been able to work

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1 through all of whatever issues you may have  
2 and submit your report in a timely fashion.  
3 We don't want to keep continuing it out,  
4 continuing it out, but it sounds like in this  
5 case it would make a lot of sense, because the  
6 Applicant really wants to work with you.

7 MR. HOLMES: It's a highly  
8 sensitive street and a sensitive block. This  
9 is the first new construction on this side of  
10 the block. We're hoping for something good  
11 and we intend to work with him to get that  
12 which works both ways for us and for the  
13 Applicant.

14 CHAIRPERSON LOUD: Board Members,  
15 do you have any questions of the Commissioner?

16 Okay, so why don't we then look to -- Mr.  
17 Moy, did you have -- you were looking at me  
18 like --

19 MR. MOY: No, no, that's fine.  
20 You're good.

21 CHAIRPERSON LOUD: Speak up or  
22 forever hold your piece.

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1 All right, so we're looking then at  
2 the first, I guess it would be the first  
3 Tuesday in December.

4 MR. MOY: I noticed on the calendar  
5 that Mr. Turnbull was actually participating  
6 the entire day on December 8th and that would  
7 be my proposal to the Board.

8 CHAIRPERSON LOUD: December 8th,  
9 okay, and that sounds about the time frame  
10 that we were discussing. We'll continue it  
11 until December 8th and good luck at your  
12 meeting. You said your meeting is tomorrow.

13 MR. HOLMES: Thank you, sir.

14 MS. BAILEY: Mr. Chairman, I would  
15 recommend the afternoon session, the afternoon  
16 of December 8th.

17 CHAIRPERSON LOUD: Let me take a  
18 quick look. That sounds fine to me, Ms.  
19 Bailey.

20 Is that okay with you,  
21 Commissioner, in the afternoon? Okay. So  
22 we'll make it the afternoon of December 8th.

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1 Thank you.

2 Ms. Bailey, could you call the next  
3 case, please?

4 MS. BAILEY: Mr. Chairman, should I  
5 swear the witnesses?

6 CHAIRPERSON LOUD: Yes, I'm sorry.

7 MS. BAILEY: All those persons  
8 wishing to testify, would you please stand to  
9 take the oath?

10 And would you please raise your  
11 right hand? Do you solemnly swear or affirm  
12 that the testimony that you will be giving  
13 today will be the truth, the whole truth, and  
14 nothing but the truth?

15 (The witnesses were sworn.)

16 Thank you.

17 MS. BAILEY: This case is a remand  
18 from the Court of Appeals. The Applicant has  
19 amended the application, therefore I'll be  
20 reading as it was amended by the Applicant.

21 Application 17337-A of N Street  
22 Follies, Ltd. It's pursuant to 11 DCMR

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1 Section 3104.1 for a special exception to  
2 permit a hotel under Section 512, to allow the  
3 construction of an addition to an existing  
4 building to be used as a hotel. The property  
5 is located in the Dupont Circle/SP-1 District  
6 at premises 1743-1755 N Street, N.W.

7 (Off the record.)

8 MS. BAILEY: Square 158 -- let me  
9 start over. Let me start over. This  
10 application is pursuant to 11 DCMR Section  
11 3104.1 for a special exception to permit a  
12 hotel under Section 512, to allow the  
13 construction of an addition to an existing  
14 building to be used as a hotel. The property  
15 is located in the Dupont Circle/SP-1 District  
16 at premises 1743-1755 N Street, N.W.

17 It also known as Square 158, Lots 69, 835, and  
18 836.

19 That's it, Mr. Chairman. The case  
20 is ripe to go forward at this time.

21 CHAIRPERSON LOUD: Thank you, Ms.  
22 Bailey. Is ANC 2-B here this morning? You're

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1 automatically a party, if you'd like to join  
2 the other parties at the table that would be  
3 very appropriate.

4 And if all the parties at the table  
5 could introduce yourselves, starting on my far  
6 right?

7 MS. BRAY: Good morning, Mr.  
8 Chairman, and Members of the Board. My name  
9 is Kinley Bray with the law firm of Arant Fox.  
10 On behalf of party opponent Tabard Inn.

11 MR. COHEN: Hi, Mr. Chairman. My  
12 name is Jeremiah Cohen and I'm the General  
13 Manager of the Tabard Inn.

14 MR. KEYS: Good morning, Mr.  
15 Chairman. My name is George Keys, the firm of  
16 Jordan and Keys, LLC and I am counsel for N  
17 Street Follies, the Applicant.

18 MR. SILVERSTEIN: Good morning, Mr.  
19 Chairman. My name is Mike Silverstein. I'm  
20 the chair of ANC 2-B, Dupont Circle ANC.

21 MR. ANDRULIS: Good morning, Mr.  
22 Chairman. My name is Stan Andrulis. I am an

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1 architect with the firm of Andrulis Janezich  
2 Architects. We are the architect for the N  
3 Street Follies.

4 CHAIRPERSON LOUD: Let me just  
5 clarify a couple of things. For our ANC  
6 Commissioner, you're ANC 2-C?

7 MR. KEYS: 2-B.

8 CHAIRPERSON LOUD: You're 2-B,  
9 okay, thank you.

10 All right, let me go back to the  
11 Applicant and then to the Tabard party.

12 With respect to the Applicant, you  
13 have experts that you're looking to qualify?

14 MR. KEYS: Yes, Mr. Chairman.

15 CHAIRPERSON LOUD: And are we going  
16 to hear from Mr. George this morning?

17 MR. KEYS: Yes, Osborne George and  
18 Mr. Andrulis.

19 CHAIRPERSON LOUD: Okay.

20 MR. KEYS: Their professional  
21 resumes were submitted April 14th with the  
22 supplemental filing of the Applicant when this

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1 case was continued.

2 CHAIRPERSON LOUD: Okay. And I've  
3 reviewed those. I'll double check and confirm  
4 and make sure Board Members have reviewed it  
5 as well and then we'll see if there's any  
6 opposition to the qualification of the  
7 experts. And there's none coming from  
8 counsel.

9 From the standpoint of the Board,  
10 there do not appear to be any either. So  
11 we'll qualify both Mr. Andrulis and Mr. George  
12 in their respective spheres as experts.

13 With respect to the Tabard party,  
14 are you still planning to proffer Ms.  
15 McCarthy, Mr. Schwartz, Ms. Emily Eig and Mr.  
16 Nelson as experts?

17 MS. BRAY: We are. And I'd like to  
18 add Mr. Cohen as an expert in boutique hotel  
19 operations. I have his CV which was not  
20 submitted with our statement of September 28th  
21 for the record. And I can provide it to the  
22 Applicant.

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1 CHAIRPERSON LOUD: Okay, can you go  
2 ahead and do it to the Applicant as well as  
3 the ANC?

4 MR. KEYS: Mr. Chairman, we would  
5 strenuously object to that last proffer. Mr.  
6 Cohen is an expert.

7 CHAIRPERSON LOUD: And the grounds  
8 would be?

9 MR. KEYS: The grounds would be  
10 he's a party of interest. He's a party in  
11 opposition and I think the entire purpose of  
12 qualification of experts is the ability of the  
13 Board to rely upon the disinterested opinion  
14 of an expert, based upon the professional  
15 standards and professional opinion.

16 I don't think the party in  
17 opposition is entitled to have his opinion  
18 then taken as fact by the Board. I think it's  
19 an inappropriate use of the expert category.

20 CHAIRPERSON LOUD: Don't they do  
21 that every day of the week in the Court of  
22 Appeals, D.C. Court of Appeals where it has

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1       been held that you can have a -- for example,  
2       in a medical malpractice case, you can have a  
3       fact witness who is also an expert witness  
4       based on their professional acumen and  
5       expertise. What would be so different in this  
6       case? I think, and let me ask you, don't you  
7       think the Board is capable of sort of sifting  
8       through the testing and sorting out where the  
9       bias comes in and where the expertise comes  
10      in, kind of giving appropriate weight to the  
11      testimony based on that?

12               MR. KEYS: I would hesitate to  
13      express opinions to this Board's ability, but  
14      I would ask that there be some recognition  
15      that the Board in the past in its  
16      qualification of experts, it's been largely in  
17      reliance on the professionalism of the  
18      witness. And I think here you have a witness  
19      who is tainted by self interest. And I think  
20      that undercuts whatever credibility could be  
21      attached to his opinion as an expert as such.

22               CHAIRPERSON LOUD: Let's hear from

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1 the parties and see if the Board wants to  
2 weigh in as well.

3 MS. BRAY: Well, I disagree with  
4 Mr. Keys, obviously. As you've aptly pointed  
5 out, Mr. Chairman, the D.C. courts have  
6 accepted fact witnesses who are experts in  
7 their field and have allowed, convert expert  
8 status on the facts and the opinion provided  
9 even when those witnesses do have an interest  
10 in the case, a personal interest in the case.

11 The reason we're proffering Mr.  
12 Cohen as an expert in hotel operations goes  
13 directly to some of the questions in this  
14 case, about the impact of the operation of a  
15 hotel, a boutique hotel at this location.

16 Mr. Cohen has unique experience as  
17 the proprietor of the Tabard Inn and having  
18 done so for several years is in a unique  
19 position to testify about the typical  
20 operations for a hotel of this size including  
21 such things as the number of deliveries that  
22 would be associated with the hotel operation

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1 on a regular basis, the habits of guests in  
2 terms of the times in which they come and go  
3 and the particular needs of say food service  
4 operations and other aspects of the operations  
5 of the proposed use which have not been  
6 addressed, at least thus far in the record in  
7 this case.

8 We believe that the Board is  
9 perfectly capable of sifting through  
10 statements of self interest which there may be  
11 because this does have a direct impact on the  
12 Tabard and statements of fact such as X number  
13 of deliveries is typical for a hotel of this  
14 size. One might expect X for a hotel of the  
15 size that the Applicant is proposing.

16 CHAIRPERSON LOUD: Thank you. Let  
17 me now turn to the ANC and then I'll see if  
18 the Board has any questions regarding the  
19 qualifications of Mr. Cohen.

20 Good morning, again, and the ANC  
21 doesn't have any concerns.

22 My thought again is the D.C. Court

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1 of Appeals, I think, has ruled directly on  
2 this issue of fact witnesses also testifying  
3 as expert witnesses and they have said it's  
4 perfectly okay. I would hate for us to craft  
5 some position that's contra what the highest  
6 court in our jurisdiction has said. I think  
7 that even graciously, as you've indicated,  
8 there may be some concerns about the Board's  
9 acumen to sort this all out. I think on cross  
10 examination I've seen you in action and I  
11 think you're more than capable of showing bias  
12 where you need to show bias or showing self  
13 interest and so on. But I don't see any  
14 reason for us to not follow the Court of  
15 Appeals on this.

16 Let me see what the Board Members  
17 think.

18 MEMBER MOLDENHAUER: I don't know  
19 the specific case that you're referring to,  
20 however, but I'm sure that if you're  
21 referencing it that it's accurate and that I  
22 think we can assess whether there's bias

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1 issues. I believe permitting Mr. Cohen to  
2 provide his opinion on that, we will weigh it  
3 accordingly.

4 MR. KEYS: Mr. Chairman, if I may,  
5 I would just like -- I've only now had an  
6 opportunity to look at the resume that's been  
7 presented. And I'm finding it difficult to  
8 see on what basis his qualification as an  
9 expert in boutique hotel operations is based  
10 on his educational and professional degrees.

11 CHAIRPERSON LOUD: Why don't we  
12 turn to the party status and you can respond.

13 MS. BRAY: I would just say Mr.  
14 Cohen has over 11 years of experience in  
15 virtually every aspect, operational aspect of  
16 a boutique hotel. As stated by his resume,  
17 he's been a cook, front desk clerk, a night  
18 auditor, an ultimately general manager of the  
19 Tabard Inn, and I'm sure that if Mr. Keys  
20 would like to ask Mr. Cohen any direct  
21 questions on voir dire, he could elaborate on  
22 that experience.

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1                   CHAIRPERSON LOUD:     Mr. Keys, did  
2     you want to voir dire the witness on his  
3     qualifications? I mean we're looking at 11,  
4     almost 12 years of experience as general  
5     manager which would seem to qualify him to  
6     have more than the layman's insight on  
7     boutique hotel operations. But nonetheless,  
8     if you'd like to voir dire him and if the  
9     Board Members have any questions, we can spend  
10    some time on that.

11                  MEMBER TURNBULL:    Mr. Chairman, I  
12    would -- two points. I think first of all,  
13    all expert witnesses are to one point or  
14    another biased. The Applicant's expert  
15    witnesses are going to be biased. We  
16    recognize that. Their architect is going to  
17    be very much talking about his project, so  
18    there already is a bias right there with most  
19    of these expert witnesses. We recognize that  
20    we'll read between the lines.

21                   I think the second point is to Mr.  
22    Cohen's capabilities is that I think his

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1 resume doesn't go into details that I'd like  
2 to see. Unless he can explain them right now  
3 as to boutique hotels and what is his  
4 knowledge, whether the size of the hotel -- I  
5 guess that part is not shown in here. Unless  
6 you can explain it and describe what the  
7 differences are between the Tabard Inn and the  
8 hotel that's proposed, number of rooms or  
9 organization, how it works. I think that's  
10 what we need to know.

11 I'm not opposed to accepting anyone as an  
12 expert witness. I just think the  
13 qualifications have to be there.

14 CHAIRPERSON LOUD: Thank you, Mr.  
15 Turnbull.

16 Ms. Moldenhauer, did you --

17 MEMBER MOLDENHAUER: I was just  
18 shaking my head in agreement with Mr.  
19 Turnbull. I think that the CV that we have  
20 been handed is very limited in details and it  
21 looks as though the experience is limited to  
22 just the Tabard Inn and I just wanted to

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1 obtain additional information on that. And if  
2 there's no additional, I guess experience  
3 beyond that one hotel, potentially, obviously,  
4 we would knowingly limit Mr. Cohen's  
5 experience not to a vast majority of boutique  
6 hotels, but to potentially an expertise in  
7 this specific location and based on his  
8 experience.

9 CHAIRPERSON LOUD: Thank you. It  
10 may be appropriate, Ms. Bray, for you to voir  
11 the witness yourself, and sort of go through,  
12 just substantiating the case to be made for  
13 him being qualified as an expert and then  
14 we'll take it from there.

15 MS. BRAY: I'd be happy to. Mr.  
16 Cohen, how did you come to be employed at the  
17 Tabard Inn?

18 MR. COHEN: The Tabard Inn is a  
19 family business. And naturally, in a family  
20 business the family members, you know, can  
21 choose or not choose to work in that business  
22 and I chose to.

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1 MS. BRAY: How long has your family  
2 owned and operating the Tabard Inn?

3 MR. COHEN: Since 1975.

4 MS. BRAY: And do you have any  
5 particular educational experience which makes  
6 you suited to employment at the Tabard or any  
7 other hotel?

8 MR. COHEN: Yes, I do.

9 MS. BRAY: What is that?

10 MR. COHEN: I'm a certified chef.  
11 I've worked in multiple aspects of the lodging  
12 part of the Tabard Inn, which is a boutique  
13 hotel.

14 MS. BRAY: What is your  
15 understanding of the difference between a  
16 boutique hotel and a general hotel, the  
17 definition of?

18 DR. BUTLER: That's a very good  
19 question. Everything. A lot of people say  
20 that they have boutique hotels as a marketing  
21 ploy. It is primarily a marketing ploy.  
22 However, there are some size requirements

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1 which are arbitrary, but generally less than a  
2 hundred rooms. But again, that's an arbitrary  
3 number. Generally, a restaurant that is more  
4 than just a standard sort of cafeteria style  
5 hotel restaurant. And a lot of character that  
6 is extremely hard to define and pigeon hole.  
7 And so I'm not going to say that the hotel  
8 next door, proposed hotel is not a boutique  
9 hotel. It most likely is if that's how they  
10 sell themselves. So therefore, it's hard to  
11 define a boutique hotel.

12 MEMBER TURNBULL: How many rooms do  
13 you have in the Tabard Inn?

14 MR. COHEN: We have 40 hotel rooms.

15 CHAIRPERSON LOUD: Ms. Bray, by way  
16 of proffer what --

17 (Off the record due to technical  
18 difficulties.)

19 CHAIRPERSON LOUD: Ms. Bray, what  
20 will Mr. Cohen testify as the basic scope of  
21 the testimony will be as an expert as relates  
22 to the standards in play here, the 512 and the

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1 Overlay.

2 MS. BRAY: Mr. Cohen will be  
3 testifying as to the typical operations of the  
4 Tabard with respect to the number of  
5 deliveries that are received at the Tabard on  
6 any particular week, as well as the  
7 characteristics of a boutique hotel including,  
8 as he alluded to in voir dire, the  
9 characteristics of a restaurant and how that  
10 relates to the type and number of deliveries  
11 that would be received.

12 Also, he will speak to the impact  
13 that the proposed hotel use will have on both  
14 the operational aspects of his hotel and the  
15 economic impact that having a concentration of  
16 hotel uses in a single area may create.

17 MR. KEYS: Mr. Chairman --

18 CHAIRPERSON LOUD: If you don't  
19 mind, let me follow up right quick. Now on  
20 the 510 point, 512 point, ten issues that you  
21 raised, circulation type issues, delivery.  
22 You're not proffering him as a transportation

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1 expert, so clearly he wouldn't be qualified.

2 MS. BRAY: That's correct. We're  
3 not offering him as a transportation expert.  
4 We're offering him as an expert in boutique  
5 hotel operations and we have a traffic expert  
6 who can address any other specific concerns  
7 with respect to traffic.

8 CHAIRPERSON LOUD: So in terms of  
9 expertise, it's almost exclusively boutique  
10 hotel operations?

11 MS. BRAY: That's correct.

12 CHAIRPERSON LOUD: And within that  
13 universe what we're really talking about is  
14 the economic impact to this particular  
15 operator?

16 MS. BRAY: That's correct. And  
17 he's an expert because of his 12 years. Are  
18 you also saying he's an expert because he's  
19 got a Ph.D. in economics?

20 MS. BRAY: I'm not offering Mr.  
21 Cohen as an expert in economics, although I'm  
22 sure that that expertise will influence his

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1 testimony.

2 CHAIRPERSON LOUD: Okay, but his  
3 expertise is based on his 12 years of running  
4 the Tabard Inn and presumably as a part of his  
5 job he reviews financials and projections and  
6 that type of thing?

7 MS. BRAY: That's correct.

8 CHAIRPERSON LOUD: Okay. Mr. Keys,  
9 go ahead.

10 MR. KEYS: Mr. Chairman, I would  
11 again renew my objections to his  
12 qualifications as an expert. I think as he's  
13 testified, he really is an expert in nothing  
14 more than the Tabard Inn and if he wants to  
15 testify as to deliveries the Tabard Inn has,  
16 the passenger, the guest traffic that the  
17 Tabard Inn has, I think he's perfectly able to  
18 do that in his capacity as the owner/operator  
19 of the Tabard Inn, but not as an expert. He  
20 is being proffered as an expert in boutique  
21 hotels, but he's never worked anywhere other  
22 than the Tabard Inn.

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1           And if you listen to his definition  
2           of a boutique hotel, he basically said I can't  
3           tell you what it is, except that it may be  
4           less than 100 rooms, but not always. It may  
5           have a restaurant that is somehow special, but  
6           not always. I think there's no category here.

7           There's no expertise here. If he wants to  
8           testify about the Tabard, he is certainly able  
9           to do it. He certainly has got credibility.  
10          He's been there for 12 years, but that's all  
11          his expertise runs to.

12                 MEMBER MOLDENHAUER: Mr. Cohen, I  
13           just have a couple of questions based on what  
14           Mr. Keys has brought up. Can you tell me have  
15           you ever attended any association meetings of  
16           other boutique hotels over the last 12 years?

17                 MR. COHEN: In terms of strictly  
18           boutique hotel, I don't know if a trade, I  
19           don't know of conferences that are called  
20           boutique hotel conferences. I don't know if  
21           they exist.

22                 MEMBER MOLDENHAUER: I guess then

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1 maybe can you tell me what type of additional  
2 hotel management associations or programs  
3 you've gone to in the last couple of years  
4 that would provide you with more of a global  
5 understanding and an opportunity to exchange  
6 correspondence back and forth with other  
7 owner/operators that would provide you with a  
8 broader understanding of general operations?

9 MR. COHEN: I do interact with  
10 general managers of other hotels in  
11 Washington, D.C., a number of them. But  
12 again, it's -- I'm going to agree with Mr.  
13 Keys here that my primary experience is in the  
14 Tabard Inn. It's 15 years of experience and I  
15 did work at a place call the Shiretown Inn in  
16 Martha's Vineyard so that is -- I have worked  
17 in other hotels. But am I an expert in a  
18 boutique hotel? Insofar as you can even  
19 define a boutique hotel which this Applicant  
20 is attempting to do, I think I'm as good an  
21 expert witness as anyone else who is in this  
22 business.

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1                   MEMBER MOLDENHAUER: Thank you. I  
2 have no additional questions.

3                   CHAIRPERSON LOUD: I'm sorry, yes,  
4 sir, Commissioner Nelson?

5                   MR. SILVERSTEIN: Silverstein.

6                   CHAIRPERSON LOUD: Way off.  
7 Commissioner Silverstein. Go right ahead.

8                   MR. SILVERSTEIN: Not close, no  
9 cigar.

10                  Mr. Chairman, I don't want to weigh  
11 in on this except to say that these two  
12 properties are adjacent, that they will share  
13 the same alley, that they will probably share  
14 the same, in many cases, delivery people and  
15 that perhaps the one area of expertise that  
16 Mr. Cohen does have is he knows what it's like  
17 to operate on that block in that very cramped  
18 situation which has its own challenges.  
19 Whether that makes him a general expert in  
20 boutique hotels, I won't weigh in on that, but  
21 there are certain specific challenges in that  
22 area that he probably has more knowledge than

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1 anyone else.

2 Take that information as you see  
3 fit.

4 CHAIRPERSON LOUD: Thank you,  
5 Commissioner. I'd like to move our discussion  
6 so we can get to the merits.

7 I'm a little perplexed at what the  
8 area of expertise would be. I mean the  
9 deliveries and so on and so forth clearly  
10 affect witness, clearly someone with personal  
11 knowledge about it, a tremendous amount of  
12 personal knowledge about it, but in terms of  
13 their being an area of expertise or even a  
14 field, almost, where expertise exists. It  
15 sounds almost like that may not be present  
16 necessarily in our case.

17 A lot of potential evidence on  
18 again this issue of deliveries and the impact  
19 to the party status economic operations, but  
20 rising to the level of expertise, I'm having -  
21 - had listened now to the voir dire, I don't  
22 necessarily hear it. Nor do I see how it

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1 would necessarily impact presentation of the  
2 party status parties' case because the witness  
3 will still have every opportunity to provide  
4 fact testimony on the areas that counsel has  
5 indicated he would be testifying on.

6 So that's kind of my gut feeling,  
7 having heard the voir dire.

8 Board Members, are there any  
9 additional thoughts?

10 Okay, so why don't we move forward?

11 I think that we will deny Mr. Cohen's status  
12 as an expert witness, but clearly, obviously,  
13 a fact witness on the -- what was proffered as  
14 the circulation issues and some of the  
15 economic operations of the Tabard Inn. You  
16 also had, I believe, Mr. Nelson, Ms. McCarthy,  
17 Mr. Schwartz and Ms. Emily Eig as experts as  
18 well.

19 Do Board Members have any concerns  
20 about any of those, Mr. Keys? Now would be  
21 the time to raise those. We've had I think  
22 all of them, I think all of them as experts

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1 before. Do you have any concerns, Mr. Keys?

2 MR. KEYS: Yes, Mr. Chairman. I do  
3 have a couple of questions for Mr. Nelson.

4 CHAIRPERSON LOUD: Okay, is Mr.  
5 Nelson here? All right. Is that the only  
6 proffered expert that you have questions for  
7 before we can move into the merits? How long  
8 do you think this is going to take?

9 MR. KEYS: Two minutes.

10 CHAIRPERSON LOUD: Okay.

11 MR. KEYS: Good morning, Mr.  
12 Nelson. Mr. Nelson, I noticed that in your  
13 resume you've listed the boards and courts and  
14 jurisdictions that you've appeared before, but  
15 I don't see any reference to any appearance  
16 before a D.C. administrative or legal body.

17 MR. NELSON: I've worked on a  
18 number of cases and projects in the District,  
19 but I've never taken anything to a board for  
20 review, so I've never qualified as an expert  
21 in the District.

22 MR. KEYS: I noticed that you are

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1 a professional engineer?

2 MR. NELSON: That's correct.

3 MR. KEYS: Are you licensed in the  
4 District of Columbia?

5 MR. NELSON: No.

6 MR. KEYS: Mr. Nelson, are you  
7 familiar with the DDOT Design and Engineering  
8 Manual?

9 MR. NELSON: We reviewed it and  
10 worked together in concert on this.

11 MR. KEYS: I said are you familiar  
12 with the DDOT Design and Engineering Manual?

13 MR. NELSON: As it applied to the  
14 cases that we've done, we've pulled it,  
15 reviewed it, and applied it to the cases, yes.

16 MR. KEYS: I'm sorry, you keep  
17 saying "we" and I'm asking as to your  
18 knowledge and your experience?

19 MR. NELSON: Yes.

20 MR. KEYS: No further questions,  
21 Mr. Loud.

22 CHAIRPERSON LOUD: Thank you, Mr.

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1 Keys.

2 Ms. Bray, did you have any  
3 questions? Board Members, are there any  
4 questions for the witness? Okay.

5 Notwithstanding your objection, Mr.  
6 Keys, I think from what I can sense and from  
7 what's been submitted that the witness will  
8 clarify as an expert. You don't have to  
9 testify in the jurisdiction previously to get  
10 to become an expert or you would caught in an  
11 endless cycle because you've never testified,  
12 you'll be able to testify and of course that  
13 doesn't happen.

14 I think what we look to are the  
15 qualifications of the person being proffered  
16 and given the education and experience, I  
17 think that Mr. Nelson would qualify.

18 Is there anything further on the  
19 preliminary qualification of experts? Okay, I  
20 think we can move now to the merits of the  
21 case. And we would turn to the Applicant for  
22 the presentation of your case.

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1           Let me just note that it's 12:20.  
2       I suspect we're going to work through until 1  
3       o'clock. This normally would be our lunch  
4       break. I see heads shaking in consensus and  
5       then we'll take a break at one, briefly and  
6       try to get ourselves reorganized for the  
7       afternoon.

8           It does appear to me at least any  
9       way, I'll talk to Board Members, but the  
10      Hosseinkhani case which is scheduled for this  
11      afternoon, if anyone is here, may not go  
12      forward. We may need to reschedule that case.

13           In addition to that, it looks like  
14      there's a case for this afternoon that we  
15      might be able to get through very, very  
16      quickly and we'll discuss that. It's the  
17      Jury's Hotel case. So we may break from this  
18      case, to hear that case, and then come back  
19      with this case. We'll sort all of that out  
20      and let everyone know. We've sort of given  
21      everyone a picture of what's getting ready to  
22      come down the pike, so you can make lunch

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1 plans.

2 Mr. Keys?

3 MR. KEYS: Thank you, Mr. Chairman,  
4 and Members of the Board. I'll be extremely  
5 brief.

6 This case, despite the manner in  
7 which it was advertised, is simply a case  
8 under 512 for a special exception for a hotel.

9 There's no other zoning relief necessary. I  
10 know it was the Board's preference at the June  
11 2nd hearing in this matter that the case be  
12 advertised with the relief that we needed, but  
13 the Office of Zoning was way too efficient and  
14 got the advertising out before we had actually  
15 assured ourselves of what the case would be in  
16 time for our July 31st filing.

17 And I think in our filing, we  
18 indicate that there was still sufficient time  
19 for the advertising to correctly advertise the  
20 case, but apparently that was not done. The  
21 case was advertised with all of this relief  
22 that is no longer necessary or needed.

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1 I think that the Board was  
2 insistent that we submit final plans that we  
3 are prepared to live by. That we have done on  
4 July 31st. I do, however, feel obligated to  
5 bring to the Board's attention that there is  
6 an inaccuracy in the self-certification for  
7 the property and that was brought to our  
8 attention by the Office of Planning. I don't  
9 think it has any practical effect on the case  
10 going forward, but I want the Board to know of  
11 it. Simply put, the Applicant has all along  
12 since it began this proposal, wanted to do a  
13 mechanical parking system. That is, an  
14 automated system that would efficiently allow  
15 cars to be moved automatically below grade and  
16 parked. That was our plan and that was our  
17 plan up until a month or so ago.

18 We learned that automated parking  
19 of that type, while permitted in the District  
20 of Columbia and in fact, there are units  
21 operating in the District of Columbia, that  
22 that can't be used to satisfied required

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1 parking. That ties into the case because  
2 while this case was pending in the Court of  
3 Appeals, the Zoning Commission changed the  
4 regulations that applies to contributing  
5 structures in Historic Districts in Case No.  
6 0633, and created a requirement for required  
7 parking if an addition to a historic structure  
8 exceeds 50 percent of the existing gross floor  
9 area. And that applies to our case.

10 So what happened for us is that we  
11 had to look at the fact that there's going to  
12 be some required parking. That parking has  
13 been calculated as 19 spaces. And since we  
14 couldn't satisfy it with mechanical parking,  
15 we've had to change the parking method. And  
16 the parking method will be, and it will be  
17 explained by the architect, it will be the  
18 same footprint, the same below-grade volume,  
19 but it's going to be a traditional parking  
20 arrangement with elevators bringing cars down  
21 to the levels below grade, proceeding along  
22 drive aisle by a valet attendant and parked in

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1 a regulation parking space.

2 We consulted with the Zoning  
3 Administrator as to the acceptability of this  
4 style of parking system and got confirmation  
5 that it would be an acceptable method of  
6 meeting required parking. I would note that  
7 the Office of Planning is currently engaged in  
8 a process that's going to put mechanical  
9 parking as we originally proposed and  
10 traditional parking on the same footing. That  
11 may happen next year. Who knows? But we  
12 needed to come forward with a parking solution  
13 that would meet parking requirements and  
14 that's what we've done.

15 I wanted to put the Board on notice  
16 of that change. It does not affect the hotel  
17 in the slightest. The issue of number of  
18 parking spaces is still a matter in this case  
19 that we'll be talking about.

20 If the Board has no questions about  
21 that particular issue, I'd like to turn the  
22 matters over to Mr. Andrulis, our architect,

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1 who can go right into the description of the  
2 project.

3 MS. MONROE: Can I just ask a  
4 clarification? You said 19 required?

5 MR. KEYS: Yes, Ms. Monroe.

6 MS. MONROE: And that's what you're  
7 having. I just --

8 MR. KEYS: We will have in excess  
9 of that.

10 MS. MONROE: Okay, but we need to  
11 know. When you get into it -- I just wanted  
12 to make sure.

13 MR. KEYS: Thank you. Mr.  
14 Andrulis?

15 CHAIRPERSON LOUD: Mr. Keys, before  
16 we go to Mr. Andrulis, let me make sure I  
17 understand and see also if there are any  
18 questions from Board Members or from party  
19 status advocate or the ANC.

20 You have -- when did you learn  
21 about the new parking requirement? You  
22 mentioned the Zoning Commission case.

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1 MR. KEYS: We were informed by the  
2 Office of Planning.

3 CHAIRPERSON LOUD: And when was  
4 that?

5 MR. KEYS: I think that would have  
6 been August.

7 CHAIRPERSON LOUD: Okay.

8 MR. KEYS: August of this year.

9 CHAIRPERSON LOUD: August 2009.  
10 And have you -- do you have submissions to us  
11 after August?

12 MR. KEYS: No.

13 CHAIRPERSON LOUD: Is the only  
14 submission the July 31, I think?

15 MR. KEYS: We were chastened by the  
16 Board to make sure that there was nothing  
17 after July, so we have not offered anything to  
18 the Board.

19 CHAIRPERSON LOUD: Okay, and that  
20 would have been the reason you didn't notify  
21 us before.

22 MR. KEYS: Absolutely.

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1 CHAIRPERSON LOUD: Okay. And the  
2 plans that you have submitted that are July 31  
3 dated plans, do they in any way, or do they  
4 need to reflect this change now that you're  
5 talking about?

6 MR. KEYS: The change really is  
7 only verbal. In other words, instead of  
8 saying a mechanical parking system, it would  
9 be an elevator-operated valet parking system.  
10 The volume is -- below-grade volume is  
11 exactly the same.

12 CHAIRPERSON LOUD: Which is 98?

13 MR. KEYS: Well, no. Below-grade  
14 volume meaning the space below ground, it's  
15 going to be less efficient. The parking,  
16 automated parking system would have given us a  
17 lot more parking spaces in a smaller area.  
18 That is the value of an automated parking  
19 system. We're now going to a more traditional  
20 system of floors, access by elevator that you  
21 drive cars off into parking spaces. It's  
22 going to be less efficient. There will be

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1 fewer parking spaces.

2 CHAIRPERSON LOUD: I'm probably one  
3 of the few up here that's not a real deep  
4 expert on parking, so are you still planning  
5 on provided 98 parking spaces or has that  
6 change? And what has changed to?

7 MR. KEYS: The plan, we now have  
8 three levels of parking with 58 parking  
9 spaces. And we do have, if the Board will  
10 accept the addition to the record, we do have  
11 an exhibit that shows that change in the  
12 parking configuration, the change in the  
13 number and shows the typical floor plan for  
14 the parking. We have copies for the Board,  
15 copies for the record, copies for the parties.

16 CHAIRPERSON LOUD: That would be  
17 great to get that as well as to give to  
18 counsel and to the ANC.

19 MR. KEYS: Can I do that now?

20 CHAIRPERSON LOUD: Yes. You can  
21 give it to Ms. Bailey for us and then  
22 obviously the other parties are at the table.

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1           So now we're talking about the  
2 plans changing somewhat now to 58 parking  
3 spaces on three levels, but the net out is  
4 that it's as to parking it's a matter of right  
5 because you're going to provide more than the  
6 19 required.

7           (Pause.)

8           All right. Thank you, Mr. Keys,  
9 for your patience, again just kind of sorting  
10 out where we are.

11           Let me turn to Ms. Bray now and  
12 see. Did you have any questions or  
13 clarifications necessary on the parking issue?

14           MS. BRAY: I guess I'd like to know  
15 if the Applicant is proffering this as an  
16 amendment to their application and whether the  
17 Board will accept the amendment at this late  
18 hour, given the fact that everyone has  
19 conducted their analysis under the proposal  
20 for 98 parking spaces. Certainly, we  
21 appreciate the reduction in parking as that's  
22 a significant issue, but I take issue with the

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1 Applicant's assertion that this is the first  
2 time the question came up because if I recall  
3 correctly, this was an issue brought up in the  
4 Office of Planning report, dating back to  
5 2006. There was a question as to whether  
6 mechanical parking was allowed to satisfy any  
7 required parking.

8 Of course, as Mr. Keys points out,  
9 that issue was somewhat irrelevant because of  
10 the old parking regulations which did not  
11 require any additional parking for historic  
12 buildings unless they were not required  
13 spaces. But I believe a change in the  
14 regulations goes back to -- I want to say  
15 December of 2007.

16 CHAIRPERSON LOUD: Let me just ask  
17 you, are you prejudiced at all by what has  
18 been submitted? I don't know necessarily if  
19 it's an amendment. The relief being requested  
20 remains the same. Clearly, the plans need to  
21 reflect the new parking arrangement, but I'm  
22 not certain that it changes the relief being

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1 requested at all.

2 MS. BRAY: I think the fact that  
3 Mr. Keys has begun his presentation with this  
4 plan, perhaps that will give our traffic  
5 expert some time to look at it. But I guess  
6 we would -- I'm unclear as to whether this is  
7 going to be processed as an alternative plan  
8 or an amendment and again, our concern all  
9 along has been what exactly are we looking at  
10 in this application. So that we're not  
11 wandering all over in our testimony, the  
12 expert testimony that the party opponent will  
13 proffer, I think it would be helpful to know  
14 if this is being proposed as an alternative or  
15 if this is the plan.

16 CHAIRPERSON LOUD: Mr. Keys?

17 MR. KEYS: Mr. Chairman, this is  
18 the parking proposal for the project. It has  
19 to be. The mechanical parking will not  
20 suffice to meet required parking and since we  
21 do have a required parking component which  
22 rather took us by surprise, as I think it

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1 took, if you read the submissions, the party  
2 opponents by surprise, we assumed that there  
3 was no required parking associated with this  
4 site. In fact, there is. And Mr. Andrulis  
5 can tell you how that was calculated and how  
6 that was determined. But we are meeting our  
7 parking requirement. It doesn't change  
8 anything material in this case. The  
9 configuration of the building is exactly the  
10 same, but it is a reduction in parking spaces.

11 CHAIRPERSON LOUD: Let me turn to  
12 Commissioner Silverstein. Again, if we're  
13 able to move the case forward, I'd like to  
14 move it forward today and perhaps --

15 MR. SILVERSTEIN: Mr. Chairman,  
16 there's been great concern among all the  
17 neighbors about 98 spaces. We all felt that  
18 this is far too many because of the bottleneck  
19 at the end of the alley that allows only one  
20 car to go in and out at one time and would  
21 force cars to back on to 17th Street which  
22 would be a very dangerous situation.

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1                   Forty parking spaces have just  
2 disappeared. This is very good news.

3                   CHAIRPERSON LOUD: All right, it  
4 sounds like a welcome change from the  
5 perspective of the ANC. And I think to the  
6 extent that it somehow changes the cases that  
7 the party status opponent and ANC were  
8 preparing, we can leave the record open and  
9 allow for sufficient time to sort of make up  
10 any gaps there. But in the interest of all  
11 the witnesses being here now and the case  
12 pretty much being ready to go forward, I would  
13 really hope that this is not a stumbling block  
14 and we can move forward.

15                  Board Members, do you have any  
16 additional thoughts? So I would move forward  
17 then to turn it back to you, Mr. Keys, for the  
18 presentation of your case.

19                  MR. KEYS: Thank you, Mr. Chairman.  
20 I'd like to ask Mr. Andrulis to introduce  
21 himself and to describe the project.

22                  MR. ANDRULIS: Good morning. My

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1 name is Stan Andrulis. I'm an architect with  
2 the firm of Andrulis Janezich Architects here  
3 in Washington, D.C. We're in Dupont Circle in  
4 the Historic District.

5 In March of this year, we were  
6 asked to take over the design of this project.

7 And we did so, but before we did that, we did  
8 a little bit of research on the project. We  
9 had informal meetings with HPR staff and  
10 planning to gain insight into the nature of  
11 the project challenges. We had follow-up  
12 meetings after we accepted the job to explore  
13 our preliminary thoughts about how to solve  
14 those challenges.

15 We also had in-depth discussions  
16 with the client group's hotel experts to  
17 reevaluate the nature of the hotel. Through  
18 those discussions it became quirkier. It  
19 celebrated the existing more. It became more  
20 efficient, both in layout and use of  
21 resources. It became also more contemporary  
22 in operation. For example, a five-star

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1 restaurant that occupied the entire west side  
2 of the ground floor became a more relaxed,  
3 informal dining experience, specifically for  
4 the enjoyment of guests.

5 Now the nature of the hotel rooms  
6 also changed. In the existing buildings which  
7 we call the mansions, because of the geometry  
8 of the existing spaces, the rooms are  
9 unusually large. They're about 500 to 600  
10 square feet which is quite large for a hotel  
11 room today. There's an inherent inefficiency  
12 there.

13 When we looked at the redesign of  
14 the hotel, we downsized the addition's rooms  
15 substantially. Initially, four years ago they  
16 were similarly sized to the contributing  
17 building's hotel rooms. But we substantially  
18 downsized them to in the range of 260 to 300  
19 square feet per room. That's a New York City  
20 model, a more contemporary model and a model  
21 that's spreading throughout the country now.  
22 But those rooms are much more efficient and

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1 therefore they can help subsidize the  
2 renovation of the contributing buildings.

3 Our room count is 98. Four years  
4 ago when the project started, it was 115, so  
5 we're 17 less. But in the process of  
6 redesign, we've eliminated two entire stories  
7 from the building which makes the massing and  
8 the architecture of our interventions much  
9 more respectful to the existing context.

10 The site is at the 1700 block of N  
11 Street. It's located just south of Dupont  
12 Circle between Connecticut and Massachusetts  
13 Avenue. It's within the Historic District,  
14 the Overlay District, central employment area  
15 and it's within 1300 feet of a Metro Station.

16 The hotel is proposed for the  
17 parcel of land here. There are five  
18 properties on it: 1755, 53, 51, an addition to  
19 51, 1745 and 1743. It's neighbors are the  
20 Tabard Inn here, a U-shaped building  
21 surrounding its garden and the UAW here with  
22 its garden there. All these properties are

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1       zoned S-P-1.

2               N Street itself has quite a bit of  
3       its historic fabric remaining.       Notable  
4       exceptions are the National Association of  
5       Broadcasters here.    I believe this is the  
6       World Bank.   And then the Tow Path's Hotel in  
7       mid-block.

8               Through the years, N Street has  
9       become a welcome oasis from the hectic nature  
10      of the central city.    Its contributing  
11      buildings have been restored and adaptively  
12      reused, the combination of associations,  
13      philanthropic institutions, professional  
14      offices, restaurants and hotels.   It's a  
15      wonderful location for a hotel as the Tabard  
16      and the Topaz will attest.

17              As I said, there are five  
18      individual contributing buildings and here is  
19      the N Street elevation of them. 1755, 53, and  
20      51 were built late-19th century as one  
21      complete block. In addition to 1751 was added  
22      in the early 20th century, it's there. the

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1 other two buildings designed by Watty Wood,  
2 built in the late 19th century, 1745 and 1743.

3 1743 is much changed from its  
4 original. The lower portion of the original  
5 facade has been completely removed, completely  
6 altered. There was a second floor entrance  
7 and stair, a projecting two-story bay and  
8 rusticated stone base that no longer exists.

9 1745 here is a Georgian revival and  
10 inspiration. It exists as it was built,  
11 essentially as it was built. And this is the  
12 building that became in the 1930s the Graylin  
13 hotel. You see some of the notable ironwork  
14 on the building, the variegated stone base.  
15 Some of the wonderful detailing.

16 5553 and 51 are brownstone  
17 buildings, designed as one composed unit with  
18 an oreo window here, the central element of  
19 that. You can see the mansard roofs and white  
20 elegant detailing.

21 One of the most interesting  
22 features of this row of houses is what we call

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1 the passage. It's the gap between 1751's  
2 addition and 1745. Traditionally, that was a  
3 means to get from the front of the building to  
4 the rear of the building and you can see here  
5 there's a bay attached at 1745 that projects  
6 into that space. It's raised on segmented  
7 arches. We're going to keep this passage and  
8 it will become the entrance to our hotel and  
9 it will also become a through entrance to our  
10 hotel's garden in the rear.

11 These are views of the alley.  
12 Here's a view from 17th Street toward our  
13 property. Our property is there in the gap  
14 between the Tabard Inn's garden wall and those  
15 trees. The view below here is from our  
16 property. There's existing parking in the  
17 rear of our building now, looking down towards  
18 17th Street.

19 These are images of the rear of our  
20 building. We'll restore this and it will  
21 become the north face of our garden. The view  
22 on the right here is the view through our

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1 passage from our property to N Street and you  
2 can see the wonderful of the dome of St.  
3 Matthew's beyond. This view will be saved by  
4 the nature of what we're doing to the passage.

5 We are enclosing it in a glass prism if you  
6 will. A sheer glass wall on N Street, a sheer  
7 glass wall on our garden side, and a glass  
8 skylight. That view will remain although  
9 through two layers of glass.

10 MR. KEYS: Mr. Andrulis, before you  
11 change the slide, while you've got a picture  
12 of the rear of the property in the alley,  
13 could you speak a bit about the width of the  
14 alley at the rear of the property, just to  
15 give the Board some perspective?

16 MR. ANDRULIS: Sure. The alley  
17 varies in width from 17th Street to the end of  
18 our property. At 17th Street it's around 10-  
19 foot wide, a little less than 10 foot. It  
20 widens so that at the eastern edge of our  
21 property, which is down there, a little off  
22 that photograph, it's 26.3 feet wide. And by

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1 the time you get to the western end of our  
2 property, about here, it's 42 feet wide.

3 Here's some images of other  
4 elements, contributing elements, in the alley.

5 There are a number of carriage houses, all  
6 kinds of different carriage house doors and  
7 garage doors. Several of the properties have  
8 garden walls, the Tabard Inn among them.

9 These are images of the rears of  
10 some typical contributing buildings on the  
11 alley. As you can see, they are multi-story.

12 They're masonry. Their fenestration is  
13 stepped and the elevations are filled with  
14 metal, black metal on the fire escapes. We're  
15 taking inspiration from that in the design of  
16 our rear addition.

17 I'd like to talk a little bit about  
18 the existing buildings and what we're able to  
19 save. Over the years, these houses were  
20 converted to different uses, apartments,  
21 hotel, sometimes used as office space. And  
22 over the years, they gathered a bunch of

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1 anachronistic interior walls dividing up the  
2 space. We're going to remove essentially all  
3 those walls. And the orange walls here are  
4 the existing bearing walls of the building,  
5 the real structure of the contributing  
6 buildings that define the original grand  
7 spaces of the rooms.

8 We're going to keep essentially all  
9 of those. There are a couple of caveats.  
10 There's a two-story kitchen addition on the  
11 rear here that is not contributing. We'll  
12 remove that. Over on 1743, the original  
13 portion of the house, the first two rooms will  
14 be retain in its entirety. There are two  
15 additions at the rear that are  
16 noncontributing. We'll remove those to allow  
17 us to create our elevator lobby, our  
18 elevators, egressed stairs and exit corridors  
19 that are required there.

20 Here's the existing N Street  
21 elevation. On the left is the UAW. On the  
22 right, the Tabard Inn, and then our

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1 contributing buildings throughout. These are  
2 being saved essentially as is with a few minor  
3 alterations. Noncontributing elevator  
4 overrides are being removed.

5 We're going to remove and relocate  
6 the gate and the fence to the passage to our  
7 garden and display it as an icon of history.  
8 We are saving again the bay of 1745. Those  
9 are the only changes made to the N Street face  
10 of these buildings.

11 On the rear, we're removing that  
12 portion of 1743, removing the boiler flues  
13 that are anachronistic, the elevator overrides  
14 and that two-story addition there.

15 The current design. We have  
16 striven to retain as much of the existing  
17 fabric of the contributing houses as we can.  
18 By restrictive counting of square footage,  
19 we're saying 93 percent of the existing  
20 buildings and there's a chart at the end of  
21 the presentation that will show how we arrived  
22 at that.

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1 But that's really not a true  
2 indication of how we're treating the  
3 buildings. We are saving essentially all the  
4 important contributing aspects of the  
5 buildings and only removing noncontributing  
6 portions.

7 Now just to touch on our landscape  
8 plan, we are saving the somewhat mature trees  
9 along the sidewalk to shade the pedestrians.  
10 These portions of the landscape, the hardscape  
11 there are in quite bad shape. We'll replace  
12 them essentially in kind. We're creating an  
13 landscape that ties the five houses together  
14 as an identity for the hotel.

15 The only entrance to the hotel is  
16 through this passage, so in front of that  
17 we're redesigning the hardscape to allow for a  
18 disabled access ramp and stairs up to the  
19 entrance. Like this will be the only  
20 contributing hotel on the street that is  
21 accessible.

22 People will arrive three different

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1 ways to this hotel. I think the majority on  
2 foot that walk into the hotel, or by taxi,  
3 limo, in which they'll be dropped off or the  
4 occasional guest will arrive by car. When he  
5 arrives by car, he'll be met by a valet. The  
6 valet will take his car, drive it around the  
7 block through the alley and bring it to one of  
8 these two elevators and take it down into the  
9 garage.

10 I just want to describe the  
11 organization of the plan a little bit so  
12 you'll understand. The entrance here, the  
13 glass wall, you can continue on under the bay  
14 of 1745 if you wish and go all the way  
15 through, to this next glass wall and exit out  
16 into our open-air courtyard. It is open to  
17 the sky. Years ago in a former version of  
18 this, it was an atrium. It wasn't closed. It  
19 is not. It's an exterior garden.

20 When you come in to the left is  
21 reception, concierge, the restaurant there,  
22 some lounge space, and in fact, three hotel

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1 rooms on the ground floor now.

2 Go to the right, a stair up to a  
3 small meeting center, passenger elevators,  
4 guest and room elevators and the freight  
5 elevator there. Moved far back from the  
6 property line of the Tabard where they  
7 originally were. Hotel offices and spa for  
8 the convenience of guests.

9 The addition here in gray, you can  
10 see, is all on the ground floor back of house  
11 things, housekeeping, office space, break  
12 rooms, car elevators, and then the loading  
13 dock which we're one of the few properties on  
14 the alley which will have the loading dock off  
15 the alley instead of the truck standing in the  
16 alley while it loads and unloads. Our trash  
17 and recycling are also within our property and  
18 not on the alley like many of the properties  
19 are.

20 The third floor here, you can see  
21 is how we have saved the existing structure of  
22 the rooms and the grandeur of the rooms are

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1 rediscovered in our hotel rooms. Elevator is  
2 there, so you turn right into the existing  
3 restored rooms or left into the more  
4 contemporary part of the hotel. You can also  
5 see the size difference in the rooms from the  
6 260 to 300 square feet here to the 500 to 600  
7 square foot in the existing building.

8           Here's our proposed N Street  
9 elevation. Again, we're saving everything  
10 below the cornices of these buildings,  
11 everything below the ridge. These ridges, the  
12 only place we're adding to a building is the  
13 1751 addition here. Those two small windows  
14 are attic windows. Their sills are right at  
15 the floor of the attic and the roof line is at  
16 the top of the entablature which gives about  
17 six foot of headroom in that room or in that  
18 attic. We'd like to make that a room. So  
19 what we're proposing to do is build a three-  
20 foot mansard roof in the manner of its two  
21 adjoining neighbors to allow us to move the  
22 headroom up to 9 feet.

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1                   We're going to put a skylight, huge  
2                   skylight in that new roof to flood the room  
3                   with light and we think it will be a  
4                   spectacular room with those windows on the  
5                   floor looking right down at the entrance of  
6                   the hotel.

7                   Now you can see here the glass  
8                   prism that we talked about. This is the new  
9                   portion of the hotel. It is set back about 8  
10                  feet, 8 to 10 feet from the face of these  
11                  buildings. There is a glass canopy that will  
12                  project forward of that. That column is the  
13                  existing fence post, if you will, or gate  
14                  post, the support for the gate that we'll  
15                  retain as the entrance symbol of the hotel.  
16                  You can see the bay retained inside the glass  
17                  prism.

18                  There are six rooms on the fifth  
19                  floor of 5553 and 51, and we have an issue of  
20                  how you get access to them. The elevator core  
21                  makes sense to be there. So how do we get  
22                  there? How do we link the core in those

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1 buildings is we build a glass corridor, the  
2 same kind of detailing as the prism here,  
3 glass wall, glass skylight that links those  
4 rooms to the elevator core there. That's all  
5 set back from the face of the buildings.  
6 Here, set back 25 feet, and there, set back  
7 about 45. Above that is our pent house.  
8 Fifteen foot high. And it's L-shaped, so this  
9 portion of the penthouse here makes its  
10 closest approach to the street and that's  
11 about 50 foot back from the street. The rest  
12 of the penthouse, the other leg of the L here  
13 is on the other side of our garden. So that's  
14 100 feet back from the street.

15 None of this, except for the  
16 mansard addition, none of the additions in the  
17 fifth floor or the penthouse are visible from  
18 the street.

19 Here's the rear elevation. That's  
20 the Tabard Inn there and the UAW there. You  
21 can see the height of the Tabard. It's five  
22 stories, and the UAW. Our five-story addition

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1 is similarly sized.

2 The Tabard, as its garden wall,  
3 we've taken inspiration from that and extended  
4 a similarly-designed wall across the back of  
5 our property that turns back into the UAW or  
6 the property line at the UAW. That's  
7 punctuated by our loading dock entrance, our  
8 car park entrance and other windows to get  
9 light into some interior spaces.

10 Above that, we have a glass  
11 enclosed meeting area here. Above that, three  
12 floors of hotel rooms. Their fenestration is  
13 stacked vertically and linked together with  
14 black metal creating bay windows that project  
15 off of masonry planes here which project off  
16 of another masonry base. This is a notion of  
17 trying to get some of the variation in this  
18 elevation that exists in the existing  
19 contributing buildings. As I said, their  
20 module varies into something like in the teens  
21 to the high 20s linear footage of those  
22 buildings.

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1           And these planes respond to that.  
2       In fact, they respond to two things.   That  
3       notion and the plan of the hotel.   Here,  
4       because the alley is -- our property is  
5       narrower, we have designed the hotel rooms to  
6       be long along the alley way and shallow.   In  
7       fact, each room has two windows in it.   So  
8       that reflects that bit of function of the  
9       plan.

10           Here, where the rooms can be more  
11       narrower and deeper, the planes react to that.

12           At the corner, we erode the corner  
13       with glass, so you get the long view down the  
14       alley.   We remove a fifth floor to create a  
15       terrace and then the penthouse above here, 15  
16       feet high, set back from the alley, 15 feet,  
17       and it's masonry on this side.

18           MR. KEYS:   Mr. Andrulis, before you  
19       leave the rear elevation, could you tell the  
20       Board what has happened to the penthouse  
21       location over the various iterations this  
22       design has gone through?

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1                   MR. ANDRULIS:     Sure.     Years ago,  
2     the penthouse was placed hard on the property  
3     line with the Tabard there.     And we have in  
4     this redesign moved the elevators away from  
5     the property line back substantially into the  
6     center of the property so that we can have the  
7     penthouse set back from the Tabard, a total of  
8     24 feet, although the ordinance requires no  
9     side yard setbacks.

10                  Here's the view of our property  
11     from the Tabard.     The black here is a section  
12     through the Tabard Inn.     The white plane there  
13     and there are the portions of the Tabard that  
14     aren't cut through in section and then that is  
15     the garden, the ivy-covered wall of the  
16     garden.     You can see, we extend the garden  
17     wall.     Our meeting center here, the glass  
18     plane, allows the brick plane here to float  
19     above and instead of having the bay windows of  
20     the alley elevation, we choose a different  
21     fenestration, one that is consistent with the  
22     rest of the U of the Tabard, segmented arches

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1 with double-hung windows.

2 The corner is similarly eroded.  
3 It's the ether side of that corner. And the  
4 penthouse there, again, is set back 24 feet.

5 Bear with me for just one second.  
6 Before this case was remanded, the Board  
7 requested that a series of sun shadow studies  
8 be performed to investigate the impact of the  
9 design on the garden of the Tabard Inn. The  
10 Tabard Inn garden is operated as a restaurant,  
11 so the effect of our design during breakfast,  
12 lunch, and dinner hours is probably of most  
13 concern to them. Recently, before the ANC,  
14 the Tabard Inn stated that the dinner hours of  
15 spring and fall were their biggest concerns.

16 Now our submission has stills of  
17 all these studies, at the equinoxes, the  
18 summer and winter solstices, and today. We've  
19 produced animations of those for you and we  
20 have a DVD to give you to review those.

21 I can also review each of those  
22 with you, if you like, but I thought I'd just

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1 review today to give you a flavor of what is  
2 involved in these sunshading studies.

3 Now please remember that what I'm  
4 showing you is just direct sunlight hitting  
5 the ground. I'm not showing you what the  
6 ordinance calls light. Light is composed of  
7 direct light, and also much reflected light  
8 from trees, the sky, even the earth itself.  
9 So there's always more light present than  
10 these animations will show. We're only  
11 showing the direct sunshine hitting the  
12 ground.

13 Think of the hours, the minutes I  
14 should say, before sunrise and the minutes  
15 after sunset. There is still ambient light,  
16 but there's no direct sunshine.

17 So, if we could go back here.  
18 Whoops, I'm sorry. Let me let this run a  
19 little bit and I'll stop it there. What we've  
20 done is juxtapose on the left the existing  
21 condition with the proposed condition on the  
22 right. These are our five contributing

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1 buildings. Two there. The UAW and the  
2 Tabard. There's the Tabard garden there. In  
3 our proposed, our addition is moved to the  
4 back of the property. The penthouse is L-  
5 shaped. That's our garden space, so we moved  
6 the mass of our addition as far away as, from  
7 our contributing properties as we could. And  
8 there's the Tabard and its garden.

9 So, obviously, early in the morning  
10 no sunlight reaches the ground in the garden -  
11 -

12 MR. KEYS: It might be helpful,  
13 Stan, at this point, if you would orient the  
14 Board to the cardinal directions --

15 MR. ANDRULIS: Oh, sure.

16 MR. KEYS: -- of the properties and  
17 their relation to each other.

18 MR. ANDRULIS: Yes. When the  
19 animation gets going, you'll obviously  
20 understand direction. But down is south,  
21 north is up, east is to the right and west is  
22 to the left. If I can go back here to about

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1 sunrise. It's early in the morning. Now  
2 sunrise. It's eight o'clock in the morning.  
3 The middle of breakfast, I would think, at the  
4 hotel. You can see that both the existing and  
5 with our proposal, there's no direct light  
6 reaching the Tabard.

7 Let's see if we can get this to go  
8 the end of a breakfast hour. Maybe nine  
9 thirty is the end of breakfast. Again,  
10 existing, no direct sunlight. It is the Topaz  
11 Hotel that is shading the property then. We  
12 have no effect with our proposal.

13 We move to lunch hour. Oops.  
14 Okay. Move to lunch hour which perhaps starts  
15 at eleven thirty. You can see by eleven  
16 thirty, in the existing, the northwest corner  
17 of the garden gets direct sunlight. That same  
18 proportion of the garden gets direct sunlight  
19 in our proposal.

20 As we go through lunch, by one  
21 o'clock shadows have changed. Direct light  
22 has changed. But it's still the same amount

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1 of sunlight is hitting the ground at one  
2 o'clock.

3 By the end of lunch hour, about one  
4 thirty, you can see we start to have some  
5 effect.

6 Here in the existing, the existing  
7 building, our existing building, and the  
8 Tabard's garden wall itself create a shadow  
9 there. Our wall is higher, so we start to  
10 create a little bit deeper shadow. But, in  
11 all, that effect is fairly minimal at the end  
12 of lunch hour.

13 Now, if we progress to the dinner  
14 hour or happy hour time, I'd submit that four  
15 thirty is happy hour. You can see both in the  
16 existing and in the proposed, there's no  
17 direct sunlight reaching the courtyard. And  
18 as we progress through the dinner hour to  
19 sunset, you can see that that doesn't change.

20 Now, I would encourage you, and I'm  
21 happy to run through all the animations with  
22 you. I have them at the back of the

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1 presentation. But if I could characterize  
2 what I think you'll find when you review them,  
3 there's a little impact during breakfast,  
4 lunch or dinner during autumn, winter or  
5 spring, for nine months of the year. There's  
6 little impact in breakfast or lunch during the  
7 summer. But there is some impact during the  
8 dinner hour in the summers, the summer  
9 evenings.

10 But we've done a lot to mitigate  
11 that with several design moves we've  
12 incorporated.

13 The penthouse is moved back from  
14 its location on the property line, so it's no  
15 longer really an issue. The building itself  
16 is two stories lower than it was in 2005. And  
17 we've carved away the fifth floor at the  
18 corner to allow a little bit more light.

19 I have a little bit more  
20 presentation, if I could.

21 This is the UAW, or the elevation  
22 of -- or our elevation as it faces the UAW.

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1 That's a section through the UAW. This is the  
2 existing building here. We have added a small  
3 addition to the rear of the fifth floor that  
4 allows those three rooms to get grander.

5 We have removed that two-story  
6 addition, ah, kitchen piece there. And we've,  
7 instead of the fence, which is the dotted  
8 line, we have the garden wall come through.

9 Our addition is moved to the back  
10 of the site here, with its penthouse. And  
11 then we have our open-air courthouse, which is  
12 long, thin in this direction, north-south, but  
13 long in the east-west direction and what  
14 you're seeing are hotel, the elevation of  
15 hotel rooms beyond, about a hundred feet away.

16 How we're going to articulate the  
17 building? Got a couple of examples. Here is  
18 an example similar to what we're going to do  
19 with the passage. Bayonet-mounted, supported  
20 glass structure on the front elevation. The  
21 rear elevation and the skylight. You can see  
22 here that you can see through that. You see a

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1 building across the street and you can imagine  
2 the jewel of this, of this bay of 1745 being  
3 within that as well.

4 Our courtyard walls or our addition  
5 will be similar to this. Glass, glass and  
6 aluminum mullions, express mullions. Perhaps,  
7 perhaps some sun shading.

8 And the rear has kind of this feel.

9 We will have staff fenestration, linked  
10 together into bays with black metal,  
11 projecting from well-detailed brick planes.

12 Now, what's important is the impact  
13 of our addition on the surroundings, but  
14 especially on N Street. So, what we've done  
15 is go through and develop four sections  
16 through the buildings to demonstrate the  
17 impact our additions have. There's one  
18 section through 1755. One through 1751, 45  
19 and 43. Let me just run through those  
20 quickly.

21 Here's through 1755. The black is  
22 the existing building. The grey is any

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1 addition that we're doing. So, again, we're  
2 making those fifth-floor additions off the  
3 bat. But a person across the street, on N  
4 Street, sees none of it.

5 Here's 1751, the addition to 1751.

6 Here's where we're adding that 3-foot mansard  
7 roof, to raise the roof level, here and to  
8 gain that wonderful hotel room. You certainly  
9 see the mansard. It will be done in a manner  
10 similar to the two buildings adjacent to it.  
11 But you do not see the corridor here that  
12 links the mansions, hotel rooms with the  
13 elevator core. Not visible.

14 Here's a section through 1745.  
15 There's the corridor. And there is the  
16 penthouse's closest approach to N Street.  
17 Again, can't be seen from the street. And the  
18 lowest building 1743, the corridor and the  
19 penthouse, again, not seen from the street.

20 These are massing models of our  
21 project. On the left is an aerial view. The  
22 brown are the existing buildings, the existing

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1 contributing buildings and the green are  
2 additions. You can see we pushed the mass of  
3 our addition to the rear of the site, allowing  
4 the garden to mitigate between the  
5 contributing and the new. We are making some  
6 small additions to the top of the existing,  
7 but the street view, in fact, on the left here  
8 it's not a street view, you're three stories  
9 up across the street looking at the property.

10 You really have -- there's little impact on  
11 the street.

12 Our entrance canopy will be  
13 visible. The glass, the recess glass of the  
14 passageway will be visible and that there-foot  
15 mansard roof there will be visible.

16 Our site is in the S-P-1 District.

17 And the code says that the major purpose of  
18 the S-P District are to act as buffer between  
19 adjoining commercial and residential areas and  
20 ensure that new development is compatible in  
21 use, scale, and design with the transitional  
22 function of this zoned district.

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1           Now to accomplish this goal, the  
2 ordinance has a number of rules. One is the  
3 height is limited to 65 feet. The FAR is a  
4 maximum of four. And lot occupancy for a  
5 hotel is limited to 100 percent. We meet all  
6 that criteria. We're only 57 feet high.  
7 Because of our garden, we have 87 percent lot  
8 occupancy and we are just shy of 4 FAR.

9           The ordinance also has other  
10 criteria. To provide adequate light, view,  
11 movement of air and visual privacy, a rear  
12 yard shall be provided for all structures  
13 located in an S-P District. We do provide a  
14 rear yard.

15           In an S-P District where a lot  
16 abuts an alley, the rear yard is measured from  
17 the center line of the alley to the rear wall  
18 of the building. That rear yard needs to be  
19 2.5 inches wide for every foot of building  
20 height or 12 feet, whichever is greatest. In  
21 our case, the 12 foot dimension rules.

22           Now as we said earlier, our alley

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1 is a varying width from 26.3 feet here to 42  
2 feet there. So at its narrowest, our setback  
3 from the center line of the alley is 13.15  
4 feet, greater than 12 feet. In fact, our  
5 average alley setback is in the neighborhood  
6 of 18 feet.

7 Our penthouse meets all the  
8 criteria. The penthouse needs to be a maximum  
9 of 18.6 high and setback the same distance as  
10 its height. We're 15 feet high. We set back  
11 that same distance from the alley. From N  
12 Street, we're back 50 feet or 100 feet. There  
13 are no side yard setbacks for penthouses,  
14 although on the Tabard side, we are setting  
15 back 24 feet.

16 I'll touch a little bit on the  
17 parking. This is -- these two images are from  
18 our submission. This is when it was  
19 mechanical parking. A valet would pick up a  
20 car from the front, drive it around through  
21 the alley and bring it into one of these two  
22 stations. Now a mechanical system doesn't

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1 involve an elevator. It involves essentially  
2 a sled that you drive the car onto. You get  
3 out. You leave the area. And you turn the  
4 machine on essentially. The machine then  
5 takes the car on the sled down a shaft, moves  
6 it out into what would be drive aisle, but  
7 these are much smaller because no one is  
8 driving. Spaces can be 7 foot wide, not 9  
9 foot wide. The drive aisle can be less.

10 So therefore, it's much more  
11 efficient, but this sled will take the car  
12 along the drive aisle, stop in front of a  
13 stack of cars and then raise up and slide the  
14 car into that stack. The key thing here is  
15 it's much more efficient, you can get a lot  
16 more cars in the same volume and there's no  
17 human involved inside the car park.

18 Here's our section through the  
19 building with our revised elevator parking.  
20 Within about essentially the same volume as  
21 the mechanical system, so we can get three  
22 normal, if you will, car park floors, accessed

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1 by an elevator; 12 on the ground floor, first  
2 parking level and then 2 levels of 23. And  
3 that's what those levels look like. And how  
4 this works is the valet drives the car into  
5 the elevator shaft. He stays in the car. He  
6 requests that the elevator go down to a  
7 parking level. He drives the car out into a  
8 20-foot drive aisle and drives it down, puts  
9 it in a 9 by 19 space. He gets out and he  
10 goes on up.

11 You can get far less cars per cubic  
12 volume in a system like this, but it does meet  
13 the current zoning ordinance for our required  
14 parking.

15 There are a few other zoning issues  
16 I'd like to touch on. The overall FAR on the  
17 project is of course, 4. Our side area is a  
18 little over 20,000 square feet. Our FAR  
19 allowable is there. The square footage we've  
20 accommodated 82,587 is just shy of 4.

21 The penthouse area for us is  
22 restricted to 7600 square feet or 37.37 FAR.

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1 Our penthouse is 3700 square feet, about half  
2 of what's allowable.

3 There is a restriction on function  
4 and exhibit space. It cannot be more than 15  
5 percent of gross. Our exhibit space, function  
6 and exhibit space is 3200 square feet, 3250.  
7 That's 4 percent of gross.

8 Now the overall FAR on a site can  
9 be a maximum of 4, but that's made up of two  
10 components, the other permitted uses which are  
11 things such as exhibit space, function room,  
12 and commercial adjuncts can only be 2.5 FAR.  
13 Our design contains about 8500 square feet of  
14 these and that translates to an FAR of 0.41.  
15 So when 2.5 are allowed, we have less than  
16 half an FAR. The rest of the area and the FAR  
17 is for guest room and service area category.

18 And then finally, I'd like to touch  
19 on how we calculated our required parking.  
20 When the gross floor area of the historical  
21 resources increased by 50 percent or more, and  
22 parking requirement attributable to the

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1     increase in floor area is at least four  
2     spaces, required parking must be provided. So  
3     we meet those tests. So we have to provide  
4     parking.

5                     And we have to provide parking for  
6     our addition at a rate of one space for every  
7     four hotel rooms. We have 56 hotel rooms.  
8     That translates to 14 parking spaces for our  
9     guest rooms and we also have to provide  
10    parking for the largest function room at a  
11    rate of 1 per 300 square feet. Our largest  
12    function room is 1250 square feet. That  
13    translates to five spaces. Fourteen and 5 are  
14    the 19 required spaces.

15                    I'd like to thank the Board for  
16    their indulgence this morning in the long  
17    presentation. I hope it has showed that we've  
18    endeavored to respect the integrity of our  
19    contributing buildings and to be respectful to  
20    the neighboring buildings and the overall  
21    Historic District.

22                    Thank you.

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1 MR. KEYS: Mr. Andrulis, let me ask  
2 you a question. In working through this  
3 redesign of the property, did you make any  
4 effort to coordinate with the Historic  
5 Preservation Office?

6 MR. ANDRULIS: Sure. Since we have  
7 become involved in the project, we've had four  
8 meetings with Steve Calcutt on the Historic  
9 Preservation staff. The first one to really  
10 find out what he knew about the project. The  
11 second one to present some ideas and in the  
12 last several weeks, two follow-up meetings to  
13 present our conclusions and get his help in  
14 preparation for meeting with the Board.

15 CHAIRPERSON LOUD: Thank you, Mr.  
16 Andrulis. Thank you, Mr. Keys. I think what  
17 we'd like to do now is it seems like an  
18 appropriate point to perhaps break from this  
19 case. Return for cross examination of this  
20 witness, as well as any questions that the  
21 Board might have and the Commissioners might  
22 have and that would allow us to ourselves take

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1 a break and then come back and be able to hear  
2 this case pretty much uninterrupted.

3 In order to do that, though,  
4 obviously, we need your support for breaking  
5 before you get an opportunity to cross, Ms.  
6 Bray, which could be good because you get a  
7 little more time to prepare for cross. Of  
8 course, the Applicant gets a little more time  
9 to prepare answers for cross too. But that  
10 would allow us to call a couple of cases that  
11 were scheduled for this afternoon that -- one  
12 of which, I believe, can go forward, one of  
13 which may not go forward and not have those  
14 persons and those witnesses waiting all  
15 afternoon only to find out around 5 to 6 that  
16 their case is not going to be called. I think  
17 that's what we'd like to do.

18 And I think, Mr. Turnbull, you may  
19 have to leave before -- we're probably going  
20 to end today's hearings no matter what, around  
21 5 p.m. or so because I've got a conflict at 6  
22 and I think Mr. Turnbull has to leave at 3,

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1 but if you could stay with us until 3 and  
2 perhaps read the record for the portion that's  
3 between 3 and 5 --

4 MEMBER TURNBULL: Sure.

5 CHAIRPERSON LOUD: Okay, and then  
6 we'll continue the case on a date that you'll  
7 be back here, so maybe give us some dates  
8 before you leave. And I think that that would  
9 work in the best interests of all in terms of  
10 --

11 MS. BRAY: Mr. Chairman, a point of  
12 order. Are you suggesting that this case  
13 might not be completed today by 5 p.m.?

14 CHAIRPERSON LOUD: It appears based  
15 on how things have progressed so far that it  
16 may not be completed. I mean we've just spent  
17 an hour on one witness. If it is, we're going  
18 to do everything obviously that we can, but we  
19 have a total of eight witnesses that I counted  
20 and we have not even gone over whether the ANC  
21 has witnesses.

22 MS. BRAY: This is the sixth

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1 appearance before this body for the party  
2 opponent and each time we prepare a case and  
3 we prepare witnesses, it is a tremendous  
4 expense to the client. I cannot even imagine  
5 the thought of the clients of having us sit  
6 again and to prepare again at some time later  
7 for a case. So I would respectfully request  
8 that to the extent we need to take things out  
9 of order, that the party opponents can get  
10 their entire case in today so we don't have to  
11 have witnesses reappear.

12 CHAIRPERSON LOUD: Well, again,  
13 we're going to do everything we possibly can.

14 I don't see a reason necessarily why we'll  
15 hear from the ANC, if the ANC is amenable to  
16 the party opponent going ahead of the ANC. I  
17 think they're probably in the same situation  
18 with having witnesses here.

19 MR. SILVERSTEIN: Mr. Chairman, I'm  
20 the only witness. I'll take no more than five  
21 minutes.

22 CHAIRPERSON LOUD: Okay, so it

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1 looks like we should be able to get through --  
2 you've got about four or five witnesses, I  
3 think. We should be able to get through your  
4 case. All of this is designed to get us back  
5 out of here hopefully around 2:30 at the  
6 latest and then just go straight through the  
7 case. I don't see why we would not be able to  
8 do that. But in the event that we're not able  
9 to do that, I think what you may want to do is  
10 prioritize which of your witnesses really need  
11 to go forward today. We'll get those forward  
12 today and then which are not necessarily  
13 expendable, but which can come back at a  
14 future date and give us their testimony  
15 because we're just not going to be able to get  
16 beyond 5 or so today. So we'll do absolutely  
17 everything we can.

18 And you can help us do everything  
19 we can. Curtailing witnesses' testimony to  
20 the time prescribed. And when I started out I  
21 read the rule about how much time each party  
22 is given and certainly if there are any

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1 opportunities to truncate further witnesses.  
2 I think this witness covered a lot of other  
3 stuff that other witnesses may have added to.

4 So you have plenty of opportunity to truncate  
5 testimony from the other witnesses. And if  
6 you see opportunities to, Ms. Bray, please do  
7 that.

8 Okay, so if we can then I'd like to  
9 -- I don't know procedurally how we would do  
10 that, but I'd like to call the afternoon  
11 calendar, the first case, the Jury's case, to  
12 then recess this case until this afternoon and  
13 then recall it back this afternoon and then if  
14 the second case for this afternoon is present  
15 as well, I think we're going to end up  
16 continuing that case. I'd like to call them  
17 forward for continuation.

18 So is there any special magic to  
19 recessing this case?

20 MS. MONROE: Not with intent. Can  
21 I ask a question?

22 CHAIRPERSON LOUD: Yes.

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1 MS. MONROE: I hate to do this, did  
2 you say there were 56 rooms?

3 MR. NELSON: There are 98 rooms  
4 total, but 56 in the addition.

5 MS. MONROE: Oh, okay, that's  
6 right. Thank you.

7 CHAIRPERSON LOUD: That was my  
8 question too, and I was going to hold it until  
9 we came back, but thanks for asking it.

10 Okay, so let's recess this case  
11 then. What time is it now? It's about 1:30,  
12 so about 2:30. Okay, 2:30, we'll see you guys  
13 back.

14 (Whereupon, at 1:30 p.m., the  
15 public hearing was recessed, to reconvene at  
16 2:30 p.m.)

17

18

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A F T E R N O O N S E S S I O N

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2:33 p.m.

CHAIRPERSON LOUD: This hearing will please come to order. Good afternoon. This is the October 6 public hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Marc Loud, chairperson.

Joining me today are Vice Chair Shane Dettman, representing the National Capital Planning Commission; Peter May, representing the Zoning Commission; and to my left is Meridith Moldenhauer for the BZA; and then Mr. Clifford Moy, Secretary of BZA; Ms. Laurie Monroe and Ms. Beverley Bailey, Office of Zoning.

Copies of today's hearing agenda are available to you and are located to my left in the wall bin near the door.

Please be advised that this proceeding is being recorded by a court reporter and it is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the

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1 hearing room.

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

9 All persons planning to testify  
10 either in favor or in opposition are to fill  
11 out two witness cards. These cards are  
12 located to my left on the table near the door  
13 and on the witness tables. Upon coming  
14 forward to speak to the Board, please give  
15 both cards to the reporter sitting to my  
16 right.

17 The order of procedure for special  
18 exceptions and variances is statement  
19 statements of witnesses of the Applicant;  
20 government reports including the Office of  
21 Planning, the Department of Public Works,  
22 etcetera; report of the ANC: parties and

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1 persons in support; parties and persons in  
2 opposition; and finally closing remarks by the  
3 Applicant.

4 Pursuant to Sections 3117.4 and  
5 3117.5, the following time constraints will be  
6 maintained. The Applicant, Appellant, persons  
7 and parties except an ANC in support including  
8 witnesses, 60 minutes collectively.  
9 Appellees, persons and parties, except an ANC  
10 in opposition including witnesses, 60 minutes  
11 collectively. Individuals, three minutes.  
12 These time restraints do not include cross  
13 examination and/or questions from the Board.

14 Cross examination of the witnesses  
15 is permitted by the Applicant or parties. The  
16 ANC within which the property is located is  
17 automatically a party in a special exception  
18 or variance case. Nothing prevents the Board  
19 from placing reasonable restrictions on cross  
20 examination including time limits and  
21 limitations on the scope of cross examination.

22 The record will be closed at the

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1 conclusion of each case except for any  
2 materials specifically requested by the Board.

3 The Board and staff will specify at the end  
4 of the hearing exactly what is expected and  
5 the date when the person must submit the  
6 evidence to the Office of Zoning. After the  
7 record is closed, no other information will be  
8 accepted by the Board.

9 The decision of the Board in these  
10 contested cases must be based exclusively on  
11 the public record to avoid any appearance to  
12 the contrary. The Board requests that persons  
13 present not engage the Members of the Board in  
14 conversation.

15 Please turn off beepers and cell  
16 phones at this time so as to not disrupt these  
17 proceedings.

18 The Board will now consider any  
19 preliminary matters. Preliminary matters are  
20 those which relate to whether a case will or  
21 should be heard today, such as requests for  
22 postponement, continuance, withdrawal or

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1 whether proper and adequate notice of the  
2 hearing has been given.

3 If you are not prepared to go  
4 forward with a case today, or if you believe  
5 the Board should not proceed, now is the time  
6 to raise such a matter.

7 Does the staff have any preliminary  
8 matters?

9 MS. BAILEY: Mr. Chairman, very  
10 quickly, Application 17965 of Morse Street,  
11 Inc. This is an appeal that was filed  
12 previously has been withdrawn, Mr. Chairman.

13 CHAIRPERSON LOUD: Thank you, Ms.  
14 Bailey.

15 Would those persons who were  
16 planning to testify in this afternoon's  
17 hearing calendar, please stand and Ms. Bailey  
18 will administer the oath for you.

19 MS. BAILEY: Do you solemnly swear  
20 or affirm that the testimony that you will be  
21 giving this afternoon will be the truth, the  
22 whole truth, and nothing but the truth?

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1 (The witnesses were sworn.)

2 Thank you.

3 CHAIRPERSON LOUD: Okay. Ms.

4 Bailey, would you like to call the first case?

5 MS. BAILEY: Mr. Chairman, that's  
6 Application 17969, Jury's Doyle Hotel,  
7 pursuant to 11 DCMR Section 3103.2, for a  
8 variance from the roof structure equal height  
9 requirements under subsections 411.5 and  
10 411.6, for an existing hotel renovation at  
11 premises 1500 New Hampshire Avenue, N.W. The  
12 property is in the Dupont Circle Overlay  
13 District. It is also zoned C-3-C. It's  
14 located in Square 135, Lot 4.

15 We do have the letter for  
16 authorization, Mr. Chairman. Secondly, the  
17 property was posted for four days. As you  
18 know, sir, 15 days are required. So the  
19 posting requirement, if the Board wishes, does  
20 need to be waived.

21 CHAIRPERSON LOUD: Thank you, Ms.

22 Bailey. I think pursuant to Section 3100.5

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1 the Board can waive the posting requirement.  
2 I think that we're inclined to do so. And if  
3 I'm incorrect, please, Members of the Board  
4 stop me so that we can address that issue.

5 Secondly, I wanted to say to the  
6 Applicants welcome and thank you for your  
7 patience. I'm going to ask you in a moment to  
8 introduce yourselves for our record and then  
9 we can sort of comprehensively take up the  
10 issue of the posting as well as the case in  
11 chief.

12 Before you get started though, let  
13 me say that our record is very full and  
14 oftentimes when a record is very full and it's  
15 been packaged very well, rather than go  
16 through each of the elements of the test for  
17 the relief, we're talking about varying  
18 heights of roof structures and the Office of  
19 Planning recommends support, I don't believe  
20 we have -- I know we don't have any  
21 opposition. I don't believe we have an ANC  
22 report one way or the other, but the ANC is

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1 present.

2 Why don't you come to the table and  
3 in short order we'll make our way to the ANC.

4 But that's a long winded way of saying I  
5 think that where we are as Board Members is  
6 that the case has been briefed very well. We  
7 think that a very strong case has been made  
8 for relief. We'd like to hear from the ANC,  
9 of course, and that barring any sort of really  
10 specific questions from the Board, what you  
11 may want to do, it's certainly your option, is  
12 just give a very brief opening statement and  
13 we can turn actually to the Office of Planning  
14 to see if there have been any additions or  
15 changes from their written submission where  
16 they recommended the relief. And I think that  
17 we will not necessarily have a long hearing in  
18 your case.

19 Am I stating accurately where Board  
20 Members are? Okay. Why don't you introduce  
21 yourselves for our record.

22 MR. DAWSON: Good afternoon, Scott

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1 Dawson. I'm the area general manager for the  
2 Dupont Hotel.

3 MS. HUMPHRY: Good afternoon. I'm  
4 Melinda Humphry, architect with Adamson  
5 Demtrio, the architects of record for the  
6 project.

7 MR. BUSCH: Mr. Chairman, my name  
8 is Richard Busch and I've been delegated by  
9 Mike Silverstein to make a brief presentation  
10 for the ANC. And I'm also speaking for the  
11 Dupont Circle Conservancy.

12 CHAIRPERSON LOUD: Thank you, good  
13 afternoon. Of course, as a party, you join us  
14 at the table and we welcome your additional  
15 remarks for the Dupont Conservancy.

16 Does the ANC have a written report  
17 to submit?

18 MR. BUSCH: No. It's about three  
19 words long.

20 CHAIRPERSON LOUD: And is the ANC  
21 going to support the project?

22 MR. BUSCH: Yes.

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1                   CHAIRPERSON LOUD:    Than again in  
2   the interest of time I'd like to strongly  
3   encourage all of the parties at the table to  
4   really appreciate that the record is full and  
5   we don't really require regurgitation of  
6   what's already been submitted in writing. And  
7   with that, I'll turn it back over to you.

8                   MS. HUMPHRY:   Great. We -- I think  
9   we have met with all of the Conservancy and  
10   the ANC and appreciate their time and effort.  
11   And when we started the project several  
12   members of the area said that they wanted to  
13   minimize the penthouses as they were. They  
14   were originally two-story penthouses, so we  
15   surrounded the building with a new ninth story  
16   level of suites and with that in mind we've  
17   had to extend the elevator up, but that's what  
18   we'd like to leave the elevator and the stair  
19   as the top most portion of that southern  
20   penthouse which is the penthouse originally  
21   facing the circle. And we'd like to minimize  
22   any other extensions so there will just be

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1 handrails around some mechanical equipment and  
2 that's it.

3 CHAIRPERSON LOUD: Thank you. Why  
4 don't we -- I think what we'll do now is if  
5 you have any questions, obviously, you can ask  
6 your questions as the ANC rep. If you don't  
7 have any, we'll turn to the Office of  
8 Planning.

9 MR. BUSCH: I don't have any, Mr.  
10 Chairman.

11 CHAIRPERSON LOUD: Why don't we  
12 turn to the Office of Planning. I thought  
13 you, along with your written submission, I  
14 thought it was very well laid out and  
15 articulated in terms of the relief being  
16 requested. If there are things you want to  
17 sort of lift up specifically or draw our  
18 attention to, this would be a good time to do  
19 it.

20 MR. MORDFIN: There is nothing that  
21 I would like to bring your attention to other  
22 than the relief is requested and the Office of

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1 Planning is not aware of any changes that have  
2 occurred since the filing of its report and is  
3 willing to stand on the record in this case.

4 CHAIRPERSON LOUD: Board Members,  
5 are there any questions for the Office of  
6 Planning? Okay.

7 I'm sorry, you'll have to tell me  
8 your name one more time, representing the ANC.

9 MR. BUSCH: Yes, it's Richard Bush.

10 CHAIRPERSON LOUD: All right.

11 MR. BUSH: B-U-S-C-H.

12 CHAIRPERSON LOUD: Do you have any  
13 questions for the Office of Planning?

14 MR. BUSCH: I do not.

15 CHAIRPERSON LOUD: Did you see a  
16 copy of their report?

17 MR. BUSCH: I did not see a copy of  
18 their report, but the project has been  
19 presented to both the ANC and the Conservancy.

20 CHAIRPERSON LOUD: Excellent.

21 MR. BUSCH: At our September  
22 meetings.

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1 CHAIRPERSON LOUD: Okay. Then why  
2 don't we turn to you now in your capacity as  
3 the ANC representative and you can speak on  
4 the record regarding the ANC's position.

5 MR. BUSCH: It's smaller, Mr.  
6 Chairman, than what could normally be put up  
7 on top of that building and given the fact  
8 that it's right in the heart of the Dupont  
9 Circle Historic District in this particular  
10 case we, the ANC fully supports the proposal  
11 that the architect and the Applicant have put  
12 together. You see less of it from the street  
13 and that's very, very good.

14 CHAIRPERSON LOUD: That you and  
15 would that also be the same testimony that  
16 would be given on behalf of the Dupont  
17 Conservancy?

18 MR. BUSCH: Exactly.

19 CHAIRPERSON LOUD: Okay, that sort  
20 of nails two birds with one stone. Are there  
21 parties or persons in the audience who are in  
22 opposition to this project? Okay, seeing

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1 none, then we turn back to you for any brief  
2 closing that you'd like to do.

3 MS. HUMPHRY: We thank you for your  
4 time.

5 CHAIRPERSON LOUD: We thank you for  
6 your brevity.

7 (Laughter.)

8 CHAIRPERSON LOUD: I think the case  
9 is before us. The record is full. It's ripe  
10 for deliberation. This is a case requiring  
11 variance, special exception relief -- special  
12 exception relief regarding the varying heights  
13 of roof structures. That's kind of hard to  
14 say. Rather than go through sort of a long  
15 winded analysis of 411.6 and 3104, I think the  
16 Office of Planning report lays it out. That's  
17 our Exhibit No. 21 in really clear detail and  
18 I'd like to incorporate that by reference in  
19 support for the position that I take in favor  
20 of the application for relief and would like  
21 to urge my colleagues join me in first  
22 deliberating on this today and then sharing

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1 your thoughts on it, if you have any.

2 (Pause.)

3 All right, hearing none then what  
4 I'd like to do is move for approval of  
5 Application No. 17969 for special exception to  
6 allow varying roof structure heights on a  
7 hotel proposed by the Doyle Collection at 1500  
8 New Hampshire Avenue, N.W. I think we also  
9 had discussion earlier about waiving the  
10 requirements for the posting. I think by  
11 consensus the Board had agreed to do that and  
12 with that, I'll ask if there's a second for  
13 the motion for approval.

14 MEMBER TURNBULL: Second.

15 CHAIRPERSON LOUD: Motion has been  
16 made, been seconded. Is there further  
17 deliberation? Hearing none, all those in  
18 favor say aye.

19 (Vote taken.)

20 All those opposed? Are there any  
21 abstentions?

22 And Ms. Bailey, can you call back

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1 the vote, please?

2 MS. BAILEY: Mr. Chairman, the vote  
3 is recorded as 4-0-1 to grant the application.  
4 Mr. Loud made the motion. Ms. Moldenhauer  
5 seconded. Mr. Dettman and Mr. May support the  
6 motion.

7 CHAIRPERSON LOUD: Thank you, Ms.  
8 Bailey. Thank you for your time and your  
9 patience and I do believe that a summary order  
10 can be issued.

11 MS. BAILEY: Thank you, sir.

12 CHAIRPERSON LOUD: All right. Take  
13 care.

14 Ms. Bailey, when you're ready you  
15 can call the next afternoon case.

16 MS. BAILEY: Application 17918 of  
17 Behzad Hosseinkhani, pursuant to 11 DCMR  
18 Section 3103.2 for a use variance to allow a  
19 change in nonconforming use from a valet shop  
20 to a restaurant with 28 seats on the first  
21 floor under subsection 330.5 at premises 1551  
22 6th Street, N.W. The property is zoned R-4.

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1 It's located in Square 478, Lot 821.

2 CHAIRPERSON LOUD: Thank you, Ms.  
3 Bailey. And good afternoon, Mr. Hosseinkhani.

4 Is the ANC present in this case?  
5 Okay, we -- I'd like to apologize to you on  
6 behalf of the BZA. We are trying to make it  
7 through today's calendar and there were a  
8 number of cases that were scheduled for today  
9 and it's clear that we're not going to get  
10 through the entire day's calendar, and rather  
11 than have you wait and then learn at say 6 or  
12 5 or 7 or whatever that we won't be able to  
13 make it through to your case, we wanted to  
14 call you early and let you know and see if we  
15 can get a rescheduled date. I guess our goal  
16 would be to get it back on the calendar as  
17 soon as we possibly can. I think the biggest  
18 driver would be perhaps when Mr. May is here,  
19 if he wants to be the participating Zoning  
20 Commission Member and just what we have open  
21 in our schedule.

22 So again, I apologize for it, but

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1 again the plan would be to get you back on the  
2 calendar ASAP.

3 MR. HOSSEINKHANI: That's fine.

4 CHAIRPERSON LOUD: Thank you for  
5 your patience and understanding.

6 Are there some dates that do not  
7 work for you at all say in the next four-week,  
8 five-week time frame?

9 MR. HOSSEINKHANI: Not really.  
10 That's fine.

11 CHAIRPERSON LOUD: Okay. Ms.  
12 Bailey, did you have any insight on available  
13 dates coming up? You're usually very, very  
14 good at that.

15 MS. BAILEY: Mr. Chairman, just a  
16 brief comment. Mr. Hosseinkhani had a case  
17 earlier this morning and that was scheduled  
18 for the 27th decision. I'm not sure if you  
19 want to do it on that same day. I don't see  
20 where Mr. May would be here on the 27th, but I  
21 just say that because his case from this  
22 morning was rescheduled for the 27th of

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1       October.

2                   CHAIRPERSON LOUD:    Okay, from what  
3       I'm seeing that would be -- it's going to be  
4       really hard to try to do that, Ms. Bailey.  
5       Because we already have three hearings  
6       scheduled between 10 and 12 noon and I would  
7       hate for him to get into the same spot that we  
8       got into today, not being able to get through.

9                   The     afternoon,     the     afternoon  
10      doesn't look like it would work either.   And  
11      just so you'll know, Mr. Hosseinkhani, you  
12      actually   don't have to come back for the  
13      27th.   It's when we make the decision on your  
14      other case, unlike the hearings where you have  
15      to be there.   I mean you can avoid making two  
16      trips back to BZA if you'd like to.

17                  Ms.     Bailey,     I     don't     think  
18      necessarily that that would work, the 27th.

19                  MS. BAILEY:   Mr. Chairman, were you  
20      looking for a date when Mr. May, Commissioner  
21      May would be here again?

22                  CHAIRPERSON LOUD:    You know, we

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1       could do something on -- I'm answering your  
2       question in a long-winded way. We could do  
3       something on November 3rd, unless Mr. May  
4       specifically wants to sit in on this case. I  
5       know you've had a chance to review it and it  
6       may be something you have a particular  
7       interest in. If so, we'll certainly  
8       accommodate that.

9               MEMBER MAY: I'm sorry, the date  
10       was the 3rd?

11              CHAIRPERSON LOUD: It's the 3rd,  
12       but one of the reasons I'm suggesting that is  
13       that we have -- it looks like some opportunity  
14       in the afternoon of the 3rd, but that's a date  
15       where a different Zoning Commission Member  
16       would be present.

17              MEMBER MAY: The record is  
18       relatively thin. I wouldn't object to passing  
19       off, assuming that the other Commissioner is  
20       willing to take it on.

21              CHAIRPERSON LOUD: I would strongly  
22       encourage it, just so that we could get this

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1 Applicant before us as soon as possible.  
2 We'll follow up with Commissioner Slater. I  
3 think because the calendar is fairly light  
4 that afternoon, it wouldn't add a whole lot to  
5 the review time for that. So unless there's  
6 any objection or concern about that, then why  
7 don't we look at November 3rd in the  
8 afternoon.

9 Thank you. We really appreciate  
10 your patience.

11 MS. BAILEY: Thank you, sir.

12 CHAIRPERSON LOUD: Thank you. And  
13 the afternoon session of the BZA is now  
14 adjourned. I believe that's correct, and  
15 we're going to go back now into the morning  
16 session and the continuation of the N Street  
17 Follies case. We did not forget about you.

18 (Pause.)

19 Good afternoon, and Ms. Bailey,  
20 please let me know if there's any particular  
21 formality that we need to observe to recall  
22 this case.

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1 MS. BAILEY: No, Mr. Chairman. You  
2 can just pick up from where you left off.

3 CHAIRPERSON LOUD: I think where we  
4 left off was that the Applicant's architect  
5 had testified. The party status on it had not  
6 had an opportunity to cross, nor had the ANC  
7 and that's what we would be doing now. On the  
8 other hand, if you think it would save time, I  
9 know you have some concerns about time to hear  
10 all of their witnesses and then cross. Okay,  
11 so we'll turn to you for cross and then if the  
12 Board has questions, then the ANC will follow  
13 up.

14 MS. BRAY: Hello, Mr. Andrulis.  
15 How are you?

16 MR. ANDRULIS: Well, thank you.

17 MS. BRAY: At the conclusion of  
18 your testimony, you walked through the  
19 specific requirements of the zoning  
20 regulations as they pertain to special  
21 exception for hotel uses in the S-P-1. Is it  
22 fair to say that you are familiar with the

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1 zoning regulations generally in the District  
2 of Columbia?

3 MR. ANDRULIS: I think it's fair to  
4 say I'm generally familiar with the zoning  
5 regulations as they pertain to the projects  
6 that I'm working on.

7 MS. BRAY: And have you reviewed  
8 the requirements for off-street parking in  
9 Chapter 21 of the zoning regulations?

10 MR. ANDRULIS: Yes.

11 MS. BRAY: You mentioned in your  
12 testimony that the alley at its intersection  
13 with 17th Street is I believe according to  
14 you, slightly less than ten feet wide. Is  
15 that correct?

16 MR. ANDRULIS: Correct.

17 MS. BRAY: And have you reviewed  
18 the specific requirements in Section 2117.4 of  
19 the zoning regulations which require that all  
20 required parking spaces be accessible off an  
21 alley at least ten feet in width or from a  
22 public street?

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1                   MR. ANDRULIS:     I don't recall  
2     seeing that.

3                   MS. BRAY:   This application doesn't  
4     seek a variance from that requirement, does  
5     it?

6                   MR. ANDRULIS:   I don't believe it  
7     does.

8                   MS. BRAY:    Do you know whether  
9     variance relief is required?

10                  MR. ANDRULIS:   I don't.

11                  MS. BRAY:    You mentioned that the  
12     prior use of the buildings has been a variety  
13     of uses. Do you know when the properties were  
14     last occupied?

15                  MR. ANDRULIS:   I do not know. I  
16     have a fairly good idea, but I couldn't tell  
17     you what year it was.

18                  MS. BRAY:    And do you know when the  
19     properties were last residential in use?

20                  MR. ANDRULIS:   I couldn't tell you  
21     that either.

22                  MS. BRAY:    Have you ever been to

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1 the Tabard Inn?

2 MR. ANDRULIS: Yes.

3 MS. BRAY: Have you viewed the  
4 Tabard Inn from the alley in the rear of the  
5 subject property in Square 158?

6 MR. ANDRULIS: From the N Street  
7 alley property?

8 MS. BRAY: From the alley.

9 MR. ANDRULIS: From the alley. I  
10 have viewed the garden wall of the Tabard.  
11 You cannot see into the garden.

12 MS. BRAY: Have you observed the  
13 roofs on the Tabard Inn?

14 MR. ANDRULIS: Yes.

15 MS. BRAY: And are you aware that  
16 there are green roofs installed on various  
17 roof surfaces on the Tabard Inn?

18 MR. ANDRULIS: I'm aware that there  
19 are -- there's green organic material on the  
20 roofs. I was assuming that they might be some  
21 kind of green roof.

22 MS. BRAY: Do you have any

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1 experience in designing projects that include  
2 green roofs?

3 MR. ANDRULIS: I have some limited  
4 experience.

5 MS. BRAY: Do you understand that  
6 they require light and air flow in order to be  
7 sustained? Is that your understanding?

8 MR. ANDRULIS: There are all kinds  
9 of different green roofs, but some would  
10 require light.

11 MS. BRAY: You stated in your  
12 testimony that the project would have minimal  
13 impact and in fact, no adverse impact on  
14 surrounding properties and therefore it was  
15 consistent with the zoning regulations, but  
16 when you made that analysis, did you take into  
17 account the green roofs included on the Tabard  
18 Inn?

19 MR. ANDRULIS: To a certain extent,  
20 yes. Green roofs, their main purpose are the  
21 insulative value they give to the space below  
22 and the water retention, so you lessen runoff.

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1 And those two things, whether there's light  
2 or not would remain.

3 MS. BRAY: You said you analyzed  
4 the proposal against Section 512 in the zoning  
5 regulations. One of those requirements in  
6 Section 512 is that the proposal would result  
7 in a balance of uses in the vicinity of the  
8 property within the S-P zone. Can you tell me  
9 what area you chose in making that  
10 determination that the project is compliant  
11 with Section 512.5?

12 MR. ANDRULIS: Which? I'm not sure  
13 what you mean by which area.

14 MS. BRAY: In the vicinity of the  
15 property. Did you select an area around the  
16 property?

17 MR. ANDRULIS: I would say I have  
18 to agree with the Planning Department's report  
19 in that regard.

20 MS. BRAY: Does the Office of  
21 Planning -- have you reviewed the Office of  
22 Planning's report?

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1 MR. ANDRULIS: I have.

2 MS. BRAY: Does the Office of  
3 Planning's report identify any specific  
4 vicinity that they reviewed, which lots or  
5 squares that they reviewed?

6 MR. ANDRULIS: I couldn't tell you  
7 exactly what it says. I know the gist of what  
8 it said.

9 MS. BRAY: Do you know whether it  
10 reviewed properties exclusively in the S-P-1  
11 zone or in the S-P-2 zone as well?

12 MR. ANDRULIS: I don't know that.

13 MS. BRAY: Are you familiar with  
14 the difference between the S-P-1 and the S-P-2  
15 zone?

16 MR. ANDRULIS: I am somewhat  
17 familiar with it.

18 MS. BRAY: Can you explain the  
19 difference?

20 MR. KEYS: Mr. Chairman, he didn't  
21 testify to the S-P-2 zone, nor did he testify  
22 to the contents of the Office of Planning

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1 report and that's what he's being questioned  
2 on. I think this cross goes beyond the scope  
3 of the testimony given by the witness.

4 MS. BRAY: The cross examination is  
5 directly related to the conclusion stated by  
6 the architect, on the record, that the  
7 property complies with the requirement of  
8 Section 512 regarding a balance of uses in the  
9 vicinity. I'm asking how he made that  
10 conclusion. He said he adopted the Office of  
11 Planning's reasoning.

12 MR. KEYS: What she asked was does  
13 he know the difference between the S-P-1 zone  
14 and the S-P-2 zone.

15 CHAIRPERSON LOUD: Okay, objection  
16 noted. The witness was the first one to raise  
17 the Office of Planning report in response to a  
18 question that Ms. Bray asked. But on the S-P-  
19 2, I mean that's sort of -- is there a way you  
20 can get to what you're looking to regarding  
21 this conclusion on 512 and not necessarily --

22 MS. BRAY: Sure. Do you know

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1 whether the properties analyzed in the Office  
2 of Planning report were exclusively within the  
3 S-P-1 zone or if they included S-P-2 zoned  
4 properties?

5 MR. ANDRULIS: I don't know that.

6 MS. BRAY: You mentioned that the  
7 proposal includes a small restaurant that is  
8 for the convenience of the hotel guests. How  
9 does the proposal ensure that the restaurant  
10 would not be open to the general public?

11 MR. ANDRULIS: I think I should  
12 have said primarily for the use of hotel  
13 guests. It is not meant to be a real draw to  
14 the hotel as the former five star restaurant  
15 would have been.

16 MS. BRAY: You also mentioned in  
17 your testimony that there were three primary  
18 ways that patrons would arrive at the hotel,  
19 on foot, which would be the primary method;  
20 taxi, limo drop off; and occasionally a guest  
21 would drive a car to the property. And yet  
22 your proposal includes more than twice the

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1 amount of required parking, 19 spaces under  
2 the zoning regulations. What is the extra  
3 parking proposed to serve?

4 MR. ANDRULIS: It is meant to serve  
5 the function of the hotel.

6 MS. BRAY: Was it not your  
7 testimony though that the primary method of  
8 arriving at the hotel would be by foot and  
9 that only occasionally would a guest need to  
10 drive a vehicle to the hotel?

11 MR. ANDRULIS: Yes, there will be  
12 instances, I think, when there might be  
13 meetings at the hotel or weekend events where  
14 more people would drive than during the normal  
15 business day when most people will be coming  
16 by plane, train, and taking public  
17 transportation or taxies to the hotel.

18 MS. BRAY: How did you determine  
19 that 58 parking spaces, I believe, in the new  
20 proposal was appropriate for the number of  
21 rooms proposed?

22 MR. ANDRULIS: The 58 encompasses

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1 the 19 that are required by the 0633 amendment  
2 to the ordinance and it is the maximum number  
3 we could fit in the same volume as our  
4 previous mechanical parking scheme at 98  
5 spaces in that same volume. We can only fit  
6 58 conventionally parked cars.

7 MS. BRAY: So you're maximizing the  
8 amount of parking on the site available within  
9 that volume, is that right?

10 MR. ANDRULIS: That's available  
11 within that volume.

12 MS. BRAY: I want to talk about the  
13 garden. Throughout your testimony you  
14 referred to the exterior garden and the -- you  
15 also used the terms interior garden. So I  
16 just want to clarify. The garden that you're  
17 referring to is actually an interior courtyard  
18 enclosed on four sides by the building itself  
19 and the exterior lot line. Is that correct?

20 MR. ANDRULIS: I think in my  
21 testimony I was referring more to the usual  
22 usage, not the zoning ordinance usage of

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1 interior. It is open air. It is open on all  
2 sides. It is surrounded on three sides by our  
3 building.

4 MS. BRAY: Isn't it not surrounded  
5 on the fourth side by a property line between  
6 the subject property and the UAW?

7 MR. ANDRULIS: Yes. You didn't let  
8 me finish that part of my answer.

9 MS. BRAY: Is the -- the courtyard  
10 is not under roof, but it is surrounded on all  
11 four sides above the grade level, is it not?

12 MR. ANDRULIS: Yes.

13 MS. BRAY: Okay.

14 MR. ANDRULIS: Not unlike all the  
15 other walled gardens.

16 MS. BRAY: Pardon?

17 MR. ANDRULIS: Not unlike the other  
18 walled gardens on the alley.

19 MS. BRAY: Are the other walled  
20 gardens on the alley, are those walls five  
21 stories in height?

22 MR. ANDRULIS: No, they're not.

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1 MS. BRAY: They're close to one  
2 story, possibly even less than that, is that  
3 right?

4 MR. ANDRULIS: They are -- I  
5 couldn't tell you the exact height, but I  
6 think some of them are over a story high.

7 MS. BRAY: You mentioned that the  
8 courtyard would mitigate between the  
9 contributing and the new portions of the  
10 building breaking up the massing. Can you  
11 tell me at what point along N Street or at  
12 what point within the rear alley, somebody  
13 standing at grade would be able to look into  
14 the interior courtyard? Where is the  
15 courtyard visible?

16 MR. ANDRULIS: The courtyard, or  
17 any walled court, is not visible from the  
18 street level.

19 MS. BRAY: Either on N Street or  
20 the alley?

21 MR. ANDRULIS: Correct.

22 MS. BRAY: How do you conclude then

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1 that it breaks up the massing of the building?

2 MR. ANDRULIS: What it does, the  
3 mass of the addition is moved back away from  
4 the contributing buildings in the front.  
5 Those are the most important part of our  
6 project. We wanted to give the rear wall of  
7 those buildings a certain amount of space to  
8 breathe. They were designed to be rear walls.

9 That rear wall is incorporated into our  
10 garden space.

11 MS. BRAY: If the interior  
12 courtyard is not visible at any point for  
13 somebody standing on the street on N Street or  
14 in the alley, is a person standing in either  
15 of those locations able to ascertain whether  
16 there is floor area in the interior courtyard?

17 MR. ANDRULIS: I wouldn't know what  
18 that person would be able to ascertain.

19 MS. BRAY: Is there anything to  
20 indicate that that space from the street or  
21 from the alley, that that space is not  
22 occupied, that it's open to the air as you

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1 say?

2 MR. ANDRULIS: Could you repeat the  
3 question?

4 MS. BRAY: Is a person on the  
5 street at N Street or in the alley able to  
6 view this building and ascertain that there is  
7 a large volume of space in the interior  
8 courtyard?

9 MR. ANDRULIS: Yes, actually, in  
10 certain parts of N Street you would be able  
11 to. Basically, in front of the hotel entry,  
12 there is a glass wall on either side of the  
13 passage that you would clearly be able to see  
14 through and see the open space and the  
15 sunlight of the garden.

16 MS. BRAY: If you weren't standing  
17 directly in front of the passage, would -- and  
18 instead perhaps you were standing on N Street  
19 east of the subject property looking alt the  
20 subject property, would the building not read  
21 as if it were -- as if it occupied 100 percent  
22 of the lot and thus was a 5.0 FAR?

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1           MR. ANDRULIS:     The contributing  
2 buildings would read as if they have 100  
3 percent lot coverage as well. So what appears  
4 from the street is not necessarily reality.

5           MS. BRAY:     You mentioned that you  
6 are eroding the corner of the building and  
7 removing a portion of the fifth floor to  
8 create a terrace. How large is that space?

9           MR. ANDRULIS:   It was -- it's 260  
10 or 300 square feet, something along that line.

11          MS. BRAY:     When you say that you're  
12 eroding the building, are you just changing  
13 materials on the building or are you actually  
14 pulling the building away?

15          MR. ANDRULIS:   In the case of the  
16 fifth floor terrace, we are removing mass from  
17 the building. So we're taking things away.

18          MS. BRAY:     Going to your shadow  
19 studies, you mentioned that those studies  
20 which I just want to be correct, those had a  
21 date of today's date, right, October 6th?

22          MR. ANDRULIS:   The animation that I

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1       showed was today.

2                   MS. BRAY:    I understand there are  
3       stills included in the record.   You said in  
4       your testimony that those only showed direct  
5       sunlight hitting the ground.   Is that right?

6                   MR. ANDRULIS:   Correct.

7                   MS.    BRAY:        So    that    doesn't  
8       accurately depict sunlight that would hit  
9       walls of buildings or roofs of buildings in  
10      the area depicted?

11                  MR.    ANDRULIS:     Are   you   talking  
12      about reflected off of walls and roofs?

13                  MS. BRAY:   Right.

14                  MR. ANDRULIS:   It shows reflected  
15      off of roofs because it's a plan drawing.  
16      When light is reflected off the roof that  
17      surface is light.   It's in sunlight.

18                  MS. BRAY:    But it doesn't really  
19      give any indication of ambient light or the  
20      impact of the proposed structure on the  
21      ambient light in the alley or --

22                  MR. ANDRULIS:   I thought -- I was

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1       trying to be clear in my testimony that it was  
2       illustrating one aspect of light, direct  
3       light. The ambient light, the light that the  
4       ordinance speaks to I think is more ambient  
5       light or the combination is different.

6                   MS. BRAY: In your experience as an  
7       architect planning hotel or residential  
8       buildings, do you value the access to ambient  
9       light or daylight or natural light coming into  
10      the planned spaces? Is that typically  
11      important?

12                   MR. ANDRULIS: I think you could  
13      make a general statement that daylight is  
14      generally good and direct sunlight is  
15      generally good. There are uses where it is  
16      not good and you want to keep it out, like the  
17      back of the Board here.

18                   MS. BRAY: You mentioned that the  
19      parking, the method by which vehicles would be  
20      parked has changed from a mechanical lift  
21      system with a sled, to actually an area that  
22      has drive aisles that the valet would actually

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1 drive down. Do you know whether that has any  
2 impact on the amount of time it takes to park  
3 a vehicle?

4 MR. ANDRULIS: It's my  
5 understanding that it would be slightly less  
6 time to park a car in an elevator scheme,  
7 mechanical scheme.

8 MS. BRAY: Has your client provided  
9 you with any information about the proposed  
10 number of valets to be used in staffing?

11 MR. ANDRULIS: No, we haven't  
12 discussed that.

13 MS. BRAY: Have you filed an  
14 application for concept approval with the  
15 Historic Preservation Review Board?

16 MR. ANDRULIS: Have we -- we have  
17 not filed an application because the existing  
18 application remains valid is my understanding  
19 of our discussion with staff just a few weeks  
20 ago. They had initially wanted us to --

21 MS. BRAY: Are you familiar with  
22 the Historic Preservation law?

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1 MR. ANDRULIS: I am not.

2 MS. BRAY: And regulations?

3 MR. ANDRULIS: I am not familiar  
4 with the filing procedures.

5 MS. BRAY: You mentioned that you  
6 had met with Historic Preservation office  
7 staff. I think you mentioned Steve Colcott.  
8 Do you know whether Mr. Colcott or any member  
9 of the Historic Preservation Office staff can  
10 speak for the Historic Preservation Review  
11 Board?

12 MR. ANDRULIS: They cannot speak  
13 for them -- I understand they cannot speak for  
14 the Review Board, but they are generally a  
15 pretty good indication of what the Board will  
16 think.

17 MS. BRAY: Have you reviewed the  
18 2006 Historic Preservation Review Board staff  
19 report on this property?

20 MR. ANDRULIS: Yes.

21 MS. BRAY: And are you aware that  
22 that report notes that the proposal includes

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1 substantial demolition of contributing  
2 resources, inconsistent with the Historic  
3 Preservation law?

4 MR. ANDRULIS: I'm fairly aware of  
5 the report. I have it in front of me. That  
6 report lists eight items in it that the 2006  
7 design that they find inadequate in the 2006  
8 design, and all eight of those we have dealt  
9 with successfully to mitigate.

10 I'd be happy to go through them  
11 point by point.

12 MS. BRAY: That's quite all right.  
13 The Historic Preservation Review Board and  
14 Historic Preservation staff has not updated  
15 that report to your knowledge?

16 MR. ANDRULIS: They have not.

17 MS. BRAY: I have nothing further.

18 CHAIRPERSON LOUD: Thank you. Let  
19 me see if the ANC Commissioner Silverstein has  
20 any questions for the witness and then we can  
21 turn to the Board.

22 MR. SILVERSTEIN: I have no

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1 questions at this time. Let's move forward.

2 CHAIRPERSON LOUD: Thank you. Mr.  
3 Dettman or Ms. Moldenhauer, do you have any  
4 questions for the architect?

5 MEMBER DETTMAN: I just -- actually  
6 two questions, just a clarification of a  
7 design. I'm looking at your penthouse plan.  
8 And the two questions I have is one, is there  
9 a reason why you decided to actually construct  
10 one big penthouse that looks like it only  
11 encloses a staircase on the west and a service  
12 elevator on the east?

13 MR. ANDRULIS: Let me go to that so  
14 everyone can see it.

15 MEMBER DETTMAN: I guess to reframe  
16 my question, is there anything else going on  
17 inside that space other than the staircase and  
18 the service elevator?

19 MR. ANDRULIS: Sure. There's  
20 mechanical, rooftop mechanical equipment,  
21 cooling towards specifically as well. It's  
22 filled with stuff.

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1                   MEMBER DETTMAN:    Okay.    And along  
2   the alley side, same drawing.   It looks like  
3   there is some kind of trellis or something  
4   like that.

5                   MR. ANDRULIS:   Right.

6                   MEMBER DETTMAN:    What exactly is  
7   that?

8                   MR.    ANDRULIS:           That's    purely  
9   decoration.

10                  MEMBER DETTMAN:   Okay.   That's it.

11                  CHAIRPERSON LOUD:   Thank you, Mr.  
12   Dettman.   Is there a redirect of the witness,  
13   Mr. Keys?

14                  I'm    sorry,    Mr.    Keys.           Ms.  
15   Moldenhauer has some questions.

16                  MEMBER   MOLDENHAUER:           In   your  
17   testimony, you talk about the open-air gateway  
18   between the two buildings that currently  
19   exists and the glass, I guess, cover that  
20   you're going to be putting on it, building.  
21   You also at the beginning talked about the  
22   view of St. Michael's Chapel.   And looking at

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1 the diagrams, I see an office building, an  
2 office space on one of the ---- the main  
3 floor. And I don't see how and I don't see it  
4 very well in the different diagrams you went  
5 through that actually if you're standing on N  
6 Street with the new design how you can still  
7 see through two maintain that visual of St.  
8 Michael's Chapel. Maybe you can explain that.

9 MR. ANDRULIS: I think you're  
10 referring to the dome of St. Matthew's.

11 MEMBER MOLDENHAUER: St. Matthew's,  
12 thank you.

13 MR. ANDRULIS: And you wouldn't see  
14 it from N Street. You'd see it from inside  
15 our garden directly in front of the passage.  
16 So you have to be in a narrow band, 20 foot  
17 wide, 15 foot wide, directly in front of the  
18 passage. You look through the passage and  
19 high, you would see St. Matthew's. The way  
20 we're redesigning the building, there are two  
21 layers of glass between you and that view. I  
22 think I showed you the -- I did show you the

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1 built project of a similar case where you can  
2 see because of the amount of light coming in  
3 through the skylight and these walls, you can  
4 see through that and you would still see St.  
5 Matthew's.

6 MEMBER MOLDENHAUER: Is there a  
7 reason why you did not try to preserve that  
8 view from N Street in your design?

9 MR. ANDRULIS: The view to St.  
10 Matthew's from N Street?

11 MEMBER MOLDENHAUER: Yes.

12 MR. ANDRULIS: I'm not quite sure -  
13 - St. Matthew's is -- if you're facing our  
14 project on N Street, St. Matthew's is behind  
15 you.

16 MEMBER MOLDENHAUER: Yes. I  
17 understand that.

18 MR. ANDRULIS: So I have no control  
19 over what's behind me.

20 MEMBER MOLDENHAUER: From what I  
21 understand from the diagrams, right now as  
22 you're walking down N, if you look down that

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1 open walk-through path that currently exists  
2 between the two historical buildings --

3 MR. ANDRULIS: Right.

4 MEMBER MOLDENHAUER: You had a  
5 picture of this on your slides. I don't know  
6 if you can pull that back up. You can  
7 concurrently see the dome of the chapel. And  
8 so I guess you've done a job, a great job, I  
9 guess trying to keep this historical I guess  
10 separation between the two buildings, and I  
11 guess my question is why would you not then --  
12 I don't know, create some sort of glass  
13 walkway all the way through the entire  
14 building to create that same openness and  
15 distinction between the two separate  
16 historical properties? And maybe physically  
17 you can't do that. I'm not sure from the  
18 diagrams you show and from identifying that  
19 view as being one that you were trying to  
20 preserve, that's where my question arose.

21 MR. ANDRULIS: Could you bear with  
22 me? Perhaps I could grab a board that shows

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1 the plan and we could try to orient ourselves.

2 I'm not quite sure what you're talking about.

3 (Pause.)

4 MEMBER MOLDENHAUER: I was just  
5 clarified that the picture of the dome is  
6 taken from the alley, not taken from N Street,  
7 is that correct? That's taken from the alley?

8 CHAIRPERSON LOUD: A couple of  
9 things, first witnesses need to be on the  
10 microphone and witnesses need to be sworn in.

11 So I think -- that's quite all right. I just  
12 wanted to make it clear before we proceed any  
13 further. I think we're in the questioning  
14 period for Mr. Andrulis.

15 MEMBER MOLDENHAUER: I think I've  
16 now been correctly oriented on the diagram by  
17 Board Member Dettman and I believe I will  
18 withdraw that question.

19 My next question is you indicated  
20 that the glass entrance was going to be eight  
21 or ten feet back from the entrance of the  
22 property?

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1           MR. ANDRULIS: Actually, I have the  
2 plan here. The face of the buildings on N  
3 Street, except for the addition are on the  
4 property line. The addition is back. The  
5 historical addition of 1751 is back four or  
6 five feet. Our glass wall is here at the door  
7 line back about another four feet. So that's  
8 something like eight or ten feet back from the  
9 face of most of the contributing buildings.

10           MEMBER MOLDENHAUER: So it's only  
11 about like three feet back from the actual,  
12 that wall of the adjacent building?

13           MR. ANDRULIS: That's a four foot -  
14 - that is actually a four foot door, so it's  
15 more like five, five feet back from that one  
16 and more like ten feet back from the majority  
17 of them.

18           There's only a certain -- a couple  
19 of places you can put this glass wall because  
20 of the character of this wall as it goes up.  
21 There's lots of windows in it. You don't want  
22 to have this glass wall go through a window.

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1 You want to have it go through, go in a zone  
2 that is brick all the way up and there are  
3 very few choices. If you go back further,  
4 there's lots of windows that get in the way.

5 MEMBER MOLDENHAUER: Okay, thank  
6 you. No additional questions at this time.

7 CHAIRPERSON LOUD: Do you have --

8 MEMBER DETTMAN: Just one more  
9 question. Looking at 512.4 that basically  
10 stipulates that the Board can require special  
11 treatment by the way of design screening,  
12 landscape, what have you in order to protect  
13 neighboring property. Specifically, about the  
14 fifth floor terrace where you pull the  
15 building back, did you explore any other  
16 options in terms of your design along that  
17 edge of the building that could potentially  
18 provide a little bit more relief to the  
19 Tabard?

20 MR. ANDRULIS: No.

21 MEMBER DETTMAN: No. If you were  
22 to say pull the building back in a similar

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1 fashion along the lower floors, in your  
2 opinion does that make the project unfeasible?

3 Is this the absolute maximum that you could  
4 potentially do, given the program that you  
5 need to meet?

6 MR. ANDRULIS: I think it begins to  
7 make the project untenable. If you pull back  
8 from the Tabard Inn, you -- you can't see  
9 here, but this is the ground floor plan, but  
10 there are hotel rooms along there. You pull  
11 back any distance, you might as well pull back  
12 to the corridor. And therefore, there's four  
13 rooms along there. You lose four rooms per  
14 floor. To stay within the height limit, we  
15 can't add those 4 rooms times 3 floors, 12  
16 rooms, minus the one that's already missing  
17 the fifth floor, so 11 rooms we could lose.  
18 There's no place else to add them back.

19 MEMBER DETTMAN: It looks like what  
20 you did -- essentially, it looks like your  
21 fifth floor terrace is the same exact  
22 footprint as the fourth floor guest room below

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1 it.

2 MR. ANDRULIS: Correct.

3 MEMBER DETTMAN: And the third  
4 floor guest room below it. And on the second  
5 floor you have meeting space and I think you  
6 said that the terrace is about 200 and some  
7 odd square feet?

8 MR. ANDRULIS: Yes, it's one room  
9 so it's --

10 MEMBER DETTMAN: Two hundred square  
11 feet of meeting space.

12 MR. ANDRULIS: Right.

13 MEMBER DETTMAN: And then I'm not  
14 sure what's going along on the first floor.  
15 So you're losing two guest rooms and about 200  
16 square feet of meeting space.

17 MR. ANDRULIS: Oh, if we just did  
18 the corner there and brought it down, that  
19 would be  
20 -- you'd lose two additional guest rooms.  
21 Yes, 300 square feet of meeting space. And  
22 you really probably wouldn't have to lose

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1 anything on the ground floor because the  
2 Tabard has its own garden wall there that I  
3 believe is around 12 foot high.

4 MEMBER DETTMAN: In your opinion,  
5 losing those two rooms and the 200 and some  
6 odd square feet of meeting space, does that  
7 jeopardize the feasibility? I know you might  
8 not be an expert in the --

9 MR. ANDRULIS: I really couldn't  
10 speak to that, but the other thing to consider  
11 is does that improve the situation any? You'd  
12 want to model that to see if it does. I would  
13 think it would only have a marginal  
14 improvement because of the -- what you think  
15 you might be gaining is late afternoon summer  
16 sun, but if I could explain, the room we take  
17 out, there's the void left and the sun hitting  
18 this edge of the void is almost the same as it  
19 hitting this point. So I'm not sure you'd  
20 gain much by doing that. You'd have to  
21 investigate.

22 MEMBER DETTMAN: Would you say that

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1 in order to gain a substantial amount of  
2 additional light to the Tabard would require  
3 you actually to pull back the rear of the  
4 building which essentially affects a lot of  
5 your program?

6 MR. ANDRULIS: You know, yes. I  
7 guess. The rear of the building would only  
8 really affect the late afternoon sun in the  
9 summer. So you'd be taking away lots of our  
10 program for very little gain, I think.

11 MEMBER DETTMAN: But the only time  
12 that your building impacts the Tabard is late  
13 afternoon, otherwise, it's on the other side  
14 of the Tabard and you have no impact.

15 MR. ANDRULIS: Late afternoon in  
16 the summer.

17 MEMBER DETTMAN: In summer.

18 MR. ANDRULIS: We could go over  
19 that animation and everyone could judge for  
20 themselves how impactful it is. I think it's  
21 relatively in a dense city like this,  
22 relatively a minor impact.

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1                   MEMBER DETTMAN:    Okay.    One last  
2                   question about your penthouse enclosure.    I  
3                   know the regulations require you to have it  
4                   all in one.    But do you see any opportunity to  
5                   provide a little bit more relief to the Tabard  
6                   by potentially looking for opportunities to  
7                   break up that enclosure?    I'm asking questions  
8                   that may result in additional relief.    It's  
9                   just a curiosity.

10                  MR. ANDRULIS:    Right.    I think  
11                  there might be some opportunity as the design  
12                  gets refined that the penthouse could be  
13                  lowered slightly.    But that is difficult to  
14                  predict.    I know one way we could reduce the  
15                  penthouse height is to have a different kind  
16                  of cool tower than we're planning on.    The  
17                  cooling towers that we're planning on are --  
18                  operate naturally.    Water flows down the  
19                  cooling tower and air comes from the bottom.  
20                  It's six or seven feet high.    Air comes up to  
21                  cool the water as it travels down.

22                  They're about 15 feet high.    You

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1 can do them in less, but the problem is you  
2 don't have enough room below the cooling tower  
3 to get enough air flow, so you end up putting  
4 fans there. Guess what? Fans take power.  
5 They make noise. So the building gets less  
6 efficient. So we could by that kind of thing,  
7 we could maybe get the penthouse down a foot  
8 or so, but at a bit cost to energy.

9 MEMBER DETTMAN: And in terms of  
10 breaking it up into multiple enclosures?

11 MR. ANDRULIS: There's a certain  
12 amount of equipment that has to go there and  
13 if we broke it into multiple enclosures that  
14 implies space between them. Where do we put  
15 the equipment that was in that space. The  
16 places left over to put it is in the rear yard  
17 -- or the penthouse setback in the rear or on  
18 top of the contributing buildings. Or on the  
19 penthouse setback from the Tabard. All those  
20 things are I think much worse than one larger  
21 penthouse.

22 MEMBER DETTMAN: Okay. Thank you.

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1 I don't have any more questions.

2 Ms. Moldenhauer, do you have any  
3 other questions?

4 MEMBER MOLDENHAUER: None at this  
5 time.

6 CHAIRPERSON LOUD: Sorry, I just  
7 had a quick follow-up question regarding the  
8 parking spaces. I think you testified that  
9 there are three different means of getting to  
10 the redevelopment. One would be the -- and I  
11 think Ms. Bray went into it a little bit. One  
12 would be by foot and you said that most guests  
13 are going to get there by foot. Then some  
14 would get there by taxi. And then finally, I  
15 think you said something like a few by car, or  
16 something along those lines. And then later,  
17 you testified that the -- you have 19 required  
18 spaces now. And putting aside for a moment  
19 the issue of 2117.4, but that the team made a  
20 decision to go with 58 spaces because the site  
21 could accommodate basically 58 spaces.

22 The Office of Planning, I know this

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1 wasn't on your direct, but on your direct you  
2 did bring out the number of spaces, etcetera.

3 They recommended that the number of spaces be  
4 in alignment with what the zone requires which  
5 would be 19 in this case.

6 Is there a reason why the project  
7 is pushing for more than the required number  
8 of spaces?

9 MR. ANDRULIS: Just to go back  
10 before I answer the question to clarify a  
11 little bit. The latest DDOT report says or  
12 Planning, I forget which one it was, says what  
13 code, what ordinance allows. Previously, they  
14 had essentially the same language, but were  
15 talking about 31 or 33 spaces. And I think  
16 they were basing that on what -- they were  
17 basing that on if this were a new project, not  
18 a historic resource, what parking would be  
19 required for that resource and that would have  
20 been around 31, 33 cars. I think it changed  
21 over time. So that's what they are initially  
22 doing.

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1                   And now, the last go round they had  
2 talked about what the ordinance requires which  
3 is the more limiting amount of -- from 063319.

4       So I wasn't sure if -- I'm not sure if  
5 they're really talking about 31 or 33 or  
6 they're talking about 19 and the various  
7 iterations.

8                   CHAIRPERSON LOUD:     But again, my  
9 question was whether we were talking about 31,  
10 32 or 58, was what the driver was for what  
11 appears on the surface to be a significant  
12 amount of parking, but whether it's 31 or  
13 whether it's 58 above what's required.

14                  MR. ANDRULIS:   Right.

15                  CHAIRPERSON LOUD:   And if you can  
16 articulate sort of the driver for the project  
17 to have that many spaces.

18                  MR. ANDRULIS:     Well, the client  
19 group would like 98 spaces. They'd like 100.

20       We cut down to the 58 because that's, and the  
21 elevator parking with the conventional parking  
22 footprints, that's what we can fit in the same

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1 volume. They would really like more spaces.

2 They believe that a hotel such as  
3 this could use the 98 or 100 spaces we have.  
4 I haven't had any discussions with them about  
5 anything other than providing the 98 and then  
6 the compromise to fit out the same volume of  
7 58.

8 CHAIRPERSON LOUD: Are the parking  
9 spaces revenue generators for the project,  
10 that is, both in terms of guests and/or  
11 potential needs to absorb parking demand in  
12 the surrounding area? Is there a plan --

13 MR. ANDRULIS: I haven't been a  
14 party to any of those discussions.

15 CHAIRPERSON LOUD: Perhaps we can  
16 discuss that with some of the other witnesses,  
17 but as far as you know, it's the fact that the  
18 site could accommodate 58 and they wanted to  
19 cap the number of spaces at what the site  
20 could provide.

21 MR. ANDRULIS: Not necessarily with  
22 the site, but what we could provide without

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1 changing the geometry of the garage, just for  
2 this process. We don't have to essentially  
3 change drawings or change the submission when  
4 we say 58 because it will fit in what we've  
5 already said we were going to provide, the  
6 volume we were going to provide.

7 CHAIRPERSON LOUD: Okay. All  
8 right. Mr. Keys, I turn to you to see if  
9 there's a redirect?

10 MR. KEYS: No, Mr. Chairman.

11 CHAIRPERSON LOUD: Then why don't  
12 we --

13 MR. SILVERSTEIN: I have one  
14 question of the gentleman. The genesis of the  
15 31 parking spaces I think might be  
16 illuminating.

17 MR. ANDRULIS: I think the 31  
18 spaces, I was trying to explain it. I believe  
19 that was from -- and I can't tell you what  
20 city report it was from, but -- DDOT planning  
21 I believe -- that if the hotel were built  
22 today in a non-Historic District, it wasn't a

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1 historic resource --

2 MR. SILVERSTEIN: It has nothing to  
3 do with the fact that there's parking back  
4 there now? And that there are approximately  
5 31 spaces being used?

6 MR. ANDRULIS: I didn't think it  
7 did. Actually, when we looked at the numbers,  
8 if you took the hotel and did that, say it was  
9 a historic resource, you'd get about 31, 33  
10 spaces. So I assume that was the logic of it.

11 I don't think they have quite 33 spaces. I  
12 thought it was in the low to mid-20s  
13 presently, but I couldn't tell you for sure.

14 CHAIRPERSON LOUD: Thank you,  
15 Commissioner. Mr. Keys?

16 MS. BRAY: I actually have one  
17 question on recross, based on the information  
18 that came out in the Board's questions, if I  
19 may?

20 CHAIRPERSON LOUD: Okay.

21 MS. BRAY: You mentioned that there  
22 are discussions as part of the zoning

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1 comprehensive rewrite to change the  
2 regulations so that mechanical parking spaces  
3 would be approved, and that the volume of the  
4 parking spaces or the volume of the space for  
5 the parking spaces has not changed. You've  
6 maintained that exactly the same.

7 Is there a plan to retrofit once  
8 the regulations change to allow 98 parking  
9 spaces?

10 MR. ANDRULIS: No. There's no plan  
11 and it would be very impractical to do such.  
12 You'd be tearing out two elevators in a built  
13 construction that hundreds of thousand dollars  
14 apiece. You'd have to be tearing out concrete  
15 floor plates and columns because the  
16 mechanical parking machine wants a big volume,  
17 so those individual concrete floors you'd have  
18 to tear out. Then you'd have to get this  
19 machine and take it down into there piecemeal.

20 It would be impractical to change later.

21 There have been no discussions  
22 about any master plan to do that.

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1 MS. BRAY: Would the Applicant  
2 submit to a condition restricting any further  
3 development of parking spaces on this site, if  
4 the special exception were approved at 58  
5 spaces?

6 MR. ANDRULIS: I don't think I can  
7 speak for the Applicant.

8 CHAIRPERSON LOUD: Mr. Keys?

9 MR. KEYS: No redirect.

10 CHAIRPERSON LOUD: Okay, then why  
11 don't we move to -- Board Members? Okay, then  
12 why don't we move to your next witness,  
13 bearing in mind the hour that we're at. Is  
14 that going to be Mr. George?

15 MR. KEYS: Yes.

16 CHAIRPERSON LOUD: Transportation  
17 expert. And I want to encourage you, Mr.  
18 Keys, to work with your witness -- we can't  
19 possibly have an hour long --

20 MR. KEYS: We've trimmed this down.  
21 This is going to be a very few minutes.

22 CHAIRPERSON LOUD: Okay, because

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1 you do realize that normally the entire case  
2 should be presented in an hour under the rule  
3 I read. So we're going to have some  
4 flexibility, but clearly -- I think we're  
5 trying to sort out some logistical issues.

6 We're going to see if we can get  
7 Mr. Moy or Ms. Bailey back in to help us out  
8 with the PowerPoint presentation.

9 (Pause.)

10 CHAIRPERSON LOUD: Why don't as we  
11 wait for Mr. Moy and Ms. Bailey to return, why  
12 don't have the witnesses introduce yourself  
13 for record. I assume that you both were sworn  
14 in? Correct.

15 MR. GEORGE: Good afternoon, Mr.  
16 Chairman. For the record, Osborne George.  
17 I'm assisted with Charlie Wang. Charlie was  
18 not sworn in. He will not be testifying here  
19 during the PowerPoint presentation.

20 CHAIRPERSON LOUD: Okay, all right.  
21 And how long, Mr. George, do you think your  
22 presentation will take once we're able to get

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1 it up and get it started?

2 MR. GEORGE: I noticed I have  
3 officially ten and a half minutes. Perhaps a  
4 couple of minutes beyond that would allow me  
5 to address all the points I had planned to  
6 address.

7 CHAIRPERSON LOUD: All right.

8 (Pause.)

9 CHAIRPERSON LOUD: We're not able  
10 to get it on the left screen I'm taking it?  
11 Mr. Moy? We're not going to be able to get it  
12 on the screen to the left, I take it? It's in  
13 the rear.

14 MR. MOY: The staff is pursuing  
15 that now. That's why he just stepped out for  
16 a moment.

17 CHAIRPERSON LOUD: Okay.

18 (Pause.)

19 CHAIRPERSON LOUD: We indulge your  
20 patience. And hopefully, we'll be able to get  
21 this straight.

22 (Pause.)

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1 CHAIRPERSON LOUD: I'm getting some  
2 good advice from Mr. Dettman and Mr. Moy. We  
3 are not going to be able to get the large  
4 screen projector up in the next few minutes  
5 and so they're going to try to reboot and  
6 probably before your testimony would be over  
7 if you choose to start without it. We could  
8 sort of transition and direct everyone's  
9 attention to the larger viewing.

10 We do have it on three smaller  
11 screens and we've got, I believe, hard copies  
12 here that you might be able to direct us to as  
13 you proceed through your testimony if that  
14 would not be too cumbersome for you and that  
15 way --

16 MR. GEORGE: I think we can work  
17 with that, Mr. Chairman.

18 CHAIRPERSON LOUD: Okay.

19 MR. GEORGE: I'd like to start by  
20 way of introduction by pointing out that we  
21 did analyses in December 2005 and in February  
22 2006 which were presented at the public

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1 hearing in 2006 and are in the record.

2 We have updated those analyses in a  
3 report dated July 2009 and what we've done is  
4 incorporated the key aspects, the key elements  
5 of the earlier analysis in that report. And  
6 so what we'd like to do is to briefly discuss  
7 the key aspects of the local roadway network  
8 which pertain to access to the site via N  
9 Street, access to the site via the alley way.

10 We'd also like to look at the  
11 traffic data that we used in our current  
12 analysis, discuss the trip generation that's  
13 the basis for assessment and then address the  
14 issue of the access to the alley which I know  
15 has been one of the key items of concern as  
16 part of the review. This should enable me to  
17 reach a conclusion, Mr. Chair, and I would  
18 like to start -- we have no exhibits at all  
19 now and that really disadvantages me.

20 CHAIRPERSON LOUD: Yes, for some  
21 reason we have now lost that projection. But  
22 particularly since it's going to disadvantage

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1 you is we can take a break and try to get this  
2 squared away. We've got some visual back on  
3 the three small screens. We're going to need  
4 to stop the clock as well.

5 MR. GEORGE: I'd like to say you  
6 need to put back 10 seconds.

7 (Pause.)

8 CHAIRPERSON LOUD: We're still on  
9 the record. We didn't come off. We were  
10 hoping to continue without the need to come  
11 off the record. We certainly have the three  
12 visuals back up on the small screens.

13 MR. GEORGE: Yes.

14 CHAIRPERSON LOUD: It looks like  
15 we're in the process of being able to get the  
16 larger screen up. So if you wanted to  
17 continue?

18 MR. GEORGE: Yes, Ms. Bailey, can  
19 we have the darkness in the meantime?

20 All right. Mr. Chair, what I'd  
21 like to do is -- this really doesn't work.  
22 I'd like to point out that I piggyback on

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1 something that Mr. Andrulis said --

2 CHAIRPERSON LOUD: We've got a  
3 larger screen now.

4 MR. GEORGE: I think Mr. Andrulis  
5 referred to N Street here as an oasis and I'd  
6 like to use this as the start of my  
7 discussion. The site is located on the north  
8 side of N Street. It is bordered by a series  
9 of major arterials, Connecticut Avenue,  
10 Massachusetts Avenue, and Rhode Island Avenue.

11 Two secondary arterials or minor arterials,  
12 18th Street runs north-south and 17th Street  
13 runs north-south to the east of the square,  
14 Square 158.

15 We're talking about access to the  
16 site via the 1700 block of N Street. It's  
17 important for me to let the Board, remind the  
18 Board that this is a local street. It's 32  
19 feet wide. There's parking along both sides  
20 and considering that you typically have eight  
21 on the side for parking, you have a driveway  
22 section, a portion of approximately 16 feet.

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1           17th Street, it's important to  
2 point out that 17th Street is a one-way minor  
3 arterial which runs from Massachusetts Avenue  
4 for about 7 or 8 blocks. It's end at Florida  
5 Avenue just near the Malcolm X Park.

6           Let's go on to the next slide,  
7 please. The land uses within this square have  
8 been discussed by Mr. Andrulis. In addition  
9 to the two hotels and the subject site,  
10 there's a mix of uses included, including  
11 educational, office, employment, embassy and  
12 other institutional uses.

13           The alley which we'll be discussing  
14 is located approximately, the narrow portion  
15 of the alley is located approximately at this  
16 point. We used this exhibit because it's  
17 important to note the relative symmetry  
18 between Square 158 and 159. There's an alley  
19 off 17th Street at this point. It's actually  
20 less wide. This is 9'5", 9'8 inches. This is  
21 roughly 9 feet wide. It serves this major  
22 block here which includes the YMCA, major

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1 office employment uses here and the St.  
2 Matthew's Cathedral. But there is  
3 considerable symmetry and I guess one would  
4 have to go back to the initial days of the  
5 layout of the city to determine the basic  
6 reason for it is part of the historical  
7 district.

8 Next slide, please. As far as our  
9 study area, what we considered basically  
10 keeping in mind the small number of trips that  
11 ourselves back in 2005 and DDOT agrees, we  
12 considered these two intersections. There's  
13 been no reason to change that, to update that  
14 as part of the current analysis.

15 Next slide, please. I think it's  
16 very important to point out to the Board that  
17 17th Street is a six-lane wide roadway. The  
18 configuration will show you that during the  
19 morning peak hour when there are six lanes of  
20 traffic, parking is removed on both sides and  
21 you've got six lanes serving the southbound  
22 traffic. The volumes along this section are

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1 quite low, less than a thousand vehicles. I  
2 think it's just over 800 so that's roughly a  
3 little bit over 100 vehicles per lane. This  
4 is well within the capacity of the roadway and  
5 this has a bearing on the operations in the  
6 vicinity of the alley way and I'll get to that  
7 later.

8 Next slide, please. Next slide,  
9 please. All right. During the off-peak hour,  
10 it's important to recognize that this street  
11 reverts to two ways. So we've got two lanes  
12 in each direction with parking provided along  
13 both sides. This is of significance because a  
14 lot of the traffic which would be accessing  
15 the alley through the valet service would  
16 occur, as we demonstrated, during the off peak  
17 period when vehicles would be able to leave  
18 the hotel here, turn left here, and turn into  
19 the alleyway.

20 Next slide, please. The situation  
21 in the afternoon traffic again is served by  
22 three lanes in either direction and there is

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1 not even a question regarding the level of  
2 service in this area at the intersection of  
3 17th and N Street and the operation of the  
4 alley.

5 Next slide, please. We talked, I  
6 think Mr. Andrulis talked a lot about the  
7 various aspects of the access from the front  
8 of the hotel. Again, the yellow indicates  
9 we've got metered parking. There are  
10 approximately 50 metered parking spaces,  
11 loading zones are provided, and I think that  
12 is one of the issues which we intend to  
13 address as far as accessibility and the  
14 operational feasibility of the valet parking.

15 I think this -- we saw this as  
16 being very important. The District of  
17 Columbia Design Manual specifications for an  
18 alley way is that it be anywhere from 8 feet  
19 in width to 30 feet in width. DDOT shows  
20 this. You can't quite see it, Mr. Chairman,  
21 but DDOT actually shows this as being a 10.5  
22 foot alley. What we've measured and the

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1 distances we've quoted is the measurement at  
2 the -- there are two bollards which tend to  
3 protect the building walls, so there are  
4 bollards on either side and so we've tried to  
5 measure to that circular face of the bollard.

6 That's why you find we've had so many  
7 different measurements. But officially, this  
8 alley, I believe and we did not actually  
9 measure it wall to wall, but as shown by DDOT  
10 as being 10.5 feet. We think it would satisfy  
11 the 10-foot width.

12 What we've shown on this alley way  
13 is that you've got the sidewalk. I'll touch  
14 on this because of the issue of pedestrian  
15 access and safety. We are showing here the  
16 position of a vehicle that would be exiting  
17 this alley way on the outbound direction. The  
18 site distance is well in excess of what DDOT  
19 prescribes. They require a sight distance  
20 from the position of the driver to the area of  
21 the sidewalk of 15 feet. I think we show that  
22 we have a distance of well over 30 feet. We

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1 show approximately 35 feet.

2 As far as the operation of the  
3 alley, the alley exists. There are currently  
4 now, there are approximately 150 parking  
5 spaces being served off this alley and we have  
6 the counts. We can get to those later to show  
7 the volumes of traffic in and out of the  
8 alley.

9 Pedestrian safety is not an issue.

10 There are no sight line restrictions as we  
11 said and vehicles go in and out. The  
12 regulations which control vehicular access in  
13 the District is Title 18 which is entitled  
14 "Vehicles and Traffic." That regulation  
15 requires that if a vehicle not back into the  
16 roadway and it specifies that if a vehicle is  
17 entering, then another vehicle should yield  
18 the right of way. I think there are some  
19 factors here which contribute to making this  
20 work.

21 First of all, the people who use  
22 the alley, they would be regular users. There

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1 would be no public parking lot where you've  
2 got strangers accessing the alley, so you'd  
3 have the aspect of familiarity. You would  
4 have the aspect of driver expectation.

5 Next slides, please. I think time  
6 is slipping away. We quickly then would like  
7 to touch on the issue of the truck access.  
8 One of the things that DDOT requires is that  
9 we show a vehicle, a truck being able to  
10 access the loading space, a 30-foot loading  
11 space and we show the tracking template of a  
12 truck being able to access the garage and as  
13 Mr. Andrulis noted, the loading for us would  
14 be entirely off the public right of way in  
15 this area well over 40 feet, 43 feet at this  
16 point.

17 Next slide, please. This shows the  
18 outbound movement, again, with no restrictions  
19 in the flow. We counted in here, I think  
20 there are close to 20 dumpsters. Within here,  
21 trucks access the alley. They're generally  
22 operated by commercial driver's license

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1 holders which traffic engineering being an  
2 empirical science, we show that it's working  
3 today and it will continue to work in the  
4 future.

5 Mr. Chair, I see I have a few more  
6 minutes to wrap up?

7 CHAIRPERSON LOUD: I think that  
8 would be appropriate.

9 MR. GEORGE: We are at a little bit  
10 of a disadvantage here, but what we did during  
11 the 2006 period of presentation to the Board  
12 and in discussions with DDOT, we actually  
13 counted traffic within the alley way over a  
14 total of a 21-hour period. During that period  
15 we find several things. First of all, during  
16 the peak hours, the traffic is very heavy  
17 directional. By that I mean that during the  
18 morning peak hour, most of the traffic is  
19 heading inbound, very little traffic is  
20 heading outbound. For example, I'd like to  
21 quote a few numbers, Mr. Chairman, and this  
22 table is in our report.

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1           During the morning, for example,  
2       between 7 and 8 a.m., there are a total of 26  
3       vehicles using the alley. Of these, 22 are  
4       heading inbound, only 4 heading outbound. The  
5       incidents of conflicts are very minor.

6           During the peak hour, between 8 and  
7       9 a.m., you have pretty much the same  
8       situation applying where you've got close to  
9       70 vehicles heading inward, but only in this  
10      case we show 8 vehicles heading out towards  
11      17th Street.

12          The traffic volumes during the off-  
13      peak period when, as I said, most of the  
14      traffic from the hotel would be using the  
15      hotel is very low, generally in the range of  
16      20 to 30 vehicles per hour. So there's  
17      considerable gaps between vehicles entering or  
18      leaving and the incidents of conflicts are  
19      very minor.

20          I'd like to talk to you a little  
21      bit, Mr. Chair, on the data that we used in  
22      our study. During the period that we were

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1 preparing the final report, it was the summer  
2 months. It's preferable not to do data  
3 collection during the summer. We pointed out  
4 in our report that we factored up the 2005  
5 data by a generous 2 percent which is close to  
6 8 percent over the 4-year period to project to  
7 use the traffic, to develop the traffic that  
8 was used for our analysis.

9 We noted that we would update it if  
10 it was found necessary. We reviewed data that  
11 was provided by DDOT over the period 2002  
12 through 2007 and indeed, DDOT shows that for  
13 the surrounding streets, 17th Street, 18th  
14 Street, Massachusetts Avenue and Rhode Island  
15 Avenue, there's been either stable growth or  
16 there's been a decline. And so we actually  
17 have that information and so based on that we  
18 saw no need to update our analysis.

19 We did not provide that information  
20 specifically to DDOT, but we would be happy to  
21 do so.

22 Just briefly, I think, Mr. Chair, I

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1 can close on the issue of trip generation.  
2 There is not a good database for trip  
3 generation for boutique hotels. We therefore  
4 used the standard hotel which is typified by a  
5 suburban location, a hotel that typically has  
6 conference facilities, public attractions in  
7 terms of restaurants and meeting places and so  
8 on and the trip generation rates for such uses  
9 are indeed very, very high compared to what  
10 you'd expect for a hotel such as this one.

11 Another factor that we did not  
12 consider is the typical check-in/check-out  
13 times. For a hotel such as this, the check-in  
14 time is usually 3 o'clock in the afternoon.  
15 The check-out time is usually around midday.  
16 So you would find that there would be, as far  
17 as the trips coming into the site, most of the  
18 trips, for example, for people checking in  
19 would be in the mid to late afternoon extended  
20 into the evening.

21 Mr. Chair, I do not want to abuse  
22 the time. I trust that I will have the chance

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1 through -- to respond to questions and so I'd  
2 like to stop here. I believe I covered the  
3 key points and with that I'd like to stop.

4 CHAIRPERSON LOUD: Thank you, Mr.  
5 George. That's appreciated.

6 I think we'll see if counsel for  
7 party status has any questions and then we'll  
8 turn to the ANC and then to the Board.

9 MS. BRAY: Mr. George, did you  
10 estimate of 20 to 25 trips in a typical  
11 weekday peak hour include the trip created  
12 when a valet takes the vehicle from the front  
13 of the hotel to the parking garage?

14 MR. GEORGE: We did not layer that  
15 on to the road network and there's a reason we  
16 did not. Typically, you would not do a  
17 detailed traffic study for a use that  
18 generates less than 50 trips. That's the  
19 norm. ITE and most other jurisdictions accept  
20 this.

21 Given the conservative nature of  
22 our trip projections, we did not micro analyze

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1 the trips. So I think we noted the comment in  
2 Mr. Nelson's report and he's correct.  
3 Technically, during the morning peak hour if a  
4 valet had to go around, make a right turn onto  
5 17th Street, if indeed during the morning peak  
6 hour a valet had to leave this point, loop  
7 around 17th Street to Rhode Island Avenue and  
8 come all the way up here to Massachusetts and  
9 turn around, we would do that. But indeed,  
10 check-in time is the afternoon. So in the  
11 morning, there would be very little, if  
12 anyone, coming into the hotel. So there is  
13 such a redundancy in terms of the trips, in  
14 terms of the conservative nature of our  
15 analysis that we did not micro analyze that  
16 aspect of the projection.

17 MS. BRAY: But in fact, at any time  
18 a vehicle coming to the hotel which is valet  
19 only, the vehicle has to go back onto the road  
20 network in order to be parked?

21 MR. GEORGE: Yes, and again, a  
22 number of those trips would be via limousine,

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1 via taxi that would be drop off trips and yes,  
2 they would exit the site. But I was  
3 responding specifically to your question  
4 regarding valet service.

5 I would like to say to the Board  
6 that during most of the time the valet service  
7 would be in operation, they would have access  
8 to the alley way by turning left onto 17th  
9 Street from N Street and turning into the  
10 alley way.

11 MS. BRAY: You said that the  
12 traffic in the alley is very heavily  
13 directional in the morning most trips are  
14 coming into the alley?

15 MR. GEORGE: That's correct.

16 MS. BRAY: And in the evening most  
17 vehicles are also coming into the alley. Is  
18 that right?

19 MR. GEORGE: No, it's pretty much  
20 the reverse. In the afternoon -- we did not  
21 do a detailed survey of the users' access in  
22 the alley. They're likely to be employment

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1 users and people who work at the various  
2 buildings within the square and they would be  
3 leaving. So the dominant movement is outbound  
4 and there is some additional trips coming in,  
5 but again, the predominant movement is  
6 outbound towards 17th Street.

7 MS. BRAY: In the evening?

8 MR. GEORGE: Yes.

9 MS. BRAY: And in the morning, it's  
10 inbound?

11 MR. GEORGE: Yes.

12 MS. BRAY: Okay. Did you conduct  
13 any pedestrian counts or bicycle counts on  
14 17th Street at any point in your analysis?

15 MR. GEORGE: Yes. We looked at  
16 traffic volumes along 17th Street. The west  
17 side, if you can flip to that shows the area.  
18 Along the west sidewalk, go to the one --  
19 keep going -- okay. Keep going. Okay.  
20 Perhaps this will serve us. Yes.

21 Ms. Bailey, can you help us with  
22 the light, just briefly?

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1           Again, the alley way entrance is  
2           roughly at this point. There is a 10-foot  
3           wide sidewalk along here and we did count  
4           pedestrian volumes along this section of road.

5           MS. BRAY: And what did your counts  
6           reveal?

7           MR. GEORGE: Mr. Wang is getting  
8           the exact numbers. My recollection, they were  
9           between 200 and 250 pedestrians during any  
10          one-hour period.

11          MS. BRAY: And each of them cross  
12          that alley?

13          MR. GEORGE: Yes, that's correct.

14          MS. BRAY: Okay. Did you analyze  
15          the alley -- the intersection between the  
16          alley and 17th Street, as if it were an  
17          intersection as you did with the intersection  
18          of 17th Street and Rhode Island Avenue and  
19          17th and N?

20          MR. GEORGE: No. I would say we  
21          analyzed it. We didn't use a formal  
22          methodology. As you know, engineering as

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1 perhaps many professionals do analyses through  
2 observations and you apply engineering  
3 judgment. So there's no formal methodology  
4 using normal graphs or software so that it  
5 would analyze such a situation. It operates -  
6 - alleys are everywhere within the city.  
7 They're on every block, every square and it's  
8 typically not a requirement of DDOT or any of  
9 the agencies that I know of who focused on  
10 analysis of driveway entrances. And that's  
11 essentially what this is.

12 MS. BRAY: But in fact, it's a  
13 public alley, is it not?

14 MR. GEORGE: Yes, yes.

15 MS. BRAY: And Section 2117.4 of  
16 the zoning regulations requires that all  
17 parking spaces that are required under the  
18 zoning regulations be access via a public  
19 alley at least 10 feet in width?

20 MR. GEORGE: Yes, but I think Ms.  
21 Brady you would appreciate the 10 foot, first  
22 of all, as I pointed out earlier, the

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1 measurements that we quoted of 9'5", 9'6",  
2 9'8" is between the bollards on either end of  
3 the alley way. The actual width is probably  
4 10 feet. But I that --

5 MS. BRAY: Would you be surprised  
6 if the actual measurement between the bollards  
7 were more like 9'3"?

8 MR. GEORGE: I think it's difficult  
9 unless you use really pretty much specialized  
10 equipment to measure the distance between the  
11 bollards, but when you measure to a  
12 circumferential surface --

13 MS. BRAY: What's wrong with a tape  
14 measure?

15 MR. GEORGE: Well, I mean, I think  
16 you would get different measurements from  
17 everyone who did it. We got 10. Some of our  
18 staff got 9'6". Some got 9'8". The point I'd  
19 like to make is that it's really an academic  
20 question because even if it's ten, two  
21 vehicles could not use it. So --

22 MS. BRAY: But the regulation says

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1 it must be 10.

2 MR. GEORGE: And I'm saying that  
3 DDOT shows it as being 10.5.

4 MS. BRAY: But your measurements  
5 who it being less.

6 MR. GEORGE: Between the bollards.

7 MS. BRAY: Okay.

8 MR. GEORGE: I think the  
9 regulations are referring to the actual clear  
10 distance between the walls.

11 MS. BRAY: Your alley way usage  
12 survey conducted in 2006 generated data  
13 ranging from 49 vehicles to 213 vehicles over  
14 the three days that you collected data. In  
15 2009, and I believe you mentioned that it was  
16 21 hours worth of data in the alley?

17 MR. GEORGE: Yes.

18 MS. BRAY: In 2009, how many hours  
19 did you study the -- or how many hours did you  
20 take counts?

21 MR. GEORGE: If you would allow me  
22 to flip to that, please.

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1 (Pause.)

2 Let's see. Our 2009 report repeats  
3 the data that we had from 2006.

4 MS. BRAY: How many hours did you  
5 actually take count? Did you do it three days  
6 or did you do it one day?

7 MR. GEORGE: When?

8 MS. BRAY: In 2009.

9 MR. GEORGE: We did turning  
10 movement counts at the intersections.

11 MS. BRAY: No, I'm asking about the  
12 alley.

13 MR. GEORGE: Okay, all right, Table  
14 4 of our report which is page 14 --

15 MS. BRAY: Right.

16 MR. GEORGE: Yes, we did two hours  
17 worth of counts.

18 MS. BRAY: On one day?

19 MR. GEORGE: On one day, yes, April  
20 16, 2009.

21 MS. BRAY: And how are you able to  
22 make a determination that there has been no

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1 measurable change if you've only surveyed two  
2 hours and it's been three years since you last  
3 conducted a survey which was 21 hours in  
4 length?

5 MR. GEORGE: Well, I think  
6 interestingly, we're dealing with an  
7 established built-out area and one would not  
8 expect significant changes, so having analyzed  
9 our collected data, collected and analyzed  
10 data over a 21 hour period in 2006, we were  
11 able to now focus on just the peak hour. And  
12 I think that's a reasonable approach because  
13 we see the study as being in a continuum,  
14 continuing. And so we focused on the peak  
15 hour because that's normally the worst case  
16 scenario our situation that we would analyze.

17 MS. BRAY: How did you determine  
18 that the peak hour is the same?

19 MR. GEORGE: From the traffic  
20 counts that we did at the adjacent  
21 intersections.

22 MS. BRAY: In 2009?

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1 MR. GEORGE: Yes.

2 MS. BRAY: Okay. Were you provided  
3 with any information as you conducted your  
4 study from the Applicant or did you rely on  
5 any information regarding anticipated  
6 deliveries by truck to the hotel?

7 MR. GEORGE: That information was  
8 provided by the Applicant.

9 MS. BRAY: And how many deliveries  
10 per week are anticipated for this operation?

11 MR. GEORGE: You are asking per  
12 week, Ms. Bray?

13 MS. BRAY: Yes. Per day.

14 MR. GEORGE: We were told that it  
15 would generate, the hotel would generate  
16 between 8 and 10 deliveries of small vehicles  
17 such as FedEx and UPS, vans and so on, that  
18 would drop off within the loading area at the  
19 front of the hotel.

20 There would be perhaps one daily  
21 trash pickup through the alley and other  
22 deliveries using perhaps a 30-foot single unit

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1 truck accessing the parking space, perhaps two  
2 per day.

3 MS. BRAY: So a total of something  
4 like 13 deliveries per day?

5 MR. GEORGE: Twelve or 13.

6 MS. BRAY: Okay. And that's about  
7 80 or so per week approaching that?

8 MR. GEORGE: Multiplication, yes.

9 MS. BRAY: I went to law school so  
10 I wouldn't have to do math. Okay. Did the  
11 Applicant provide you with any details  
12 regarding the operation of its valet service?

13 MR. GEORGE: No, they've indicated  
14 that they're prepared to manage it in order to  
15 provide an effective, good quality of service  
16 to guests and I think that that is still to be  
17 worked out.

18 MS. BRAY: Do you have any estimate  
19 of how many staff members might be required?

20 MR. GEORGE: No.

21 MS. BRAY: Okay. You stated on  
22 page 20 of your report that hotel management

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1 will make application for designation of a  
2 guest vehicle or parking drop off area in the  
3 area of the hotel entrance. Is this a lay by  
4 on N Street?

5 MR. GEORGE: At the present time,  
6 the application includes a lay by and I think  
7 that would be one of the uses. The idea is  
8 that the lay by would further minimize any  
9 encroachment into the travel way and if this  
10 is granted by DDOT I think it would work well.

11 If not, I think the existing loading  
12 arrangement in front of the building, if it's  
13 properly located with DDOT's permission would  
14 also serve the use well.

15 MS. BRAY: The Board's indulgence  
16 for one moment, please.

17 (Pause.)

18 CHAIRPERSON LOUD: While you do  
19 that, Ms. Bray, I just want to check in with  
20 Mr. Keys.

21 Mr. Keys, is this your last  
22 witness?

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1 MR. KEYS: Yes, in our direct case,  
2 yes.

3 CHAIRPERSON LOUD: Direct case.  
4 Because you had indicated that a Mr. Bender, I  
5 think he was on your witness list earlier. I  
6 just wanted to --

7 MR. KEYS: I wanted to perhaps use  
8 Mr. Bender to resolve questions in rebuttal  
9 that may have come up in this case, specific  
10 questions as to the Applicant. For example,  
11 there's been a question already of the  
12 Applicant and only he can answer that.

13 CHAIRPERSON LOUD: Okay, we can  
14 cross that bridge when we get to it. I just  
15 wanted to see where we were in terms of the  
16 timing and everything, but that was sort of an  
17 intentional, it's not that witness wasn't  
18 available up until now?

19 MR. KEYS: That's correct.

20 CHAIRPERSON LOUD: Okay.

21 MS. BRAY: Mr. George, how many  
22 spaces, if any, on N Street would installation

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1 of a lay by remove? How many on-street  
2 parking spaces? You mentioned there were  
3 metered parking spaces on N.

4 MR. GEORGE: There is a designated  
5 loading zone, no parking zone which straddles  
6 the west boundary of the subject property and  
7 the adjacent office building. That's 75 feet.

8 So that takes up roughly three parking  
9 spaces. A loading zone typically as approved  
10 by DDOT would be between 30 and 40 feet, so it  
11 would be between one and two spaces.

12 MS. BRAY: But the lay by that  
13 you're proposing it's not only in the area  
14 that's currently designated for loading, is  
15 it?

16 MR. GEORGE: I would defer to Mr.  
17 Andrulis. That was part of his presentation  
18 and I would defer to him on the matter of the  
19 lay by.

20 MS. BRAY: Did you do any study of  
21 parking utilization rates on N Street as part  
22 of your traffic impact analysis?

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1 MR. GEORGE: Yes.

2 MS. BRAY: What were your findings?

3 MR. GEORGE: The parking, the  
4 metered parking was very heavily utilized. I  
5 don't know if you want the actual numbers.  
6 There are 50 spaces and let's see here --

7 MS. BRAY: Okay. On Exhibit 2 of  
8 your report which I believe you showed in your  
9 PowerPoint, you show an area within --  
10 directly in front of the N Street Follies  
11 property that shows six on-street parking  
12 spaces in yellow?

13 MR. GEORGE: Yes.

14 MS. BRAY: Is the lay by going to  
15 extend into any portion of that, those six  
16 spaces or will it be in front of the UAW  
17 building?

18 MR. GEORGE: Ms. Bray, I'll tell  
19 you, I didn't pay much attention doing the  
20 analysis with respect to the lay by. That was  
21 something that was in flux. And it's not  
22 something that we analyzed or paid close

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1 attention to at all.

2 MS. BRAY: How then are you able to  
3 conclude that the installation of a lay by  
4 would allow for metered flow of traffic into  
5 the alley which would not create objectionable  
6 conditions relating to traffic if you didn't  
7 analyze it at all?

8 MR. GEORGE: What we're saying is  
9 that if there is a place in front of the hotel  
10 where vehicles are allowed to park for for a  
11 brief period of time, which I think is the  
12 case in most hotels, a guest can park and go  
13 in to check in or something like that or make  
14 inquiries for a brief period of time, usually  
15 10 to 15 minutes. We're saying that this  
16 would support, if you have an area that can  
17 allow for up to two, let's say vehicles to be  
18 parked at any one time, it would allow the  
19 valet operations to take place. They wouldn't  
20 have to double park their vehicles. They  
21 would have to park the vehicles and retrieve  
22 them and so on.

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1 MS. BRAY: Thank you.

2 MR. GEORGE: Yes.

3 MS. BRAY: Nothing further.

4 CHAIRPERSON LOUD: Does  
5 Commissioner Silverstein have any questions  
6 for this witness?

7 MR. SILVERSTEIN: Yes, I do. Mr.  
8 George, the names Amanda Mankhe and Alice  
9 Swanson are very much burned into our souls.

10 MR. GEORGE: Can you say the names  
11 again, please?

12 MR. SILVERSTEIN: Amanda Mankhe who  
13 was nailed by a Metro bus within our ANC weeks  
14 ago and Alice Swanson who was killed on her  
15 bicycle and we are extremely concerned about  
16 pedestrian safety and bicycle safety.

17 The numbers that you gave during  
18 rush hour and this was in February? This was  
19 in the middle of the winter, 600 people  
20 walking southbound?

21 MR. GEORGE: No, I said between 200  
22 and 250.

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1 MR. SILVERSTEIN: From 7 a.m. to 11  
2 a.m.?

3 MR. GEORGE: No, during one hour.  
4 Yes, the total numbers from -- I got a copy of  
5 a report. Yes, over the four-hour period,  
6 yes, yes, over the four-hour period  
7 southbound, there was 600 people, an average  
8 of 150 per hour.

9 MR. SILVERSTEIN: And it would be  
10 fair to say that in the summer, spring and  
11 fall, that number would be greater than you  
12 would find in the winter?

13 MR. GEORGE: I think that's  
14 possibly true.

15 MR. SILVERSTEIN: Is it fair to say  
16 that we have a higher concentration of people  
17 in the area now than we did four years ago and  
18 probably have more people walking just from my  
19 own personal observation on a daily basis?  
20 Few people driving, more people walking?

21 MR. GEORGE: I think there are a  
22 lot of people walking on the sidewalks and

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1 most of the streets in downtown, DDOT has  
2 regulations, the city has regulations  
3 requiring that vehicles give right of way to  
4 pedestrians. I think DDOT conducts studies to  
5 make sure that proper signage, pavement  
6 markings, visibility, adequate sight lines are  
7 available and they recently developed a new  
8 master plan, pedestrian master plan. So I  
9 think the issue of pedestrian flow within the  
10 city is one that is constantly on the mind of  
11 the planning officials that I speak to.

12 MR. SILVERSTEIN: One of the  
13 remarkable things about 17th Street, it's  
14 somewhat of an anomaly. It seems from  
15 observation as many people walking as you have  
16 riding in cars during rush hour.

17 MR. GEORGE: Yes.

18 MR. SILVERSTEIN: Walking to work  
19 because they're within walking distance of so  
20 many offices that pedestrian safety here is  
21 perhaps even more important than automobile  
22 safety.

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1 MR. GEORGE: Yes. I agree with you  
2 that pedestrian safety is important.

3 MR. SILVERSTEIN: Nothing further.

4 CHAIRPERSON LOUD: Thank you,  
5 Commissioner.

6 Board Members, are there any  
7 questions for Mr. George?

8 MEMBER DETTMAN: Mr. George, it  
9 seems to me that during the times you said  
10 that check in is usually going to be around  
11 what time later on?

12 MR. GEORGE: The typical hotel  
13 check in time based on my experience and from  
14 my inquiries to the Applicant is in the late  
15 afternoon, between 2 and 3 o'clock.

16 MEMBER DETTMAN: And check out?

17 MR. GEORGE: Is typically between  
18 11 o'clock and noon.

19 MEMBER DETTMAN: Did you consider  
20 the fact that at the times where your guests  
21 are going to be leaving is the same exact time  
22 where it looks like based on your alley

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1 survey, the majority of the traffic is coming  
2 in and the conflict because it's a one-way  
3 direction?

4 MR. GEORGE: In the afternoon, you  
5 said most of the traffic would be coming in?

6 MEMBER DETTMAN: Sure. It looks  
7 like in the morning when people are wanting to  
8 leave the hotel, it's the same time where most  
9 of the people who work in that area are trying  
10 to get into the alley. And is there a  
11 conflict there?

12 MR. GEORGE: Well, I think the peak  
13 hour occurs between 8 and 9 in the morning.  
14 That's the typical commuter peak so to speak.

15 And I think that wouldn't be the peak arrival  
16 people for the hotel.

17 MEMBER DETTMAN: I'm just looking  
18 at page 14 of your study and it says  
19 "projected hotel usage in the alley way will  
20 generate primarily during the check out  
21 between 7 and 11."

22 MR. GEORGE: Yes.

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1                   MEMBER DETTMAN:   And the peak hour  
2                   for the alley is 8 to 9.

3                   MR. GEORGE:   Yes.

4                   MEMBER DETTMAN:   So it looks to me  
5                   like there's a potential conflict there where  
6                   people want to get out when a lot of people  
7                   want to get in and kind of what kind of  
8                   condition is that going to create at the  
9                   sidewalk?

10                  MR. GEORGE:   At the sidewalk, yes.

11                  I would answer this way, Mr. Dettman.   I  
12                  think what we're showing is that during the  
13                  peak hour conservatively, very conservatively  
14                  I would say, you're probably talking about 20  
15                  vehicles.   In actual fact, when you consider  
16                  the likelihood of the favorable mode split  
17                  with a number of people using taxis and  
18                  perhaps being picked up by a limousines and  
19                  business associates and so on, most of that  
20                  traffic won't, in fact, use the alley at all.

21                  I think when we used those numbers  
22                  we were severely constrained.       ITE Trip

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1       Generation Manual is pretty much the bible as  
2       far as traffic projections and having nothing  
3       else solid to use, we relied on that. I would  
4       also like to refer you to the survey that we  
5       did of the Topaz Hotel which is a comparably-  
6       sized hotel, 99 rooms, I think 40 or 44  
7       spaces. They actually showed that during the  
8       peak hours you had only 11 vehicles. So  
9       again, I would just underscore it and perhaps  
10      I take blame that we did not micro analyze the  
11      numbers. They were so small and in my opinion  
12      the facts sort of speak for themselves, the  
13      operational aspects of the hotel, the modal  
14      splits that are likely to happen, that indeed  
15      we show this as an absolute worst case  
16      scenario using the ITE rates. But we're  
17      talking about very little traffic and  
18      particularly during the morning peak hour that  
19      you cite. You would not have those conflicts  
20      due to people leaving between 8 and 9 in the  
21      morning.

22                   MEMBER DETTMAN:     You relied upon

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1       ITE and you're saying that the trips that you  
2       came up with is perhaps a little bit inflated?

3               MR. GEORGE:   Yes.

4               MEMBER DETTMAN:   Because they rely  
5       upon suburban areas.   Would you happen to know  
6       if the Applicant at all considered using a  
7       commercial garage that exists within the area.

8       I think one of your diagrams identified four  
9       commercial parking garages already existing in  
10      the neighborhood that perhaps your valets  
11      could just put it in a nearby parking garage  
12      instead of routing traffic into the alley?

13              MR. GEORGE:    I believe in one  
14      iteration that was a factor, if we can pull to  
15      that exhibit.   There was a garage, a public  
16      garage right at this point when we did the  
17      analysis in 2006.   That building, entire  
18      office building was recently I think taken  
19      over, is what I would use, by the World Bank  
20      including the parking.   That's no longer  
21      available.   So in fact, there is a dearth of  
22      parking now.   There's one small parking garage

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1 down into the alley here, 150 spaces. There's  
2 one public parking garage up on 18th Street.  
3 We made generalized inquiries, but I don't  
4 think there's much availability in terms of  
5 spaces.

6 So those are the -- we did show one  
7 parking garage here. That no longer exists.  
8 There's one here at 150. I'm not sure I can  
9 quote the exact capacity of that one, but I  
10 think if anything it demonstrates there's a  
11 dearth of parking within the area right now  
12 due to the recent changes.

13 MEMBER DETTMAN: Okay, that's all  
14 the questions I had, Mr. Chair.

15 MEMBER MOLDENHAUER: You and both  
16 Mr. -- I'm sorry, I forgot his name, the  
17 architect, both mentioned the issue of metered  
18 parking, a large number of metered parking on  
19 N Street. Did your analysis take into  
20 consideration any guests or visitors to the  
21 hotel actually parking on the street or  
22 potentially circling around to try to

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1 especially in this current economy save money  
2 on valet parking?

3 MR. GEORGE: We did not discuss  
4 that. I don't believe that the Applicant has  
5 informed us whether or not the valet parking  
6 would be free or whether there would be a  
7 charge for it. So we did not consider that as  
8 far as any impacts on the parking availability  
9 within the block.

10 MEMBER MOLDENHAUER: Mr. Keys,  
11 maybe that's something that your additional  
12 witness could provide some information on,  
13 some insight.

14 Additionally, in the trip  
15 calculation, you calculated that based on the  
16 ITE evaluation for hotel, you said, in a  
17 residential area or in a suburban area?

18 MR. GEORGE: Suburban.

19 MEMBER MOLDENHAUER: Did it also  
20 take into consideration, I guess, the three or  
21 four meeting rooms and potential events that  
22 could occur at the hotel?

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1                   MR. GEORGE:    Yes, ITE notes that  
2                   the typical hotel site would have a restaurant  
3                   to have meeting rooms.   In fact, it assumes  
4                   that they would have conference, convention-  
5                   type facilities.   So that's part of the over-  
6                   estimation which I keep referring to.

7                   MEMBER        MOLDENHAUER:           And  
8                   considering all those different types of  
9                   things, that was still about 20 to 25 trips a  
10                  day?

11                  MR. GEORGE:   Yes, given the number  
12                  of rooms, yes.

13                  MEMBER        MOLDENHAUER:       Go ahead,  
14                  finish.

15                  MR. GEORGE:    Yes, we took the  
16                  actually ITE rate and we applied a 25 percent  
17                  reduction factor which we think was very  
18                  nominal, but we preferred to keep it at that  
19                  and make sure we simulate the worst case  
20                  scenario.

21                  MEMBER        MOLDENHAUER:    Did you work  
22                  at all with -- I know you worked with DDOT on

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1 the specific issue with DDOT in regards to  
2 traffic flow coming in or out of 17th Street  
3 in regards to -- you do reference on the last  
4 page of your report creating a management plan  
5 for trip generation, but for the valet  
6 service. Did you talk with them at all about  
7 making sure that everybody took a right down  
8 17th Street so there wasn't the issue of  
9 creating an intersection as Ms. Bray stated  
10 earlier?

11 MR. GEORGE: A right turn?

12 MEMBER MOLDENHAUER: To only permit  
13 right turns out of the alley down 17th, right  
14 turn only. During non-peak hours you can take  
15 both a right or a left, but then you'd be  
16 having to cut across traffic.

17 MR. GEORGE: Yes.

18 MEMBER MOLDENHAUER: So I'm asking  
19 about some part of your analysis to try to  
20 determine or did DDOT talk to you about maybe  
21 only wanting to require only a right-hand turn  
22 out of that alley way to keep traffic flow

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1 moving?

2 MR. GEORGE: That issue did not  
3 come up, Ms. Moldenhauer. I think the reason  
4 is that as I said and I can reiterate, that  
5 section of 17th Street is a relatively quiet  
6 zone. The reason is that 17th Street comes  
7 down from the north and most of the  
8 significant turns east and west onto  
9 Massachusetts Avenue which is a major  
10 arterial. And so compared to let's say the  
11 sections north of Massachusetts are south of  
12 Rhode Island. This is a relatively quiet two-  
13 block area and I would not see any  
14 justification for it.

15 On average, during the off-peak  
16 hours, vehicles can make a turn very easily  
17 because there are very few vehicles going in  
18 either direction along 17th Street. And I  
19 would just point out if you can flip to  
20 another one that shows the entire square, yes,  
21 at the very beginning, keep going. Okay, go  
22 back. Yes, this shows the entire situation,

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1 Ms. Moldenhauer from Massachusetts Avenue to  
2 Rhode Island Avenue and you do have  
3 essentially the same thing here. I would  
4 maintain that this year between these two  
5 major east-west arteries you have a relatively  
6 quiet zone where those turns are made without  
7 any problem.

8 We looked at crash rates or  
9 accident rates for this location and of course  
10 any single crash or accident is too many, but  
11 over the three-year period at either of these  
12 intersections, we had perhaps three or four  
13 crashes, between four and six I think they  
14 were during any one year. So there's nothing  
15 within the accident statistics or the traffic  
16 volumes that suggests that isn't needed at  
17 all.

18 MEMBER MOLDENHAUER: And my one  
19 last question is what is the size of the -- I  
20 guess it's not an alley, it's a private access  
21 off of 18th Street?

22 MR. GEORGE: At which point?

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1                   MEMBER MOLDENHAUER:       That point  
2 right there, yes.

3                   MR. GEORGE:    I do not know.   I do  
4 not know.   Perhaps Mr. Andrulis as part of his  
5 land use inventory might have determined that.  
6       I do not know.   As far as I know, there's not  
7 a connection to it at the present time and I  
8 just don't know.

9                   MEMBER MOLDENHAUER:       So   it's  
10 blocked off by some sort of gate?

11                  Maybe       this       is       additional  
12 information that the Applicant can answer at a  
13 later time.

14                  MR. GEORGE:   Yes.

15                  MEMBER MOLDENHAUER:   Thank you.

16                  MEMBER DETTMAN:   Mr. George, do you  
17 know if the Applicant intends on using the  
18 meeting facilities for non-hotel guests?

19                  MR. GEORGE:   No, I do not.

20                  MEMBER DETTMAN:       I'm wondering  
21 what's going to happen along the curb, absent  
22 a lay by, so you have parking in front of the

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1 hotel and someone wants to check in, they're  
2 going to have to stand, essentially double  
3 park, right, to get their luggage out, to wait  
4 for the valet to come out and grab the car?

5 MR. GEORGE: I understand the plan  
6 is to seek a loading zone which permits  
7 vehicles to park temporarily for guests  
8 registering at the hotel and the understanding  
9 is that the hotel management would put in  
10 place that valet service which would make sure  
11 that that operates sufficiently. It's a  
12 violation to double park and I assume that the  
13 Applicant would adhere to that.

14 MR. KEYS: Mr. George, why don't  
15 you make reference to the current situation  
16 for both the Tabard Hotel and the Topaz Hotel  
17 with regard to street situations? I think  
18 your diagram explains that.

19 MR. GEORGE: With respect to the  
20 Tabard Inn, just one moment. With respect to  
21 the Tabard Inn, there is a loading zone with a  
22 15-minute usage allowed for hotel guests.

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1 That's what our inventory shows. And there's  
2 the same thing which applies for the Topaz  
3 Hotel. There's also one taxi stand within the  
4 vicinity that I think could effectively or  
5 does effectively service both hotels. But  
6 their loading zones with guest parking for  
7 both period is permitted, 10 to 15 minutes. I  
8 would envision the same thing would apply  
9 here.

10 MEMBER DETTMAN: And while you were  
11 studying what was going on on the curb on N  
12 Street, did those two loading areas operate as  
13 they're supposed to?

14 MR. GEORGE: I cannot say specific  
15 to that. We look primarily at the parking  
16 spaces. We perhaps have field notes that I  
17 could review and respond to that later, Mr.  
18 Dettman, if that's all right with you.

19 MEMBER DETTMAN: Okay, well, the  
20 loading area that you anticipate having in  
21 front of this hotel, that would be used by  
22 FedEx trucks, by larger buses dropping off

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1 guests, passenger vehicles for individual  
2 guests. Is that right?

3 MR. GEORGE: Yes. I think it would  
4 depend on what is finally approved by DDOT.  
5 We have not gotten to that stage yet, but as I  
6 said, typically up to a 40 foot loading zone  
7 would be applied for. The one that's there is  
8 75 feet and that would allow for buses. There  
9 would be some issue with respect to buses  
10 because as you know they would be on the wrong  
11 side of the road, so there would be  
12 operational issues that will have to be  
13 considered.

14 CHAIRPERSON LOUD: Okay, we are now  
15 at about 4:30. I think that's the final  
16 witness of the Applicant and then I wanted to  
17 take, with the consent of the Board Members  
18 here and the support of Office of Planning and  
19 DDOT, take ourselves out of order to get the  
20 party status opponents witnesses here so that  
21 we can get as much of that testimony on the  
22 record before we break for today as we can.

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1                   MR. KEYS: Mr. Chairman, I have two  
2 brief questions for Mr. George.

3                   CHAIRPERSON LOUD: Yes. Let me  
4 just add one quick question for him and then  
5 you can  
6 -- we can move to the redirect and then move  
7 into the party status Applicant's case.

8                   With respect to your presence here  
9 today, Mr. George, you are an expert witness,  
10 so you're not a fact witness in terms of  
11 offering personal observations, but it's more  
12 expertise within your field.

13                  MR. GEORGE: Sure.

14                  CHAIRPERSON LOUD: And having been  
15 qualified I think as a traffic consultant  
16 expert. Do you have an opinion on the width  
17 of the alley at 17th and N Street?

18                  MR. GEORGE: An opinion as to its  
19 operational feasibility?

20                  CHAIRPERSON LOUD: As to its width.  
21 I'm assuming you'd have to know the width to  
22 make some assessments and judgments about its

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1 operational capacity.

2 MR. GEORGE: Yes. I would say, Mr.  
3 Chairman, that traffic engineering is largely  
4 an empirical science. You observe what works.

5 This is a historic area. That alley has been  
6 operating there for quite a long time. I've  
7 shown the Board that immediately to the south  
8 on a block that could arguably be even more  
9 active, which includes the St. Matthew's  
10 cathedral, the YMCA, you have an alley way  
11 that is even narrower. We brought one more  
12 trophy. We go through the last one and --

13 CHAIRPERSON LOUD: Just before you  
14 do that, it's a real, sort of direct blinders  
15 on kind of question. Do you have an opinion  
16 on the width of that alley at 17th and N  
17 Street?

18 MR. GEORGE: At 17th and N?

19 CHAIRPERSON LOUD: Yes, sir.

20 MR. GEORGE: Okay, I would say it  
21 meets DDOT standards, design standards which  
22 says that an alley way can be as little as

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1 eight feet in width.

2 As to whether it works, I would  
3 rely on the fact that it has been working.  
4 We've observed it working many times over the  
5 past three years. We have observed limited  
6 situations when there are conflicts and as I  
7 said earlier, there are a number of factors  
8 that support its working.

9 CHAIRPERSON LOUD: I'm not trying  
10 to trip you up or trap you, but we're going to  
11 look at a record that's been positioned  
12 advance regarding Section 2117.4 and I'm just  
13 trying -- when I get back and start reviewing  
14 the record and looking at it, I want to be  
15 really clear as to whether you testified that  
16 you think the alley is 10 feet 6 inches,  
17 according to the sign that you had displayed  
18 in your presentation, you think it's less than  
19 that or you don't have an opinion at all  
20 regarding that.

21 MR. GEORGE: I'm sorry. Mr. Chair,  
22 we show that we measured it at 9 feet 10

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1 inches.

2 CHAIRPERSON LOUD: Okay.

3 MR. GEORGE: That was our  
4 measurement.

5 CHAIRPERSON LOUD: Thank you.

6 MR. KEYS: Your measurement of  
7 what, Mr. George?

8 MR. GEORGE: The distance between  
9 the internal edge of surface of the bollards.

10 MR. KEYS: Not the alley width.  
11 And I think the Chairman was asking you about  
12 the alley width.

13 MR. GEORGE: The alley width, we  
14 did not measure it.

15 MR. KEYS: Would you suspect that  
16 the full alley width is wider than the  
17 measurement between the two bollards?

18 MR. GEORGE: Yes.

19 CHAIRPERSON LOUD: Thank you. I  
20 believe he answered my question.

21 Now we can turn to you for the  
22 redirect or rehab of the witness.

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1                   MR. KEYS:       Very briefly, Mr.  
2 Chairman.

3                   CHAIRPERSON LOUD:   Okay.

4                   MR. KEYS:   Mr. George, you measured  
5 the usage of the alley at peak hours in 2006?

6                   MR. GEORGE:   Yes.

7                   MR. KEYS:   And you also measured  
8 the peak hour utilization in 2009, did you  
9 not?

10                  MR. GEORGE:   Yes, that's correct.

11                  MR. KEYS:   Did you see a difference  
12 in the peak hour utilization of the alley  
13 between those three years?

14                  MR. GEORGE:   Yes.   We measured it  
15 two times in 2006, in January and February.  
16 And again in April of this year.   There's been  
17 a noticeable drop in the number of vehicles  
18 using the alley both inbound and outbound.

19                  MR. KEYS:   Thank you, Mr. George.  
20 And with respect to the safety of the alley,  
21 can you speak to the considerations that would  
22 diminish your concern about pedestrian-vehicle

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1 conflicts at the mouth of the alley? How does  
2 the alley operate in terms of vehicle  
3 movement, speed of vehicles, the width of the  
4 alley in relation to how vehicles move?

5 MR. GEORGE: Most alleys in the  
6 District are posted for between 10 and 15  
7 miles per hour. There's not a posted speed  
8 within this alley according to my  
9 recollection. My observation is that  
10 particularly at the east end of the alley,  
11 vehicles travel very slowly and I would say  
12 that allows them to be able to observe, see  
13 the situation as far as pedestrians crossing  
14 the sidewalk, as far as oncoming vehicles.  
15 There are no restrictions and so I think the  
16 speeds and the available sight distance allows  
17 for efficient and safe operation.

18 MR. KEYS: So in this sense, the  
19 narrowness of the alley at the entrance really  
20 is a factor that operates toward safety?

21 MR. GEORGE: To the extent that it  
22 slows traffic down, I think it does.

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1                   MR. KEYS:   Thank you.   Thank you,  
2                   Mr. Chairman.

3                   CHAIRPERSON LOUD:   Thank you, Mr.  
4                   Keys.

5                   I think we'll now turn to the party  
6                   status, Tabard, for the presentation. We are  
7                   going a little bit out of order and I think,  
8                   at least from my vantage point, I'll be able  
9                   to go until 5:30 today, so as much as the  
10                  record that we can get, we're going to try to  
11                  do that.

12                  MS. BRAY:   Chairman Loud, might I  
13                  suggest that the ANC go as planned? I know  
14                  Mr. Silverstein has been waiting here for  
15                  quite a long time, so have we, but I believe  
16                  he has a very short presentation.

17                  CHAIRPERSON LOUD:   Okay.

18                  MR. SILVERSTEIN:   Thank you. I'll  
19                  be very brief. I thank counsel for the  
20                  Tabard, I thank the Chair, and I'm going to  
21                  truncate my testimony.

22                  Mr. Chairman, Members of the Board,

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1 good afternoon. My name is Mike Silverstein.

2 I'm chairman of the Dupont Circle Advisory  
3 Neighborhood Commission 2B. I live at 20th  
4 and N, barely two blocks from the properties  
5 we're discussing.

6 This is going to be an emotional  
7 issue for you. It's King Solomon who teaches  
8 us to everything there is a season and a time  
9 to every purpose under heaven, among them a  
10 time to love and a time to hate; a time of war  
11 and a time of peace. There has been so much  
12 hatred back and forth over plans for the N  
13 Street properties and there's been a 20 years'  
14 war in our neighborhood since Mr. Bender  
15 purchased these properties under the name N  
16 Street Follies back in 1988. Now comes before  
17 us an opportunity and perhaps the time to end  
18 that 20 years' war, a time for peace.

19 The proposal as set forth by N  
20 Street Follies represents a major step forward  
21 in addressing the concerns of our neighborhood  
22 and for the first time we might be able to see

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1 the outlines of a settlement. This is good  
2 and great news.

3 I want to quote from our letter to  
4 you and this is also the position of the  
5 Dupont Circle Conservancy, "whereas the  
6 current design represents a great improvement  
7 and significant reduction in massing from the  
8 previously submitted design, and maintains the  
9 historic appearance of the N Street facade.  
10 These are terrific steps forward." This is  
11 good and great news. But there are still  
12 several areas where we believe the proposal  
13 must be revised. We refer to these in our  
14 letter to Chairman Loud and in our unanimous  
15 resolution urging two changes before allowing  
16 the project to move forward.

17 Mr. Andrulis has referred to the  
18 Dupont Circle Overlay and to Chapter 1501.4(a)  
19 of the D.C. Municipal Regs which speak to the  
20 Overlay and to the fact that it is there to  
21 ensure a general compatibility in the scale of  
22 new buildings with the older low-scale

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1 buildings by restricting the maximum permitted  
2 height, floor area ratio. But there's also  
3 1501.4(e) and this is very brief, very simple,  
4 and very important. "To preserve areas  
5 planned as open gardens and backyards and  
6 protect the light, air, and privacy that they  
7 provide."

8 We point out that this provision  
9 applies to the neighboring properties as well  
10 as to the properties in the application. So  
11 the rear area of the Follies property must  
12 permit adequate light and air and privacy for  
13 the historic rear garden of the Tabard Inn.  
14 If we're going to allow them to build back  
15 there toward the rear property line, we simply  
16 cannot overlook the impact of that wall above  
17 that historic garden. How would this affect  
18 the light, air, and privacy and negatively  
19 impact on the Tabard Inn?

20 Now that garden is a signature  
21 feature of the Tabard Inn. It's been in  
22 operation since 1924. Washingtonians and

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1 visitors to our city have enjoyed hundreds of  
2 thousands of breakfasts, lunches, brunches,  
3 and dinners in that garden and I would think  
4 that most of us in this room have. And there  
5 must be some consideration of some sort of  
6 additional setback or more gradual increase in  
7 height so as not to damage this precious jewel  
8 that we in our neighborhood treasure.

9           There's a second issue and that's  
10 parking. Mr. Chairman, we agree with DDOT and  
11 your staff report that the request for now 58  
12 parking spaces, though certainly better than  
13 98, far exceeds what the alley behind the  
14 property can handle because the entrance to  
15 that alley is that natural bottleneck that's  
16 only wide enough for one car. And just  
17 because it's worked with a very small amount  
18 of usage doesn't mean that that alley way is  
19 going to work as we increase the number of  
20 cars.

21           We don't see anything magical about  
22 the number 31, other than that it's the

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1 existing number of spaces in the DDOT report  
2 of 2006 or 2007. If a final compromise allows  
3 for a few more and results in a greater  
4 setback in what is to be built adjacent to the  
5 garden of the Tabard Inn, we'll live with that  
6 to get things done.

7 I took a look at the proposal, the  
8 parking proposal, and I noticed on it we're  
9 looking at 12 parking spaces on the first  
10 level; 23 on the second level; 23 on the  
11 third. Skip the third. You've got two  
12 levels, 35 spaces. That's awfully close to  
13 the 31, better than the 19 that's required,  
14 more than the 19 that's required. That might  
15 be some way of splitting the difference and  
16 making this thing move forward.

17 Mr. Chairman, this is a time for  
18 peace. This war in our neighborhood has  
19 dragged on far too long. We are all much  
20 older than we were when it started and I hope  
21 we are wiser because none of us is getting any  
22 younger. We all want to live to see these

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1 buildings brought back to life after sleeping  
2 for 20 years. We want to see them restored to  
3 their exceptional beauty and protected and  
4 cared for as treasured historic structures.  
5 But the law requires we do no harm to the  
6 neighboring historic structures.

7           The outlines of a final workable  
8 compromise now appear before us. The  
9 proposal, as presented, but with some sort of  
10 height setback in the rear next to the Tabard  
11 Inn garden and with fewer parking spaces or  
12 possibly a few more than 31, but nowhere near  
13 58.

14           Mr. Cohen, Mr. Bender, and I have  
15 recently celebrated the New Year of the  
16 biblical calendar. Let it be at long last in  
17 our neighborhood, shanash shalom, a year of  
18 peace.

19           I ask you, Mr. Chairman, and I ask  
20 the Board Members to help broker that peace.  
21 It is on the horizon and if I may close these  
22 remarks with a note from the New Testament,

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1 "And I say this to you, blessed be the  
2 peacemakers for they shall be called the  
3 children of God." Let's end this war. Let's  
4 get it done.

5 CHAIRPERSON LOUD: Thank you,  
6 Commissioner Silverstein for your very  
7 eloquent testimony.

8 Just let me ask one quick follow-up  
9 question. And this sort of in the spirit of  
10 the peacemaking references in your testimony.

11 Were the project capped at 35 parking spaces,  
12 the two floors you talked about and I'm not  
13 saying it would be, but were it capped at that  
14 and the issue of the setback for the wall that  
15 will be blocking or allegedly blocking the  
16 light on the neighbor's patio, were those  
17 issues resolved, would the ANC have any issues  
18 with respect to whether or not a variance  
19 would be required under Section 2117.4 or has  
20 the peacemaking come far enough in the 20  
21 years of this discord that that would not --  
22 the ANC would not latch on to that as yet

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1 another way to hold this project in abeyance?

2 MR. SILVERSTEIN: If we had our  
3 druthers, we would just move heaven and earth  
4 to make this a residential property. But we  
5 don't have our druthers here. This battle has  
6 gone on so long and we fear for the structures  
7 over time. They simply cannot sit there  
8 vacant forever.

9 I can speak for what my ANC has  
10 said and that is that if we take care of these  
11 particular issues, that if we care for the  
12 parking, limit it, that if we protect the  
13 garden and do little, as little harm as  
14 possible, no harm to the Tabard Inn, then our  
15 objections as we have stated there would be  
16 removed. I cannot tell you what my fellow  
17 Commissioners would vote in the future. I can  
18 tell you what they have said and if those are  
19 met, I assume that we would support it.

20 CHAIRPERSON LOUD: Thank you again.  
21 Let's see if there are questions from the  
22 Board Members or from the parties. None from

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1 Ms. Bray.

2 Mr. Keys? Okay.

3 Thank you. We appreciate that.

4 And why don't we move to Tabard Inn.

5 MS. BRAY: Mr. Chairman, I'm going  
6 to make another suggestion, if I will. I've  
7 spoken to my client who despite having all of  
8 his experts assembled all day, he has  
9 suggested that there are several other local  
10 citizens groups that are here wishing to  
11 testify that are not affiliated with our  
12 presentation. I frankly don't know whether  
13 they're all for or against, but in the  
14 interest of the limited amount of time that we  
15 have left, perhaps we could get them on the  
16 record before the Tabard goes into its  
17 presentation since we're not going to have  
18 time to complete our presentation today.

19 CHAIRPERSON LOUD: I think in the  
20 spirit of Solomon that's a wise suggestion,  
21 particularly since these witnesses would be  
22 allowed three minutes. As I understand it,

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1       they're not party witnesses. They're either  
2       witnesses for or against the project. So  
3       barring some deep concerns by the Board  
4       Members, we'll do that. By show of hands  
5       though can I get a sense of the persons in the  
6       -- okay, there appear to be two.

7               Are either or both of you for the  
8       project or against the project? Okay, why  
9       don't you step forward to the microphone,  
10      introduce yourselves. We're going a bit out  
11      of order at the very wise suggestion of Ms.  
12      Bray. And so we're taking now witnesses that  
13      are opposed to the project. And under our  
14      rules, we're going to ask Ms. Bailey to set  
15      the clock. You will be given three minutes to  
16      state your opposition to the project.

17             Why don't you begin by introducing  
18      yourself. Good afternoon, and thank you for  
19      your patience.

20             MR. BUSCH: Good afternoon, Mr.  
21      Chairman, and Members of the Board. My name  
22      is Richard Busch and I'm here representing the

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1 Dupont Circle Conservancy.

2 We are a 501(c)(3), all volunteer,  
3 neighborhood organization that watches over  
4 the historic and architectural character of  
5 the Dupont Circle Historic District. And what  
6 we do is review projects and issues that come  
7 before us, make recommendations, generally to  
8 the City's Historic Preservation Review Board  
9 and they weigh and assess them and that's how  
10 we play our role in the community.

11 We heard this project at our  
12 September meeting and developed the following  
13 resolution, and I think it's a resolution in  
14 favor of the project and that is, or in favor  
15 of the Applicant's proposal. The Conservancy  
16 appreciates the preservation of the historic  
17 buildings almost in their entirety, as well as  
18 that of the massing of the proposed new  
19 addition, the way that's set back from the  
20 existing N Street facades, so that it's not  
21 visible from N Street. We recommend greater  
22 articulation of the alley facade of the

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1 proposed addition as a way to help reduce its  
2 visual presence, and finally, we appreciate  
3 the design of the east wall of the proposed  
4 addition in an effort to respect the historic  
5 fabric of nearby properties, but we would like  
6 to see greater transparency in that design.

7 Thank you.

8 CHAIRPERSON LOUD: Thank you, Mr.  
9 Busch, and appreciate again your patience.

10 And to your left , we have? I'm  
11 sorry, is there a question?

12 MEMBER MOLDENHAUER: I'm sorry. By  
13 greater transparency, do you mean more  
14 openings in the brick wall? I just want to  
15 make sure I understand exactly what you're  
16 saying.

17 MR. BUSCH: We do. And we said it  
18 in a general sense because we believe that the  
19 architectural team can take it from there and  
20 come up with perhaps several alternatives on  
21 how that might be handled.

22 MEMBER MOLDENHAUER: Thank you. I

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1 just wanted to make sure that was clear.

2 MEMBER DETTMAN: Mr. Busch, were  
3 you reading from something that you might be  
4 able to provide for the record?

5 MR. BUSCH: Yes, and I did provide  
6 it a week and a half ago to Mr. Nero and he  
7 said it would be in your package.

8 CHAIRPERSON LOUD: If you have,  
9 perhaps, extra copies. If not, don't worry  
10 about it. I think we'll be able to get  
11 copies.

12 Okay.

13 MS. ECKLES: Mr. Loud, colleagues,  
14 ladies and gentlemen, my name is Catherine A.  
15 Eckles. I'm an owner-dweller at 1524 T  
16 Street, N.W. since November 1973. I'm here as  
17 the chair of the Residential Action Coalition,  
18 RAC, to oppose the relief being sought in this  
19 case.

20 This is a consistent position we've  
21 always taken and I've attached my testimony of  
22 an earlier statement. I am going to reduce my

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1 testimony because I think it's been covered  
2 elsewhere.

3 I'll go as follows. This proposed  
4 hotel goes against all the city's regulations  
5 for this special purpose area of Dupont  
6 Circle. The recently passed Comprehensive  
7 Plan mandates that in-fill developments are  
8 architecturally compatible (Policy NNW 1.1.1).

9 These distinguished row houses in the  
10 Historic District will suffer the destruction  
11 of parts of three of the buildings and the  
12 closing between the two rows. I won't go far  
13 on that. I think that's been testified.

14 Policy H-2.2.1 of the plan states  
15 "discourage the conversion of viable quality  
16 housing units to non-resident uses such as  
17 office and hotels. Ensure that zoning  
18 regulations provide sufficient protection to  
19 avoid the loss of housing in this manner.  
20 There were permanent residents in these row  
21 houses until they were evicted by the present  
22 owners who have chosen to leave the buildings

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1     tenantless and empty for nearly a decade. The  
2     block of N Street has no residents left. The  
3     surging demand for housing near downtown, this  
4     is a time for your Board to recognize the  
5     regulation policies of this to help restore  
6     the balance of housing.

7                 Six buildings for permanent  
8     residents and should be restored for use.  
9     This application flies in the face of the  
10    vision of the Dupont Overlay and I worked on  
11    that many years ago which states that new  
12    development precludes "demolition which leads  
13    to increase in height and roof area" and that  
14    has been well covered. "And requires  
15    protection of open space in order to preserve  
16    areas planned as open gardens in the back  
17    yard." That has been testified to.

18                In the FP zone the matter of right  
19    as residential, this was reinforced and I  
20    repeat, reinforced, by the Commission 1980  
21    hotel case when it stopped the matter of right  
22    placement of hotels in SP. This block has

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1       been where two hotels or a circuit of hotels  
2       has been reached. Policy LU-2.3.19 of the  
3       land use element of the Comprehensive Plan  
4       states "exceptional process should not permit  
5       proliferation of nonresidential trend in use  
6       in any one neighborhood." The SP has little  
7       housing, a situation that needs your address.

8               I'm leaving the last, it's in my  
9       testimony about traffic patterns and I'm  
10      saying and I say to you, dear friends, do not  
11      sacrifice this last opportunity to recapture  
12      these marvelous row houses for residential  
13      use. Deny the application.

14             A hotel is Mr. Bender's only  
15      option. Urge him to accept the matter of the  
16      right use as residential. If he does then I'm  
17      going to wax a little bit. I'm not going to  
18      quote the Bible. I'm going to quote Abraham  
19      Lincoln who said Mr. Bender can see the right  
20      way to do this. He as Mr. Lincoln said "it  
21      will indicate that he has appealed to one of  
22      the greater better angels of his nature."

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1 Thank you very much.

2 CHAIRPERSON LOUD: Thank you, Ms.  
3 Eckles. We appreciate your testimony this  
4 afternoon as well as your patience.

5 Let's see if Board Members have any  
6 follow-up questions for you regarding the  
7 testimony? Okay.

8 Did the parties have any questions  
9 for the witnesses? It doesn't appear that  
10 they do. And I'm sorry, you have also joined  
11 us as a witness to testify either in support  
12 or in opposition to the project.

13 Were you sworn in earlier? If you  
14 don't mind, sir, take that down to Ms. Bailey  
15 on the end you're going to testify in  
16 opposition to the project? Okay.

17 (Pause.)

18 MR. McGRATH: Mr. Chairman, it used  
19 to be that chairs of organizations got five  
20 minutes instead of three and I'm wondering  
21 what happened to the extra two minutes?

22 CHAIRPERSON LOUD: That is correct,

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1 chairs do get five minutes.

2 MR. McGRATH: That's fine. I see  
3 three up there instead of a five. Does that  
4 mean I'm going to have two more minutes added  
5 on or what?

6 CHAIRPERSON LOUD: You should,  
7 because chairs get five minutes.

8 MR. McGRATH: All right, there it  
9 is, fine.

10 CHAIRPERSON LOUD: You're the chair  
11 of the D.C. Tenants Advocacy Coalition?

12 MR. McGRATH: I'm Jim McGrath. I'm  
13 chairman of the D.C. Tenants Advocacy  
14 Coalition, commonly known as TENAC. And I  
15 would like to thank the Chair and the Board  
16 for the opportunity to speak today. And I  
17 would like to begin by stating flat out that I  
18 take very great exception to the remarks of  
19 Mr. Silverstein with his reference to 20 years  
20 of war and hatred. Our position is not  
21 hatred, nor is it war. And to suggest  
22 otherwise is one of the greatest red herrings

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1 I've heard in a long time. It's also  
2 categorically untrue. And I suggest Mr.  
3 Silverstein knows very well that is the case.  
4 And he might get his biblical references  
5 straight. The remarks about a time for  
6 everything, I believe, comes from Ecclesiastes  
7 and not King Solomon. All right.

8 I am a little bit annoyed here, as  
9 you can tell or if you can't tell, I just told  
10 you. What was not mentioned in the discussion  
11 about war and hatred which was totally  
12 ridiculous nonsense was the Woodbine tenants  
13 on N Street, one of the Bender properties who  
14 were evicted 15 years ago, where was the peace  
15 reference then? That was great hardship.  
16 Twenty were turned out on the street. Several  
17 of them ended up in homelessness. My  
18 organization picked up the tab to put their  
19 things into storage and put a roof over  
20 several of their heads. There's no hatred  
21 there. There was no warring. There was no  
22 violence, there was nothing except indignation

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1 and opposition. And people should be able to  
2 distinguish between the three.

3           There are greater issues here than  
4 design issues and architectural issues and all  
5 the rest. The Woodbine tenants' matter is one  
6 of them. And it goes right to the subject of  
7 character and integrity. And if you don't  
8 have that as a basis of your application, all  
9 the architects and designers in the world  
10 can't give it to you.

11           This is a serious matter, but it's  
12 sometimes a little bit hard to take it serious  
13 when you have a title called the N Street  
14 Follies. That has a great sound of frivolity  
15 to it. I have to tell you. You wonder where  
16 the follies come from? Are they the Ziegfield  
17 Follies, the Follies Bergere, or what happens?  
18       Where do they come from?

19           Mr. Bender has been in that area  
20 for a long time. He's picked up a lot of  
21 properties. A very talented man with  
22 acquisitions. He has the Midas touch with

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1       acquisitions. When he gets them, however, it  
2       goes into reverse Midas when it comes to the  
3       disposition of these properties. The  
4       situation of those properties down there is a  
5       disgrace. They're boarded up, vacant, nailed  
6       down, abandoned basically properties that have  
7       been there for a very long time including all  
8       the years since those tenants were kicked out  
9       of there. For what purpose? To have  
10      properties locked down, boarded up.

11               To put a hotel there is another  
12      special exception. There should be no more  
13      hotels on N Street. There should be no more  
14      exceptions to the zoning code. It is spot  
15      zoning of the worst kind. If zoning becomes  
16      that elastic, then it becomes meaningless.

17               When the Canterbury Hotel went in  
18      there which is now the Topaz Hotel, that was a  
19      special exception. Now they're asking for  
20      another hotel and another special exception.  
21      There's not much left to that block, Mr.  
22      Chairman, and what's left of it ought to be

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1       preserved.     It's got historic preservation.  
2       This     is     a     commercial     interest     which  
3       historically finds itself at war with historic  
4       preservation in the sense that you have  
5       historic       architecturally       distinguished  
6       buildings converted through contortions into  
7       commercial properties.

8                 The bottom line here is the  
9       Applicant here has gone through that block  
10      like Grant took Richmond and there ought to  
11      become time that no means no and should stay  
12      on and for all of those reasons I respectfully  
13      request that you deny the application.

14                Thank you very much.

15                CHAIRPERSON LOUD:   Thank you, Mr.  
16      McGrath.     We appreciate your testimony as  
17      well.     And appreciate you bringing to our  
18      attention that you were deserving of five  
19      minutes.

20                Now what we're going to do is move  
21      back to the Tabard Inn party to see how far we  
22      can perhaps make it today in the case and then

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1 talk about future dates for continuing the  
2 case.

3 (Pause.)

4 MS. BRAY: Mr. Chairman, in light  
5 of the limited amount of time that we have  
6 today, I'm not going to give any kind of  
7 introduction. I'm simply going straight into  
8 our first witness which I think we'll be able  
9 to complete which is Jeremiah Cohen on behalf  
10 of the Tabard Inn.

11 CHAIRPERSON LOUD: Thank you, Ms.  
12 Bray. We appreciate that and as soon as he's  
13 back and seated and ready, we can start.

14 MR. COHEN: Hello. My name is  
15 Jeremiah Cohen. I am the general manager of  
16 the Tabard Inn. I have submitted a photograph  
17 of my children, Rosie and Henry, measuring,  
18 with measuring tape, the opening of the alley  
19 at its narrowest point at 17th and the  
20 entrance to the alley. And there are three  
21 photographs. We tried to make it as  
22 scientific as possible and we came up with 9

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1 feet three inches from the two bollard. So  
2 that picture has been submitted.

3 The Tabard Inn is a 40-room hotel  
4 composed of three 19th century townhouses and  
5 has thrived on N Street for 85 years. Our  
6 buildings are contributing buildings to the  
7 Dupont Circle Historic District. The Tabard  
8 is one of the oldest, if not the oldest  
9 continuously operated hotel in Washington,  
10 D.C.

11 My family has owned and operated  
12 the Inn since 1975 after the original owner  
13 and founder of the Tabard, Ms. Willoby Rogers  
14 passed away.

15 Historic, functional, and cherished  
16 are words that come to mind when you think  
17 about the Tabard. Despite having no  
18 elevators, some rooms are shared bath, and a  
19 small hotel lobby, the Tabard shows no signs  
20 of waning. Residing in the middle of the 1700  
21 block of N Street, one of the great historic  
22 blocks in Washington, D.C., the Tabard

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1 reflects its surroundings, turn-of-the-century  
2 charm and quiet dignity. We have 80  
3 employees, most of whom have health insurance.

4 We have an extremely low rate of staff  
5 turnover and we have an employee stock  
6 ownership plan in which the employees own one  
7 third of the business.

8 Although it may seem self serving  
9 to say that we don't want another hotel on N  
10 Street, it is a fact that N Street already has  
11 two hotels on the block and a third one, the  
12 Beacon Hotel, with 225 rooms at the corner of  
13 17th and N and Rhode Island. Approval of a  
14 special exception for a hotel would make four  
15 hotels within 200 yards of each other. Hotels  
16 with restaurants, such as the Tabard Inn, tend  
17 to have substantial delivery and service  
18 requirements on a daily basis.

19 The nature of this proposed hotel  
20 with its 58-car garage and its intention to  
21 have all of its hotel restaurant deliveries  
22 made through the rear of the building will

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1 create bottlenecks in the alley that spill  
2 over onto N Street. This would diminish one  
3 of the nicest historic blocks in the city.

4 Contrary to what the Office of  
5 Planning says, the proposed hotel would not  
6 bring balance to the Special Purpose District  
7 as mandated by 5.12.5 of the zoning  
8 regulations. N Street has no residential. It  
9 did have a 20-unit apartment building as late  
10 as 1998, but it is gone and it didn't leave  
11 easily or voluntarily for that matter. It  
12 took the Applicant ten years to empty out the  
13 Woodbine Apartment building at 1755 N Street.

14 If you rely on the methodology of  
15 the Office of Planning for arriving at balance  
16 which uses a seven to eight-block radius to  
17 measure balance between residential, office,  
18 and hotel or inn in our Special Purpose Zone,  
19 you quickly realize that you could add five or  
20 six hotels to N Street without radically  
21 upsetting the balance percentages presented by  
22 OP. Indeed, the terms "balance" and "in the

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1 vicinity" to have any meaning at all need to  
2 be viewed from the standpoint of N Street or  
3 Squares 158 and 159 which make up the 1700  
4 block of N Street, not New Hampshire Avenue  
5 and R Street, seven blocks away.

6 This proposed hotel is replacing  
7 the last residential on the block and creates  
8 an imbalance of uses that favors hotel over  
9 residential by a ratio of three to zero, four  
10 to zero, if you are counting the Beacon Hotel  
11 at 17 N Street and Rhode Island which is also  
12 zoned S-P-1. But most importantly, from the  
13 standpoint of the Tabard, the proposed hotel  
14 deprives afternoon sunlight to the Tabard  
15 garden, Tabard's main dining room, bar area,  
16 more than a dozen hotel rooms, green roof  
17 areas, and main roof area. This deprivation  
18 of sunlight and air will adversely affect the  
19 Tabard Inn.

20 Anyone who has spent an afternoon  
21 in the garden of the Tabard recognizes that  
22 there is magic there that cannot be found in a

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1 sidewalk seating area. It is a unique oasis  
2 that is cherished by many. It is a defining  
3 element of the Tabard character and a central  
4 element of the Tabard business.

5 I have attached 22 print media  
6 mentions of our garden patio from 1982 to  
7 present.

8 The Tabard character and health of  
9 its business is in no small part defined by  
10 our outdoor patio and courtyard which garners  
11 sunlight, ambient light, and air. In the  
12 Applicant's BZA submission there's a lengthy  
13 definition of a boutique hotel. After this  
14 discussion I hope you read it.

15 Simply put, a boutique hotel is  
16 defined by its character. Unfortunately, the  
17 proposed boutique hotel diminishes the Tabard,  
18 another boutique as well. That just does not  
19 seem right. Being put in complete shadow by 4  
20 p.m. on the sunniest day of the year and much  
21 earlier when the sun is lower in the sky will  
22 negatively impact, among other things,

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1 Tabard's wedding business.

2 Weddings are extremely important to  
3 the Tabard, bottom line. And the Tabard hosts  
4 a number of outdoor 4 p.m. weddings starting  
5 in the spring and ending in the fall. These  
6 weddings are booked under the pretense that  
7 there is an excellent probability that it will  
8 be sunny that day. Well, this proposed hotel  
9 would ensure that it would be impossible for  
10 the Tabard to have a sunny 4 p.m. wedding.  
11 Our wedding customers would likely look for  
12 alternative outdoor venues for their weddings  
13 that afford them sunlight. This would hurt  
14 the Tabard business and its employees. Tabard  
15 has been hosting outdoor weddings for 34  
16 years.

17 If we have time today, our interior  
18 designer will talk about the negative impact  
19 of cutting off our natural light to our hotel  
20 rooms and bar area and dining room, but I  
21 don't have time for that in this testimony.  
22 So I'm going to move on to some other impacts.

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1           Our efforts to green the Tabard and  
2       make it more sustainable would be diminished  
3       by the deprivation of afternoon sunlight and  
4       hurt our wallet and the environment in the  
5       long run. We have a series of green roofs at  
6       the Tabard installed by Canopy, LLC that  
7       absorb substantial amounts of storm water, act  
8       as a cooling agent for the building and supply  
9       our kitchen with herbs. They need sunlight.

10           In addition, we made a down payment  
11       on a 180 tube solar thermal system for our  
12       roof top to cover all of -- thanks. Okay, I'm  
13       not sure when that photograph was taken, but  
14       that's a green roof, and that's a green roof.

15       We have another green roof on the right hand  
16       side beyond this wall here.

17           MS. BAILEY: Excuse me, do you want  
18       the lights off.

19           MR. COHEN: No, I want to finish  
20       reading this and then -- okay, in addition we  
21       made a down payment on a 180-tube solar  
22       thermal system for our rooftop to cover all of

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1 the hotel's hot water needs. The solar hot  
2 water system has been put on hold pending  
3 resolution of N Street Follies' request to  
4 build this tall wall along our property line.

5 Due to the fact that our eastern sunlight is  
6 already blocked by the nonconforming ten story  
7 Topaz Hotel, our green initiatives are highly  
8 dependent on our western sunlight. This  
9 proposed hotel, as it is designed, would  
10 nullify our solar hot water program and  
11 diminish our green roofs.

12 Tabard had a sustainable design  
13 consultation done last may by the D.C.  
14 Department of Small and Local Business  
15 Development in which the D.C. Government  
16 praised our green roof project, as well as  
17 recommended the installation of our solar hot  
18 water heating system. And none of our green  
19 initiatives or lighting issues would be at  
20 stake if the Applicant presented a plan that  
21 was more sensitive to his neighbors. He has a  
22 150-foot wide lot, but no setback on his

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1 eastern perimeter. I take issue with the OP's  
2 assertion that the fifth floor northeast  
3 corner cutout which is really just a small  
4 terrace on the corner of the building is a  
5 sufficient setback. That area is further  
6 north than the Tabard.

7 Ellen, can you show that patio  
8 picture again? The cutout extends further  
9 north than our building and so it's not really  
10 a true setback in terms of reducing any  
11 adverse impact. It may have a nominal impact,  
12 but it's not a substantial impact in reducing  
13 the loss of light.

14 A more sensitive plan with less  
15 adverse impact on the light and air of the  
16 Tabard would sufficiently set back upper  
17 floors that run south along Tabard's perimeter  
18 enough such that the project avoids cutting  
19 off the substantial amounts of light and air  
20 to the Tabard. We ask that the BZA deny this  
21 request for a special exception for a hotel  
22 for the reasons stated above.

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1 Thank you.

2 MS. BRAY: Mr. Cohen, I just have a  
3 couple of follow-up questions for you. You  
4 mentioned that there would be a loss of  
5 sunlight into a portion of the Tabard's rooms.  
6 Have you estimated what portion that would  
7 be?

8 MR. COHEN: The direct sunlight is  
9 at least a dozen rooms. If you take the  
10 ambient sunlight and direct sunlight, it's  
11 more like 18 rooms which is getting close,  
12 it's over 40 percent.

13 MS. BRAY: And can you elaborate or  
14 do you mind sharing the cost of the solar hot  
15 water program and green roof program that you  
16 mentioned?

17 MR. COHEN: I think -- you know, I  
18 don't want to -- I don't really remember. I  
19 think it was \$150,000 or \$200,000.

20 MS. BRAY: And is all of that on  
21 hold?

22 MR. COHEN: We put a down payment

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1 down for this project in 2006 and it's been on  
2 hold since.

3 MS. BRAY: Okay, have you -- I  
4 believe you submitted one of the documents  
5 that you submitted into the record was a list  
6 of the weekly deliveries to the Tabard.

7 MR. COHEN: That's right.

8 MS. BRAY: How many total  
9 deliveries does the Tabard have per week?

10 MR. COHEN: We have 42 deliveries  
11 per week in the alley and we have  
12 approximately 42 deliveries per week in the  
13 alley, and approximately 42 deliveries in the  
14 front of the hotel on N Street. We do not  
15 have our own loading dock, but we do have a  
16 driveway that leads right into our kitchen in  
17 the back.

18 The Topaz has no loading dock in  
19 the back. It receives all of its deliveries  
20 on N Street and so when I say that adding  
21 another hotel with deliveries which it sounded  
22 like there were close to 70 per week, that

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1       it's going to cause, it would cause us or the  
2       people who are driving the vehicles who enter  
3       the alley to actually just skip going into the  
4       alley and just go ahead and make the delivery  
5       through our front door on N Street and that  
6       will diminish our hotel.

7                   MS. BRAY: Thank you, Mr. Cohen.

8                   MR. COHEN: I also would like to  
9       just have you look at the photograph of the  
10      wedding that took place September 20th of this  
11      year. We do 4 o'clock weddings and this is  
12      probably closer to 5 o'clock towards the end  
13      of the ceremony and you can see that we are --  
14      the building is still getting sunlight. It's  
15      getting ambient light and it's getting direct  
16      sunlight on areas on the patio, but definitely  
17      clearly on areas above the first, the second  
18      floor and up, and our roof area.

19                   We have this parachute here that  
20      diffuses the light and you can see that --  
21      just try to imagine the ceremony when there is  
22      no sunlight and I don't think there's a whole

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1 lot of ambient light sort of making it sort of  
2 a lively function or a beautiful function that  
3 our weddings are.

4 And so we're highly concerned about  
5 the function of not just the weddings, but  
6 everything that occurs at the Tabard Inn after  
7 3 o'clock and actually even before on less  
8 sunny days in which our sun is being cut off.

9 CHAIRPERSON LOUD: Thank you, Mr.  
10 Cohen. We are about at 5:30 and I'm going to  
11 have to leave roughly at 5:30 today, so we can  
12 perhaps open a discussion around continuing  
13 this. I don't know if you wanted to start  
14 cross. You wouldn't be able to make it  
15 through it all.

16 MR. KEYS: No, Mr. Chairman, I'd  
17 rather defer and do the cross when they have  
18 completed their case.

19 CHAIRPERSON LOUD: Okay, that  
20 sounds good as well.

21 So then this would seem like an  
22 appropriate point to break and find an

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1 agreeable date for continuance and then we  
2 pick up with the additional witnesses of the  
3 Tabard Inn and then the cross.

4 And let me just toss that Mr.  
5 Turnbull was on this case earlier. I believe  
6 you guys saw him and he had to leave, but we  
7 want to try to reschedule on a date that he'll  
8 be back at the BZA. And he's given me a  
9 couple of days that he'll be back. It looks  
10 like the best for him and our calendar as well  
11 and Ms. Bailey, you can sort of confirm this  
12 on your end as well, would be either November  
13 17th in the afternoon or December 8th in the  
14 afternoon. Both of those dates he'll be back.

15 He's back on November 3rd, too, but I fear  
16 that if we try to squeeze you in there, we  
17 might have the same result that we had today  
18 in terms of not being to get through.

19 MS. BRAY: It looks like November  
20 17th works for us.

21 CHAIRPERSON LOUD: Okay. It may be  
22 a little tight. That's not as good in terms

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1 of our schedule as December 8th, because there  
2 is an appeal that afternoon, but I think that  
3 putting you in the afternoon and expediting  
4 through all of our issues will --

5 MS. BRAY: Our architect is just  
6 double checking that date. If you'll give us  
7 just one more moment.

8 CHAIRPERSON LOUD: Sure.

9 MS. BRAY: Before we set that in.

10 (Pause.)

11 MS. BRAY: I may have spoken too  
12 soon. It looks like we're losing our expert  
13 in planning on the 17th.

14 CHAIRPERSON LOUD: Okay, well, how  
15 about looking at December 8th. Do you want to  
16 check with your --

17 (Pause.)

18 MS. BRAY: December 8th.

19 CHAIRPERSON LOUD: Thank you.  
20 December 8th sounds good. We'll set it for  
21 the afternoon calendar and it looks like a  
22 really good afternoon to have it. We'll just

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1 do what we need to do to get through it on  
2 December 8th.

3 I think that there were some -- I  
4 don't know if -- yes, we'll just continue  
5 through to December 8th. We'll pick up  
6 whatever additional issues at that time.

7 Thank you for your patience. I  
8 want to apologize to the witnesses that did  
9 appear and that will have to be continued to  
10 December 8th. We did the best we could, but  
11 it just looks like we're not going to have  
12 enough time today.

13 Is there anything further on this  
14 case or on today's calendar?

15 MS. BAILEY: No, Mr. Chairman.

16 CHAIRPERSON LOUD: All right, then  
17 today's hearing is adjourned.

18 (Whereupon, at 5:29 p.m., the  
19 public hearing was concluded.)  
20  
21  
22

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