

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

Application of Il Palazzo
LLC for Consolidated
Review & Approval of a PUD
& Related Map Amendment
for Property Located in
Square 2578, Lot 26.

Case No.
11-08

Thursday,
September 8, 2011

The Public Hearing of Case No. 11-08 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room, 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman
KONRAD W. SCHLATER Vice Chairman
PETER G. MAY Commissioner (NPS)
MICHAEL G. TURNBULL Commissioner FAIA,
(AOC)

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

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

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JEFF JENNINGS
GEORGE BRANYAN

This transcript constitutes the
minutes from the Public Hearing held on
September 8, 2011.

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

2 6:33 p.m.

3 CHAIRMAN HOOD: Okay. Good
4 evening, ladies and gentlemen. We are here in
5 the Jerrily Kress Hearing Room. This is a
6 Public Hearing of the Zoning Commission for
7 the District of Columbia for Thursday,
8 September the 8th.

9 My name is Anthony Hood. Joining
10 me are Vice Chairman Schlater, Commissioner
11 May and Commissioner Turnbull.

12 We are also joined by the Office
13 of Zoning staff, Ms. Sharon Schellin, Office
14 of Planning, Ms. Steingasser and Ms. Thomas,
15 District Department of Transportation, excuse
16 me, sir, I don't -- Mr. Branyan. And turn
17 your mike on. I apologize. I'll get it down
18 eventually.

19 MR. BRANYAN: I'm George Branyan
20 and Jeff Jennings will be back momentarily.

21 CHAIRMAN HOOD: Thank you. Mr.
22 Jennings and Mr. Branyan.

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1 This proceeding is being recorded
2 by a Court Reporter and 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 The subject of this evening's
7 hearing is Zoning Commission Case No. 11-08.
8 This is a request by Il Palazzo for approval
9 of a Consolidated PUD and Related Map
10 Amendment for property located in Square 2578.

11 Notice of today's hearing was
12 published in the DC Register on April 8, 2011
13 and copies of that announcement are available
14 to my left on the wall near the door.

15 The hearing will be conducted in
16 accordance with the provisions of 11 DCMR 3022
17 as follows: Preliminary matters; applicant's
18 case; report of the Office of Planning; report
19 of other Government agencies; report of the
20 ANC, in this case it's 1C; organizations and
21 persons in support; organizations and persons
22 in opposition; rebuttal and closing by the

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1 applicant.

2 The following time constraints
3 will be maintained in this meeting: The
4 applicant 60 minutes; organizations 5 minutes;
5 individuals 3 minutes.

6 The Commission intends to adhere
7 to the time limits as strictly as possible in
8 order to hear the case in a reasonable period
9 of time. The Commission reserves the right to
10 change the time limits for presentations, if
11 necessary, and notes that no time shall be
12 ceded.

13 All persons appearing before the
14 Commission are to fill out two witness cards.

15 The cards are located to my left on the table
16 near the door. Upon coming forward to speak
17 to the Commission, please, give both cards to
18 the reporter sitting to my right before taking
19 a seat at the table.

20 When presenting information to the
21 Commission, please, turn on and speak into the
22 microphone, first, stating your name and home

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1 address. When you are finished speaking,
2 please, turn your microphone off, so that your
3 microphone is no longer picking up sound or
4 background noise.

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

12 The staff will be available
13 throughout the hearing to discuss procedural
14 questions.

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

18 Would all individuals wishing to
19 testify, please, rise to take the oath?

20 Ms. Schellin, would you, please,
21 administer the oath?

22 MS. SCHELLIN: Please, raise your

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1 right hand.

2 (Whereupon, witnesses were sworn.)

3 MS. SCHELLIN: Thank you.

4 CHAIRMAN HOOD: At this time, th e
5 Commission will consider any prel iminary
6 matters.

7 Does the staff have any
8 preliminary matters?

9 MS. SCHELLIN: Just to advise that
10 we have received the Affidavit of Maintenance.
11 It is in order and that's all staff has.

12 CHAIRMAN HOOD: Okay. I see
13 someone in the audience. I'm not exactly sure
14 why they are here, but they work with Council
15 Member Jim Graham and I just wondered were you
16 here in that ca pacity? Okay. ANC
17 Commissioner, okay, okay. All right. Because
18 we usually take staff and Council Members
19 first.

20 So anyway, w hat I'll do is go
21 right to you, Ms. Prince.

22 MS. PRINCE: Go od evening. My

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1 name is Allison Prince and I'm an attorney
2 with Goulston & Storrs. We represent Valor
3 Development in this application for review and
4 approval of a Planned Unit Development and a
5 PUD-Related Map Amendment for the property
6 located at 2700 16th Street, N.W.

7 The property is located at the
8 northwestern corner of the intersection of
9 16th and Fuller Streets in Adams Morgan. The
10 property is currently improved with an
11 historic landmark that served as the Italian
12 Embassy until about 1990.

13 And my fun fact about the building
14 is that Mussolini signed off on the building
15 permit for the property.

16 The project that we are presenting
17 this evening will preserve and maintain that
18 landmark and provide for an addition at the
19 rear of the property along Mozart Place. The
20 entire project will be dedicated to
21 residential use and will accommodate 110 to
22 135 units.

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1 As you may know, the property is
2 split-zoned. The portion of the property
3 along 16th Street where the main portion of
4 the landmark is sited is located in the R-5-D
5 Zone District.

6 The rear of the property, which is
7 largely vacant, although has a portion of the
8 landmark, is located in the R-5-B Zone
9 District and is also located in the Diplomatic
10 Overlay.

11 We are proposing to rezone the R -
12 5-B area to R-5-D. This will allow us to
13 shift the density that would otherwise be
14 permitted along the 16th Street side of the
15 building to the rear of the property and away
16 from the landmark.

17 Despite the rezoning of the
18 property to R-5-D, the PUD does not involve a
19 significant increase in density beyond what
20 would otherwise be permitted as a matter-of-
21 right. It is simply a shift of density. The
22 existing zoning would allow a blended FAR of

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1 2.82 and this project involves an FAR of 2.83.

2 So it is literally all about putting the mass
3 where it needs to be from a preservation
4 standpoint.

5 And for those of you who may
6 remember, this project has a complex history,
7 not this project, but this site I should say.

8 It was landmarked in 2006 and it was
9 landmarked largely in reaction to a proposal
10 for a residential project that puts most of
11 the massing right along side the landmark.

12 And there was sort of an outcry
13 over that project and the whole deal went
14 south and the property went back on the market
15 and here we are today.

16 We are pleased to report that we
17 have the support of many neighbors, the ANC
18 and the Office of Planning. We are aware that
19 DDOT has some concerns regarding the proposed
20 curb cuts for the project and we did not take
21 those concerns lightly.

22 The traffic consultant for the

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1 project, A. Morton Thomas, reviewed the
2 proposal to determine if we could accommodate
3 DDOT's request to eliminate the proposed curb
4 cut on Mozart Place.

5 When they concluded that we could
6 not, Valor brought in a second traffic
7 engineer, Gorove/Slade, in a peer review
8 capacity, to confirm their findings.

9 As we will present tonight, it is
10 simply not feasible to operate this project
11 with one curb cut. We have a lengthy
12 memorandum that was prepared addressing that
13 issue and reviewing multiple scenarios.

14 As I said, we took this issue
15 very, very seriously, because we knew it was
16 important to DDOT and if there was a way we
17 could limit access to one curb cut, we
18 certainly would have done so.

19 I might add that in addition to
20 needing two curb cuts for a functional
21 building, we believe that our proposal is much
22 safer for reasons that we will elaborate on

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1 later in this hearing.

2 Our proposal for two curb cuts i s
3 also consistent with what the communit y has
4 requested from the outset and what the ANC
5 strongly supports. Th is is an issue that
6 emerged at the outset, a need to balance the
7 traffic impacts associated with the project
8 among the two streets, Fuller Street and
9 Mozart Place.

10 In our effort to re configure the
11 project to accommodate DDOT's request, we
12 looked at every possible option, including the
13 use of mechanical parking. And while we
14 determined that we still need two curb cuts
15 even with the mechanical parking scenario, we
16 did discover that it's an attractive option
17 for a number of other reasons.

18 Accordingly, we would like to
19 request flexibility to provide mechanical
20 parking, rather than convent ional parking, if
21 we should so decide. The impacts on the
22 design are extremely limited and they are

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1 reflected in the plans.

2 In addition to the flexibility to
3 provide mechanical parking, we are also
4 seeking flexibility from some of the court
5 requirements, particularly for the court in
6 the northwestern corner of the site and
7 flexibility from the penthouse requirement
8 regarding the number of penthouses, as well as
9 the uniform roof height requirement. We have
10 an angled roof as a result of our HPRB review.

11 Finally, we would also like to
12 request flexibility to modify the design in
13 response to any final comments that we receive
14 from HPRB. We have concept approval, but as
15 you know, we need to go back for final and
16 connection with our building permit. We don't
17 anticipate any significant changes, but there
18 may be minor changes.

19 Tonight we have three witnesses:
20 Will Lansing, who is a representative of Valor
21 and he has really been down in the trenches
22 working on this project from day one meeting

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1 with the community probably more than I have
2 seen an applicant meet with the community.

3 Just very, very much in touch with
4 the neighbors and extending his reach quite
5 broadly to, basically, anybody who wanted to
6 hear anything about this project.

7 Patrick Cooke is the project
8 designer with Trout.

9 Dan Van Pelt is here as our expert
10 witness in traffic engineering. You have
11 found him to be an expert numerous times, but
12 we did submit his résumé. We would like him
13 accepted as a witness tonight.

14 We also have here with us this
15 evening Steve Seville from Davis, Carter,
16 Scott. Davis, Carter, Scott is serving as the
17 architect of record and they will be here to
18 answer questions as well. They are working in
19 conjunction with Trout Design. They will be
20 doing the work and drawings. Trout has done
21 all of the design work. Trout has some unique
22 experience in preservation projects.

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1 If the Commission has no
2 questions, I would like to proceed with our
3 first witness, Mr. Lansing. And I would like
4 to know at the outset if you would like us to
5 just to straight on through with our
6 presentation or if you would like to interject
7 with questions as you go, whichever way you
8 would prefer is fine with us.

9 CHAIRMAN HOOD: We would, I think,
10 unless I hear from my colleagues otherwise,
11 like for you to go straight through your
12 presentation.

13 MS. PRINCE: We will go straight
14 through. Okay. Thank you.

15 CHAIRMAN HOOD: And let's just
16 deal with the issue, even though we have
17 already dealt with Mr. Van Pelt, he has been
18 proffered before. Does anyone have any
19 objections? Okay.

20 MS. PRINCE: One thing, as I
21 mentioned, we are submitting a report from A.
22 Morton Thomas, which worked on our traffic

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1 issues and this was our specific study of
2 every conceivable alternative to try to get to
3 a one curb cut scenario.

4 There is a memo from Waste
5 Management concerning the functionality of the
6 trash room and the trash pickup arrangement
7 for this property, because we believe under a
8 one curb cut scenario, we have a highly
9 dysfunctional situation regarding trash, which
10 is important for a building of this size to
11 consider. And we also have Gorove/Slade's
12 PowerPoint presentation that will be presented
13 tonight.

14 CHAIRMAN HOOD: First, also, and I
15 would ask my colleagues, they have asked for--
16 the applicant in this case has asked for 60
17 minutes, well, 50 minutes or so. I would,
18 unless I see anyone nodding their head that we
19 have the whole presentation of 50 minutes, ask
20 that we just really just hit the highlights.

21 MS. PRINCE: Yes.

22 CHAIRMAN HOOD: And if maybe we

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1 can kind of condense some of that time, that
2 would be most appreciated, because I think the
3 record, at least, is complete and we
4 understand the issue --

5 MS. PRINCE: Yes.

6 CHAIRMAN HOOD: -- about the two
7 curb cuts.

8 MS. PRINCE: Excellent. Thank
9 you.

10 CHAIRMAN HOOD: Thank you.

11 COMMISSIONER MAY: I just want to
12 say there are some issues other than the curb
13 cuts, so I would also focus on the issues of
14 relief requested.

15 MS. PRINCE: Yes.

16 COMMISSIONER MAY: And the
17 previous questions, I think, that we had at
18 set down.

19 MS. PRINCE: Yes. Thank you.

20 MR. LANSING: Good evening,
21 Members of the Commission, my name is Will
22 Lansing. I am here with Valor Development.

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1 We are one of the two partners in Il Palazzo
2 LLC, the folks developing this site here. I'm
3 excited to be here. This is our first time
4 before you on a project and hopefully it's the
5 first of many.

6 By way of background for Valor, we
7 are, what you consider, a middle market
8 residential mixed-use developer here in the
9 city. In the past, have focused primarily on
10 slightly smaller projects, probably in the 10
11 to 60,000 square foot range, 10 to 15 or so of
12 those that we have been involved in or
13 currently are now involved in throughout the
14 city.

15 Generally, most of which have had
16 some layer of difficulty, some layer of noise
17 or hair and those are the kinds of
18 transactions we would like to get involved in.

19 So it was interesting and exciting for us to
20 stumble across this opportunity about a year
21 and a half ago, a project albeit a little bit
22 bigger than what we are used to, but certainly

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1 a site with some challenges.

2 We have been around, have seen
3 this kind of through the years with previous
4 ownership and we have come to understand some
5 of the challenges that exist.

6 We got involved in this site
7 because, as somebody said early on, it is
8 really cool. How many opportunities do you
9 get to work on a project that involves a
10 former Italian embassy as part of the fabric
11 of this new development.

12 So for us, out of the gate, a
13 very, very exciting project with some
14 challenges that we got to tackle and started
15 with early on. We are excited about it
16 because it was something that really was going
17 to be prone to add a nice piece to the
18 streetscape there of 16th Street in a
19 neighborhood where there is lots happening on
20 the cusp between Adams Morgan and Columbia
21 Heights with a neighborhood that has been
22 primed for a development like this that would

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1 allow some increased density and some great
2 grand common space that really is unparalleled
3 to many places in the District.

4 So again, very, very excited to be
5 part of this project and my hope is that
6 through this evening's testimony, you know,
7 you can see our excitement and a really good
8 team we have put together.

9 As Allison alluded to, we have
10 really been boots on the ground with this
11 project day one. And that really involves, I
12 think, building a very strong team. When we
13 first got involved in this, we understood that
14 there is a lot of complications with the site
15 and so we immediately turned to folks that we
16 thought would be a good help to us, that being
17 Trout Design on the design side, because of,
18 as Allison alluded to, their success with
19 preservation, understanding the historic
20 fabric, the design of things in the city. So
21 very proud to have them on the team with us
22 here.

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1 As we got a little but further
2 down the road, on the heels of some feedback
3 from DDOT relating to the curb cut issue,
4 loading, trash, parking, we then, as Allison
5 again mentioned, brought on the folks over at
6 Gorove/Slade, who I know the Commission is
7 very familiar with, as folks to help us really
8 take a look as really almost a consultant, a
9 peer reviewer, to determine if our design
10 really was the best it could be and to take a
11 hard look at how we were planning for parking
12 as well as loading and trash. So look forward
13 to their testimony as well.

14 As we continued on kind of down
15 the life cycle of the project, we really
16 wanted to get out in front of the key
17 stakeholders in the community early on.
18 Again, because we are relatively new to this
19 size of a project, and if I could, I guess
20 really the freshmen at the senior prom here,
21 we wanted to make sure that we approached
22 things the right kind of way.

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1 And so again, very, very early out
2 of the gate, we made sure that we were talking
3 to many of the communities, many of the
4 community groups. I had to write these down,
5 because there were quite a few of them.

6 But at the start of the project,
7 we did work very closely with HPO, Office of
8 Planning, Committee of 100, the Preservation
9 League, as well as the Commission of Fine Arts
10 in helping us develop the proposed design and
11 we are very pleased that, you know, we have
12 full support from all of them.

13 As we moved forward, the -- as
14 Allison has mentioned as well, very close with
15 the ANC. Very, very proud that we have put
16 together what I feel to be a very
17 comprehensive and complete amenity package. I
18 was here for, I think, our initial set down a
19 couple months back and I do recall a comment
20 from one of the Commissioners saying that they
21 felt the package was a little bit light.

22 And again, our group is very

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1 young. We want to be around these types of
2 hearings for a long time to come. I certainly
3 hope to be one of the big guys that sits up
4 here before you numerous times in years to
5 come.

6 So taking that to heart, we
7 immediately set out and wanted to react and
8 respond to that request. I feel like we have
9 done so fully. We have spent some good time
10 with ANC here in putting together many
11 packages. And if the -- if you folks would
12 humor me for a couple more minutes, I would
13 like to go into a bit more detail about the
14 amenity package and what we have done.

15 If I could ask that the Commission
16 look at this through a light that we really
17 tried to take a comprehensive look of building
18 community here. I think it is nice we are
19 going to develop a very pretty building, but
20 we also want to kind of wrap it in with the
21 other elements of what people consider a
22 neighborhood, not just throwing a bunch of

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1 dollars at a bunch of causes that seem
2 important. And I think you will get that out
3 of what we put together.

4 So to start off quickly and
5 highlight five of the pieces we put together
6 in addition to the on-site amenity of
7 restoring the existing resource back to its
8 grandeur, providing a lot of grand common
9 space that, albeit, certainly does weigh
10 heavily on the attractiveness to a buyer pool
11 for us, but, again, also comes at a fair
12 expense to us as the developer to bring back
13 this historical landmark that fits in well
14 with the fabric of the neighborhood, that I
15 think is a very, very good amenity there.

16 Again, in addition to that,
17 outside of that, focusing on the community,
18 five particular packages we have put together.

19 And this is really hats off to the
20 neighborhood groups, the positive energy, the
21 ambition that they put forward on these and
22 the creativity. This truly is a partnership,

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1 I think, that we have worked with all of them.

2 I'll start with kind of the y oung
3 part of the community and that is H.D. Cooke
4 Elementary School. When it com es to
5 education, I'm probably one of the first
6 people to jump in line to help somebody out
7 and so this is actually something that when it
8 was brought to us, I got very excited about.

9 H.D. Cooke is an elementary school
10 in the neighborhood that has some challenges.

11 It has a very challenged demographic. I
12 believe there is this statistic that 9 0
13 percent of the students a re part of a
14 discounted or a subsidized lunch program. And
15 so there has been some str uggles through the
16 years.

17 Principal Black at that school has
18 done an amazing job of running a very tight
19 operation, but they still need help, so we
20 have committed in par tnership with them to
21 provide a series of items, those being: Text
22 books for the students, musical instrument s

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1 and sheet music for the band program as well
2 as two scholarship-like programs.

3 One that will allow students of
4 the school to attend the local Sitar Art and
5 Community Center and then the second
6 scholarship program to include and to fund a
7 start-up program that will fund outreach
8 programs for the actual parents. Getting the
9 parents more involved in the community, in the
10 school that helps again, I think, improve the
11 life for the kids.

12 And again, what better place to
13 start when you are trying to build a community
14 than with the children? These are the people
15 that are going to be part of that community
16 for years to come. People will be coming back
17 to contribute to it. So we're very excited
18 about that effort.

19 Secondly, we are very much about t
20 jobs as well. As I keep coming back to you,
21 we are not about throwing money at things, but
22 really creating something that is long -

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1 lasting.

2 As I mentioned, we really want to
3 set something up that puts a bit of a legacy
4 out there for us, because we plan to be doing
5 this for quite a while in the city.

6 Along that vein, we have
7 established a work force employment agreement
8 with the local neighborhood that I think the
9 committee had seen -- sorry, the Commission
10 had seen prior to this hearing, whereby we are
11 committing to hiring 12 full-time people on
12 the project.

13 This is not just day laborers.
14 It's not people moving dirt. It's actual
15 committed positions that the general
16 contractor and subcontractors are going to
17 hire and effectively training positions where
18 these people will be trained fully in various
19 trades that will last long beyond Il Palazzo
20 is delivered.

21 So again, real jobs. We have a
22 real monitoring system in place and real

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1 penalties should we not live up to those
2 commitments.

3 Third, and along the lines, again,
4 more of job creation, is the festival center.

5 The festival center is a bit of, I guess, a
6 county seat, if you will, or a place in the
7 community that reaches kind of far into it
8 serving needs of many non-for-profits and
9 different organizations like that.

10 The festival center for years has
11 been in need of a kitchen renovation to help
12 them expand a lot of the efforts and programs
13 they have running out of that facility and so
14 we have committed to a full renovation
15 doubling the size of that kitchen allowing
16 them to expand significantly their capacity
17 for programs, for classes, etcetera.

18 That commitment is in the amount
19 of \$250,000, but, again, I think even more
20 significant than investment is what that is
21 going to be able to do to that center and
22 subsequently what it is going to offer up to

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1 the community. Many more programs, many more
2 nonprofits coming in, feeding the homeless,
3 job opportunities, training folks and classes
4 that go beyond to get jobs in the, I guess,
5 cooking trade, if you will.

6 And then we have also signed on to
7 commit our time and energy to help in an
8 advisory role if they so desire to help them
9 continue to brainstorm and create additional
10 opportunities with that kitchen.

11 Beyond that, we have also worked
12 very closely with the Reed-Cooke Neighborhood
13 Association and some of the Kalorama Citizens
14 Association on a Tree Fence Program. This was
15 something that was lobbied for fairly heavily
16 and really the creative effort of the
17 neighborhood to help us really put together a
18 strong program that leverages a financial
19 contribution from us of \$50,000 as well as our
20 leveraged buying power, I guess, if you will,
21 to effectively purchase 625 tree fences for
22 the neighborhood.

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1 The neighborhood is going to help
2 us with a lot of measuring, some of the
3 installation practices and, you know, kind of
4 sourcing community efforts to pull together
5 some additional funds to help get that done.

6 The end result of that ends up
7 being really a program that is able to offer
8 tree fences to the entire neighborhood at
9 effectively a 70 percent discount off the
10 retail price. So a good effort that, you
11 know, is really going to help beautify the
12 neighborhood for those folks.

13 Finally, kind of on the other end
14 of the spectrum of the community is Sarah's
15 Circle. Sarah's Circle is a subsidized living
16 facility for seniors that was affected by the
17 earthquake and this is something we're going
18 to be -- we have committed to doing some pro
19 bono work.

20 A large majority of the centers --
21 excuse me. Their housing facility as well as
22 they have a lot of life cycle classes, cooking

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1 classes. They are there to really help
2 improve the lives of some of the under-served
3 seniors of the community.

4 And so again , something we are
5 very excited to be a part of. We are going to
6 be doing some pro bono work there to fix up
7 the damage that was caused by the earthquake.

8 I think a majority of the units as well as
9 some of the meeting space and common area was
10 affected, so we'll be making that -- fixing
11 that for them as well.

12 I think that covers all of them.
13 Again, just to reiterate, we are very excited
14 to be part of this process. You know, my hope
15 is that as yo u read through the exhibits in
16 front of you, you will see that our goal for
17 this was to really cr eate a strong and
18 significant amenities package that isn't just
19 about dollars, but it's about making a
20 difference.

21 You know, we pl an to be around
22 these neighborhoods for a long time to come

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1 and we want to make sure that we are putting
2 our stamp there the right way. So I'm happy
3 to entertain any questions and certainly thank
4 you folks for your time.

5 MS. PRINCE: We will now proceed
6 with the testimony of Patrick Cooke from Trout
7 Design.

8 MR. COOKE: Good evening. My name
9 is Patrick Cooke. My address is 809 D Street,
10 N.E., Washington, D.C.

11 I have been the designer on this
12 project from the beginning with Trout Design.

13 With me today is Michael Borissow, he has
14 worked on the project from the beginning, as
15 well as Deanna Ramirez from our office. She
16 is the architect in our office that has been
17 on this project from the beginning.

18 What we would like to do is take
19 you through the project as we have shown it to
20 the community and as we have brought it
21 through the historic preservation process.

22 What we have done from the very

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1 beginning is we have reached out, as Mr.
2 Lansing said, to a number of different
3 community organizations and a number of
4 different preservation entities.

5 Knowing that the history on this
6 site was challenging and also knowing that
7 with the historic resource like the Italian
8 Embassy, we wanted to find a solution that
9 both respected and protected that resource and
10 found a solution that was agreeable to the
11 community that was, obviously, going to be
12 very impacted by any work that is going on
13 here.

14 So the slide that is up in front
15 of everyone, this is the design as it is today
16 and as it has been approved through Historic
17 Preservation Review.

18 The feedback that we initially got
19 as we approached this project was to find a
20 solution that would take the density that
21 would be allowed under an R-5-D that was
22 existing on the site and find a way to group

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1 that to the rear, to the northwest portion of
2 the site.

3 By doing so, we sought to group
4 the density away from the existing historic
5 resource and, therefore, keep from
6 overshadowing its presence on 16th Street.

7 Now, Mr. Lansing mentioned that we
8 talk to the Commission of Fine Arts. The
9 Commission of Fine Arts will not exactly have
10 any purview over this project. It does
11 protect 16th Street and does have a vested
12 interest in seeing 16th Street's character
13 maintained.

14 So we reached out to them very
15 early with this concept of taking the density
16 to the rear and made them fully aware of sort
17 of the development that we were looking at.

18 Would you like to go to one of the
19 aerial shots?

20 Okay. As we see on this screen
21 here, this is our general and overall site.
22 The site here encompasses the existing

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1 historic resource, as we call it, which is the
2 existing embassy and chancery wing to the
3 rear. This L-shaped construction to the back
4 is our addition to this building.

5 To the north we have significant
6 spires from the three churches. To the south
7 we have the neighborhood and H.D. Cooke
8 Elementary School here. Sarah's Center, that
9 Mr. Lansing talked about, is over here on the
10 corner. The festival center is here at the
11 corner of Columbia and Mozart.

12 To further tell you guys where we
13 are, this is 16th Street here. This is Fuller
14 Street and this is Mozart Place.

15 The grouping of the density that
16 we have been talking about is this portion
17 right here. That is the eighth story portion
18 of our building, which has been set to the
19 north and offset from the existing historic
20 building.

21 In feedback and working with
22 historic preservation staff, specifically

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1 Steve Callicott, he raised an opportunity or an
2 issue with us that we should look at and draw
3 inspiration from the form of the existing
4 embassy, which has a courtyard in the middle.

5 And so our building continues that language
6 by setting a courtyard in between our space
7 and the historic resource.

8 Can you go t o the next slide?
9 Here we are. This is looking at the building
10 from the corner of Fuller and Mozart. This is
11 a good opportunity to talk a little bit about
12 the massing of our structure and how it steps
13 down to respond to the neighborhood context
14 here at the corner.

15 We have buildings that are,
16 approximately, 53 feet and 54 feet and 35 feet
17 here, so our building as it reacts to the
18 existing context on Fuller Street was designed
19 really as a response to the scale at the
20 corner. Further again, w e can see that the
21 grouping and the density of the project is
22 pushed to the northwest of the site.

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1 In conjunction with the addition
2 to this building, there were significant
3 opportunities to alter or restore the
4 building, the existing historic resource.
5 What we have sought to do is preserve it
6 almost exactly as you see it today.

7 The only intrusions that we have
8 made into the building have been very
9 carefully studied and are very purposefully
10 done to limit the work to be something that
11 could conceptually be very easily removed some
12 day, has no impact from the public view. And
13 also will allow for the restoration of the
14 historic resource, so that it will look
15 exactly as it is today, in terms of restoring
16 the windows back to their original condition.

17 A number of them have been
18 replaced with air conditioning window units,
19 things like that over the years. So we have
20 been in contact with those who are going to do
21 the restoration.

22 But in terms of what can be

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1 visibly seen as new in trusions into the
2 building, we have a series of very small roof
3 elements here that come through. These are
4 rooftop terraces for individual units in this
5 portion of the building and we have a glass
6 in-fill portion to the rear of the building of
7 the existing original embassy.

8 The original embassy has a U-shape
9 here. It may look as though we have removed a
10 portion, but, in fact, the original shape of
11 the building is this U with a flat roof here
12 over the center. That flat roof is over top
13 of the existing ballroom which is a room that
14 we are retaining inside the original
15 structure.

16 There is a few places in the
17 building inside that Mr. Lansing alluded to
18 that we are seeing to fully restore and bring
19 back to their original grandeur. The front
20 entry, the original ballroom, the original
21 staircase and there is an old library in this
22 space.

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1 Why don't you take us around to
2 the next view? This is looking at the project
3 from an aerial perspective looking from
4 Columbia Avenue. This is the north elevation
5 of the project. This is Mozart and this is
6 Fuller Street again.

7 This is the elevation to the north
8 that abuts the neighboring property. The
9 neighboring property, of which we are set 5
10 feet back from, is owned by the Masonic Temple
11 to the north. We have met with the Masonic
12 Temple to make them aware of the work that is
13 going to be going in and giving them a
14 presentation very similar to what we are
15 showing you tonight. And we have their
16 support for the work moving forward.

17 And we have developed this
18 building by setting it back from the site as
19 we have from the very edge of the site on
20 purpose to design this building in the round.

21 We thought it was important to accept this
22 site as the context as it exists today.

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1 And this building will have a
2 strong presence from Columbia and we believe
3 that the addition of windows as opposed to
4 simply a party wall or a blank concrete wall
5 on this facade was important to engage the
6 city skyline and also to develop a project
7 based on the realities of today and not what
8 might be developed on the site in the future.

9 We are aware that windows on this
10 side will look directly across this site,
11 which is currently empty right now, but could
12 be a developed site. But we are prepared to
13 develop this project for the site as it exists
14 today.

15 That's great. There is a very
16 small intrusion into the north wing here.
17 This was worked out as well as an
18 appropriately scaled element working with
19 Historic Preservation Office to find the
20 connection that we would make delicately to
21 the existing resource building.

22 That connection exists and I can

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1 show you, if you don't mind if I stand up and
2 point to the boards, because it's a little bit
3 easier to see.

4 CHAIRMAN HOOD: We will need you
5 to stay on a microphone though. Okay. Good.

6 MR. COOKE: Can you hear me?
7 Taking a look at the board here, the north
8 wing as we refer to it as this t hree story
9 extension here into the side yard, the
10 extension that connects with our meaningful
11 connection back to a lobby space in our
12 building is right here through a delicate
13 glass bridge.

14 That north wing differs in d esign
15 and style from the rest of the building, both
16 as an opportunity to sort of differentiate it
17 a little bit and to keep it subservient to the
18 existing resource. It's the only part of the
19 building that really interacts with 16th
20 Street. And so purposefully, we have kept it
21 at a bit of a garden scale.

22 We have the ideas that it is going

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1 to be stucco to match the existing resource
2 and it is going to be encouraged to have
3 things sort of grown on it and grown into it.

4 So, Michael, could you take me
5 back to the front of the building again maybe
6 from an aerial? That's great. Actually,
7 leave it there.

8 So the intention really with the
9 project from the very beginning has been to
10 restore the building back to the version of
11 itself that once was. And so that we are
12 somewhat not aware that there would be -- that
13 it could pass this building and experience it
14 much the same way it has always been
15 experienced on 16th Street.

16 We do anticipate re-enlivening
17 this corner or this front of the building,
18 which has been empty and sort of abandoned now
19 for over 10 years by reengaging the curb cuts
20 from 16th Street. We imagine them to be used
21 for passenger pick-up and drop-off, taxi
22 service, grocery delivery, that sort of a

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1 thing.

2 We do anticipate re -enlivening
3 more of the street corner. Michael, would you
4 mind taking us to the aerial again? The
5 three-quarter view. That's perfect.

6 In conjunction with reopening the
7 front of the building again, we are going to
8 be reopening several points into the building
9 that have been closed for years. One is this
10 door is now going to become a public entry
11 again, so we will have a flow of people coming
12 in and out back onto the sidewalk.

13 This door here, there is a small
14 door as well, will be opened again. And our
15 addition is including a public entry on this
16 side and a public entry on this side.

17 Something again brought up through community
18 review was looking for opportunities to put
19 more eyes on the street, put more people
20 coming in and out of the building and off the
21 sidewalk as opposed to one central location.

22 And so we are very excited that we

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1 are going to be bringing more activity back to
2 this corner.

3 While we are looking at this
4 corner, part of the discussion as well that we
5 are going to go into a little bit more is
6 early talks with the community had raised a
7 point that this is a very narrow street and
8 that this corner, in particular, is a very
9 difficult corner to navigate, especially
10 during times when people are walking down the
11 street to H.D. Cooke Elementary.

12 So very early on what we proposed
13 was to retain an existing curb cut on Fuller
14 for the entry into our parking garage and then
15 open a new curb cut to the north of our
16 property here on Mozart Place for the exit for
17 the garage. This allows for all of the
18 vehicle traffic that may be using this
19 building to come in off of Fuller, as it
20 normally would, and then exit out to Columbia
21 without ever having to impact this corner.

22 We think this is a successful

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1 approach for a couple of reasons. It should
2 lessen the impact of automobile traffic. I
3 think it should also help with the amount of
4 wait time that people experienced trying to
5 navigate this corner. And it also allows us
6 to group our -- with the second curb cut, to
7 group our services in a place that seems the
8 most logical on the site.

9 We have gotten feedback that it
10 could be difficult for a truck if it was stuck
11 to idle and wait to have to service the
12 building out in this narrow street and so we
13 have joined the building services in the most
14 logical place across from an existing alley
15 and directly as far away from the impact of
16 the front doors of these apartments here.

17 We do anticipate trash service to
18 happen several times a week. And with that,
19 we have designed a trash room that would allow
20 the vehicles to be backed in, the doors closed
21 and the trash to be serviced from behind
22 closed doors.

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1 Would you come back around to the
2 very front again?

3 So with that, I think what we have
4 shown or what we would like to point out or
5 emphasize is that we think we have designed
6 something very successfully with a lot of
7 community feedback, a lot of effort on the
8 part of the Historic Preservation Office,
9 specifically Mr. Steve Callcott, who worked on
10 this project years and years ago through other
11 development teams and really brought a lot of
12 experience and knowledge to it.

13 And we have found an opportunity,
14 I think, to use, before I forget, I am excited
15 to point this out, really great materials on
16 this. We have got clay tile roofs. We have
17 got -- the building is going to be brick with
18 a rusticated stone base in places out of
19 precast or cast stone and its operable
20 windows, double hung with aluminum-clad
21 exterior.

22 So very approachable materials,

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1 very hand-scale materials and in places where
2 we have gotten feedback on opportunities to
3 look for savings. We have reviewed those
4 opportunities with the Historic Preservation
5 Office to find a suitable material substitute.

6 The one substitute that we are
7 proffering and have been accepted by Historic
8 Preservation Review was to look at a composite
9 roof material at the very top of the building.

10 The very top of the building will
11 have -- will not have a clay tile roof, but
12 will have a composite, which we have a sample
13 here if anybody would like to see, that is an
14 acceptable alternative.

15 I have been reminded that one of
16 the things that post our hearing at set down
17 that we took a look at with a lot of
18 seriousness was to look at the building's
19 height. It was brought up that it was unclear
20 exactly how the building's height -- and it
21 was related to Mozart and also how our roof
22 forms worked.

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1 It was important for us from the
2 very beginning that this building was going to
3 have a presence in the skyline, that it would
4 have a roof. It wouldn't be another flat top
5 building in the city.

6 Up on the screen is the v ersion
7 that you saw at set do wn and on t he boards
8 here is the revised building. As you can see,
9 we have reduced the height significantly from
10 101 feet originally to the top of the roof to
11 90 feet 4 inches.

12 We did that without changing an y
13 of the character in the building in a couple
14 of ways. One was to abbreviate the roof. We
15 have, through working w ith the engineers,
16 found a great solution to use the area behind
17 the roof for mechanical systems.

18 And we found a solution by
19 abbreviating the roof, we think we retained
20 the style of the roof while also reducing its
21 height significantly.

22 We have also l owered the overall

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1 building as it approaches -- as it faces
2 Mozart Place to a height of 75 feet 6 inches
3 from the original 81 feet. So as the building
4 sets back at its top level, we have also
5 lowered the overall height as it approaches
6 Mozart.

7 I think that's -- the shorter
8 building as well, the lower portion here that
9 faces Fuller Street as well, you will note,
10 has come down. Originally, it was 60 foot 6
11 inches and now it, as designed, is 56 feet 10
12 inches. Also in response to concerns about
13 building height. This more approximates the
14 buildings across the street.

15 COMMISSIONER MAY: Can you go
16 ahead and pass us the materials?

17 MR. COOKE: Yes. I'm submitting
18 to you two brick samples. The one, the larger
19 brick here is the brick size that the building
20 has been designed around, sometimes called a
21 Norwegian dimension. And the other is a close
22 approximation to the color that we are going

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1 to use.

2 The project is going to be mocked
3 up. The brick samples and stone samples are
4 going to be mocked up on -site for final
5 review. The roof tile is coming in from the
6 other side. I think you will know which one
7 is the composite.

8 CHAIRMAN HOOD: We just like
9 handling all the materials and stuff.

10 MS. PRINCE: You can make a
11 building.

12 CHAIRMAN HOOD: Yes, we actually
13 enjoy that, that's the best part.

14 MS. PRINCE: I wanted to let you
15 play with the materials for as long as you
16 wanted. Right now, we will proceed with the
17 testimony of Dan Van Pelt, our expert in
18 traffic engineering.

19 MR. VAN PELT: Good evening,
20 Commissioners. It is nice to see you all
21 again after the summer break. Hope you had an
22 enjoyable August.

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1 For the record, my name is Dan Van
2 Pelt with Gorove/Slade Associates. I'm here
3 this evening to talk with you about the
4 transportation aspects of the project and I
5 think we will mainly focus a bit on the site
6 access. I'm also joined by Jack Goode from A.
7 Morton Thomas, who did the majority of the
8 traffic work, so Jack could also help answer
9 any of those questions.

10 But we were brought on, as both
11 Allison and Will said earlier, and the site is
12 just a very complex site. We have some
13 experience with automated mechanized parking.
14 And so given some of the constraints of the
15 site, that was looked at as one possible
16 solution for parking and also to assist with
17 looking at some of the access alternatives for
18 the site.

19 Just to give you, I guess, a
20 little reference for where the site is
21 located, this map shows where the site is.
22 The existing resource, as referred to, the old

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1 embassy building is on 16th Street. The site
2 is bounded by Fuller on the south and Mozart
3 on the west. The Scottish Rite Temple is
4 located immediately to the north.

5 This slide is the -- is really --
6 shows all the transit opportunities, the
7 transit routes that are in the area in the
8 vicinity of the site and I think that's pretty
9 important because the census data tells us
10 that about half the people that reside in this
11 area use means of transit or use some means of
12 mobility other than personal automobile.

13 The Metro Station is about 4/10^{ths}
14 of a mile away, the Columbia Heights Metro
15 Station. And one thing that is not indicated
16 on here is the Capital Bikeshare Station,
17 which we all know has been a very successful
18 program in the District. It's about a block
19 away at Columbia and 16th Street.

20 The next slide is the site plan or
21 -- for the site. And you can see here the
22 existing 16th Street semi-circular driveway

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1 that is proposed to remain along with the
2 existing curb cut on Fuller and the proposed
3 curb cut that is on Mozart.

4 Both Fuller and Mozart, as we said
5 earlier, are very narrow streets. They
6 operate in a one-way fashion and they are 24
7 feet curb-to-curb, which essentially allows
8 for a 7 foot parking lane on either side and
9 about a remaining 10 feet in the middle for
10 traffic flow.

11 The program that was analyzed in
12 the traffic study, I really assumed that, that
13 was for use of the historic building and then
14 the construction of the new adjacent
15 residential addition.

16 There is a range of 110 to 135
17 dwelling units, but the traffic study assumed
18 that there would be 135 dwelling units.

19 The parking is anticipated at
20 about 60 to 90 spaces, part of that depends on
21 whether it would be a conventional or an
22 automated mechanical solution and the project

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1 has looked at both of them.

2 Also included is a 30 feet service
3 loading area with 14 feet of clearance to
4 allow trucks to be serviced, as Patrick said
5 earlier, internal to the building and off-
6 street.

7 The other thing that is not really
8 mentioned here is just bike parking on-site
9 will be provided in the garage.

10 As for the traffic analysis, I
11 don't know that there is a whole lot to get
12 excited about here. We followed kind of our--
13 A. Morton Thomas followed the typical
14 procedures in putting the GIA together,
15 assumed the background growth and background
16 developments and they met with DDOT when they
17 scoped out the traffic study.

18 The site trip generation that was
19 assumed didn't really take into account any of
20 the modal splits, although, as I said earlier,
21 the census data would tell us about half of
22 the people are -- that reside in this area are

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1 not using personal automobiles.

2 So the traffic analysis really
3 consumed or took a more conservative approach.

4 And with that assumed there would be 71 new
5 trips in the morning peak hour and there would
6 be 80 trips in the p.m. peak hour.

7 And with that additional trips
8 analyzed on the network and of background
9 developments, the analysis came to the
10 conclusion that all the studied area
11 intersections would continue to operate at the
12 same level as the service. And that the
13 existing garage -- the garage entrance and
14 exit would also operate with acceptable levels
15 of service and that the pedestrian levels of
16 service would all continue to be acceptable to
17 study at the intersections.

18 So moving on to talk a little bit
19 about access. This slide shows the existing
20 curb cuts that serve the site, which are the
21 two curb cuts serving the semi-circular drive
22 on 16th Street, the existing curb cut on

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1 Fuller, which is 15 feet wide.

2 We have also indicated here where
3 the on-street parking, both on Fuller and on
4 Mozart, and I think although this figure isn't
5 exactly to scale, it gives you kind of an idea
6 of what the -- how kind of tight these streets
7 are, Fuller and Mozart with on-street parking
8 and then one lane for traffic flow.

9 I think we appreciate that --
10 DDOT's support for the project. We understand
11 the DDOT's concern about Mozart curb cut, so
12 we have gone through and we have looked at
13 different options for tryi ng to see how we
14 could potentially make the site wor k and
15 function.

16 One of the first options that we
17 looked at is we looked at existing access, so
18 it really means trying to work off of that
19 existing curb cut that is on Fuller. And in
20 this scenario, we are assuming that we have
21 conventional parking, some conventional
22 ramping and conventional layout for parking on

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1 the site.

2 Because the site is so tight, to
3 be able to get the ramping to work internal to
4 the building, it didn't allow us the ability
5 to be able to widen the Fuller curb cut. So
6 with it -- working with pretty much the
7 existing width of the Fuller curb cut there
8 today, it gives us the ability for one lane,
9 essentially, of in and out flow to the parking
10 garage, so that would mean that anybody who is
11 waiting for somebody to come out of the
12 garage, would have to stop and block Fuller
13 Street to be able to exit out of the garage.

14 When it comes to service and the
15 loading activity for the building, the --
16 where that ends up wanting to be the new
17 service for the -- that will be in the new
18 building will also serve the existing resource
19 of the old building and ends up being the
20 northwest corner of the project.

21 That service activity without a
22 loading dock, without a curb cut on Mozart,

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1 essentially, would have to happen in that
2 corner, so you would end up with containers
3 being brought across the public space, across
4 the sidewalk to be off loaded into the trash
5 trucks.

6 And that the activity of --
7 according to, I believe, the place management
8 folks, is that, you know, there are going to
9 be several of those trucks a week in terms of
10 almost expecting daily activity of the trash
11 collection for a building of this size.

12 With move-ins and move-outs, we
13 also think that it's a bit complicated in
14 terms of how to accommodate that activity.
15 That would mean that all the move-in/move-out
16 activity to happen coming across the sidewalk
17 ramps to moving vans would get them across the
18 sidewalk and block the pedestrian space.

19 So we see that, with this
20 alternative, it doesn't really work very well
21 for the site, but we also think that given,
22 especially given the uniqueness of this

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1 neighborhood and the very tightness of the
2 streets that don't allow literally any wiggle
3 room, we think that this option really is, you
4 know, a little bit problematic for public
5 vehicular and pedestrian traffic along with
6 just the operation of the building itself.

7 So then we went on and we looked
8 at the second option, which is really where we
9 are at today. One of the options that we are
10 at today is the Mozart curb cut. So with this
11 option, we would use the existing Fuller as a
12 way to get in to the parking garage. We
13 wouldn't need to widen that curb cut. We
14 would be able to work with the width that is
15 there today.

16 We would use the new 20 foot curb
17 cut on Mozart as the way to exit the parking
18 garage and then that would also be where the
19 service and loading area is on Mozart. And
20 that allows us, as Patrick said earlier, to be
21 able to pull the service -- the trash, both
22 internal to the building, fully out of public

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1 space, and also it would allow the move-in and
2 move-out activity to also be accommodated
3 internal with the building and out of public
4 space.

5 So we think that with -- this
6 solution works for the building, it's feasible
7 for the building, but we also think it is much
8 better for the overall public vehicular
9 traffic, both vehicular and pedestrian
10 traffic, in this area.

11 One other thing to point out, too,
12 both these alternatives, we haven't said
13 anything about the 16th Street curb cuts yet
14 and the semi-circular drive.

15 Patrick did mention a little bit
16 earlier about the intentio n for that to be
17 very light usage an d that it would really
18 serve for limited pick-up/drop-off activity,
19 the UPS man, that sort of thi ng. And it is
20 something that is -- the semi-circular drives
21 are a character of 16th Street. As you go up
22 and down 16th Street, they exist in ma ny of

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1 the larger monumental buildings that are there
2 and they have for many years.

3 And, you know, we haven't seen i n
4 the crash data any strong evidence that tells
5 us that these curb cuts themselves are causing
6 a major issue or a major safety hazard.

7 The next two op tions I have to
8 talk to you about really are very similar to
9 options 1 and 2, so I'm not going to sp end a
10 whole lot of time on them.

11 But option 3 is really the
12 existing access with an automated solution.
13 And the reason why we wanted to show you this
14 one is that we thought m aybe with the
15 mechanical parking, it would all ow us some
16 flexibility to try to use the Ful ler curb cut
17 and potentially wide n it to allow two-way
18 flow.

19 But as it turns out, the geom etry
20 that is needed to be able to ac cess those --
21 the lifts internal to the building, just still
22 does not allow us, given the tightness of the

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1 site, to be able to allow this to function.
2 So we have the same constraints, same issues
3 with trying to access parking and trying --
4 and access loading with an automated solution
5 as we would have with the conventional parking
6 solution.

7 And so option 4 is really the --
8 it's the Mozart Drive with an automated
9 solution or mechanized parking. And with
10 that, we can see that this is workable as we
11 determined that option 2 would also be with a
12 new curb cut on Mozart.

13 So just some other access
14 observations. When you look at the pedestrian
15 volumes that are on the block faces that are
16 immediately adjacent to the site, Fuller has
17 slightly more pedestrian traffic than the
18 Mozart Place does. So there is very -- well,
19 slightly more. It's pretty similar.

20 So one of the things we were -- we
21 kind of unprincipled, we really don't want to
22 try to load up traffic, be it service and even

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1 garage traffic on one street when there is the
2 opportunity really to spread that load among
3 two streets.

4 When you look at the overall
5 highest pedestrian volumes on the streets, it
6 is really what we saw and what we found the
7 counts showed in A. Morton Thomas' report is
8 that the highest volumes are really on the
9 west side of Mozart and opposite the site.
10 And that we almost really would expect that,
11 because the bus stops are located on Columbia
12 Road to the west of Mozart.

13 So there is a lot -- there is kind
14 of a pedestrian desire there to walk on that
15 side of Mozart Street, which that is opposite
16 the site and none of the access to the site
17 really conflicts with the heaviest pedestrian
18 volumes.

19 The crash data doesn't really show
20 any significant concerns for pedestrians or
21 vehicles on Mozart or Fuller. As we said
22 earlier, we haven't really seen any definitive

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1 data that tells us that there is an issue with
2 the curb cuts on 16th Street that currently
3 exist and are proposed to be, as Patrick said,
4 reactivated with the redevelopment.

5 And then the community has been
6 part of this process throughout the way,
7 throughout the site's development and is in
8 support of the Mozart curb cut, just as
9 Patrick described earlier, to take the traffic
10 out of that intersection at Mozart and Fuller.

11 So really, in concluding, the new
12 trips that would be generated by the project
13 really don't have an impact or degrade the
14 levels of service of the studied area
15 intersections.

16 As we have gone through and really
17 looked hard to try to see if there is other
18 alternatives, we really just can't find a way
19 that the site works and we have workable
20 parking access and service access without that
21 Mozart curb cut.

22 And then we also think that the --

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1 without the Mozart curb cut, actually, there
2 is a detrimental impact to the operations of
3 both Mozart and Fuller ju st due to the very
4 tightness of those streets and the widths of
5 those streets themselves without a way to be
6 able to get that activity on and off of the
7 street and out of public space. And it would,
8 more than likely, have an impact on that.

9 And then with regards to the semi-
10 circular drive, they -- HPRB has voiced that
11 their support of maintaining the v isual
12 character of it, we think that it also makes
13 sense to maintain the visual or not ju st the
14 visual, but also the operations of it. It
15 really only would be us ed on a very limited
16 basis.

17 It is part of the character of 16th
18 Street. They ar e up and down the corridor.
19 There is one immediately across the street, I
20 think. Two across the street. One either
21 side to the s outh, parcel to the south have
22 the semi-circular drives. And like I said, we

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1 hadn't really seen any data that really
2 suggests that they are causing a safety issue
3 in the crash data that we have seen.

4 So appreciate the time in
5 listening to my testimony. I will be happy to
6 answer any of your questions.

7 MS. PRINCE: That concludes our
8 presentation.

9 CHAIRMAN HOOD: Okay. I want to
10 thank you all for your presentation. Let me
11 start. I think I'll start off, unless one of
12 my colleagues is ready? Okay.

13 Mr. Lansing, let's talk about the
14 textbooks. I was interested in that, the
15 textbooks, I think, for H.D. Cooke Elementary.
16 Let's talk about that. How is that going to
17 work?

18 MR. LANSING: Yes, sir. If I
19 could, let me get to the agreement.

20 CHAIRMAN HOOD: Do I have it here
21 somewhere and I just missed it or is this
22 something that was --

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1 MR. LANSING: I believe, should I
2 submit this?

3 CHAIRMAN HOOD: It is in the ANC?
4 Okay. I have it.

5 MR. LANSING: Yes, okay.

6 CHAIRMAN HOOD: Okay. I just
7 didn't -- maybe I overlooked it. I do have it
8 open.

9 MR. LANSING: Okay.

10 CHAIRMAN HOOD: But let's talk
11 about how it's going to work.

12 MR. LANSING: Sure.

13 CHAIRMAN HOOD: Give me a second
14 and let me find it.

15 MR. LANSING: No problem.

16 CHAIRMAN HOOD: Okay. And let me
17 know what page you are on, so I can go right
18 to it.

19 MR. LANSING: Sure. If you are
20 looking through the ANC package, it's labeled
21 Item B, H.D. Cooke Elementary School
22 Agreement. Yes, it was --

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1 CHAIRMAN HOOD: Oh, it was
2 submitted today.

3 MR. LANSING: -- today, yes.

4 CHAIRMAN HOOD: Oh, so I'm looking
5 at the wrong agreement? Okay.

6 MR. LANSING: Do you folks have
7 the new one?

8 CHAIRMAN HOOD: Okay. Well, if we
9 got it today, I will be honest, I haven't read
10 it.

11 MR. LANSING: Okay.

12 CHAIRMAN HOOD: So I'm looking a t
13 what I read.

14 MR. LANSING: No problem.

15 CHAIRMAN HOOD: That's why I asked
16 did I miss it. Okay.

17 MR. LANSING: Gotcha. Yes.

18 CHAIRMAN HOOD: Okay. So we do
19 have it? Yes , that's it. The Commissioner
20 has it. I want the staff -- is this your
21 copy? Oh, this is for us ? Oh, okay. Okay.
22 Okay.

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1 MR. REYNOLDS: May I join the
2 group?

3 CHAIRMAN HOOD: It's the new one .
4 Okay. Mr. Lansing, if we can --

5 MR. LANSING: Sure, absolutely.

6 CHAIRMAN HOOD: We haven't read
7 it, so if you can help us?

8 MR. LANSING: Sure, absolutely.
9 If you turn to, in that new package you have
10 got, it's Exhibit B, titled H.D. Cooke
11 Elementary School Agreement.

12 CHAIRMAN HOOD: Okay. And this is
13 going to tell me how it is going to work?

14 MR. LANSING: Yes, sir. And I'll
15 draw your attention down below background to
16 the program recitals. And specifically No. 2
17 talks about what we will be providing from the
18 standpoint of library books that reflect the
19 IBM owner profile, key concepts in attitude,
20 Spanish and English, these were identified as
21 the top priorities by Principal Black at the
22 school.

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1 And if you flip that page to page
2 2 of that agreement, No. 3, we talk about the
3 timing of that purchase of those materials for
4 the school.

5 CHAIRMAN HOOD: So I guess it's a
6 way for the school, this particular school, to
7 get textbooks --

8 MR. LANSING: Correct.

9 CHAIRMAN HOOD: -- through this
10 process?

11 MR. LANSING: Yes, sir.

12 CHAIRMAN HOOD: That was my
13 concern.

14 MR. LANSING: Yes, sir, yes.

15 CHAIRMAN HOOD: And we said what
16 we were going to do with -- you mentioned
17 Sarah's Circle. What were we doing with
18 Sarah's Circle?

19 MR. LANSING: Sarah's Circle was --
20 as a result of the -- I can draw you, I think
21 it's the next exhibit. Nope, sorry. The
22 exhibit before. I think it is Exhibit A.

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1 CHAIRMAN HOOD: A, yes, I t hink
2 it's A.

3 MR. LANSING: Yes.

4 CHAIRMAN HOOD: I see A.

5 MR. LANSING: They were -- I
6 believe every unit or every residential unit
7 in that building, which I believe there is 32,
8 somewhere in that neighborhood, reside ntial
9 units in that building as well as some of the
10 office space and units were affected by the
11 earthquake. Nothing structural, thank
12 goodness, but a lot of aesthetics, crumbling
13 drywall, paint coming off, leaks a round
14 windows and it has upset a good number of the
15 residents there who are, you know, in their
16 later years in life.

17 And so we have stepped up and we
18 are going to be doing some renovation work
19 there as soon as we can get folks out there to
20 clean it up for them.

21 CHAIRMAN HOOD: And let's talk
22 about the jobs program that you -- and I think

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1 this came up at the set down. But let's talk
2 about the jobs program. I'm just curious.

3 MR. LANSING: Yes.

4 CHAIRMAN HOOD: ANC-1C has helped
5 initiate that different jobs program. Now,
6 the inventory or the people who are going to
7 apply for it come from various groups. Are we
8 specifically limited to D.C.?

9 Well, sure it's D.C. residents,
10 but ANC Commission area 1C --

11 MR. LANSING: Yes.

12 CHAIRMAN HOOD: -- is that what we
13 are doing?

14 MR. LANSING: Correct. That's our
15 goal. Correct. Out of that ward.

16 CHAIRMAN HOOD: You're not saying
17 it, but you are specifically trying to target
18 those in 1C?

19 MR. LANSING: Exactly.

20 CHAIRMAN HOOD: What are we doing
21 to make sure 1C -- we don't want to get to the
22 time when we need to go back and tell the ANC

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1 hey, look, you don't have a pool. What are we
2 doing to deviate from having that problem,
3 when you get down to business.

4 MR. LANSING: In terms of
5 determining that these folks actually are, in
6 fact, from 1C?

7 CHAIRMAN HOOD: No, to make sure
8 that they are ready. I mean, you know, have
9 some -- do they have to have some kind of
10 experience or can they come in fresh?

11 MR. LANSING: I think that's
12 something that is going to be really left up
13 to the general contractor that we are bringing
14 on board. I think it is going to be they
15 can't come in fresh, because a lot of this is
16 going to be kind of a trainee-type position.
17 I've got the right --

18 CHAIRMAN HOOD: You know, here is
19 what I would like for us to do with that.

20 MR. LANSING: Yes.

21 CHAIRMAN HOOD: I've been here
22 long enough to know that developers tell us

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1 that they are going to use the community.

2 MR. LANSING: Yes.

3 CHAIRMAN HOOD: But when it's time
4 to go get t hem, they don't have the
5 experience.

6 MR. LANSING: Yes.

7 CHAIRMAN HOOD: So I would like to
8 encourage the ANC and you all to continue to
9 work, depending upon how this moves, in that
10 effort to make sure that whether someone has
11 to have experience or they can come in green
12 or whatever the case may be, that we kind of
13 have a reference point of making sure that we
14 really get the pool that we need from area 1C
15 or however you are going to get it.

16 Don't wait u ntil it's time and
17 then say, okay, well, we don't have anybody.

18 MR. LANSING: Right.

19 CHAIRMAN HOOD: So I guess you all
20 can have that, hopefully the ANC and you all
21 can have that, conversation and kind of start
22 working on it now, so when it c omes time, we

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1 will have someone.

2 MR. LANSING: We are ready, right.

3 CHAIRMAN HOOD: Whether they don't
4 know anything or they have a little bit of
5 experience or they are top notch, either way.

6 MR. LANSING: Right. They are in
7 at that point, right.

8 CHAIRMAN HOOD: Okay. Mr. Van
9 Pelt, let's talk about the mechanical. Oh,
10 there you are, okay. How is that going to
11 work? If the mechanical -- automated
12 mechanical parking spaces. How is that going
13 to work?

14 MR. VAN PELT: Well, I mean,
15 mechanical parking is a solution where what
16 you end up with is there is going to be -- as
17 you would any garage, you have an area where
18 you drive into the garage and then there is
19 the entry devices where you pull into it.

20 For this project, what we would be
21 looking at is probably two of those entry
22 devices. You pull into much similar as you

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1 would pull into driving into a car wash or
2 your own garage and then you -- the residents
3 would have a key fob or some other means to
4 swipe as they leave the e ntry area of the
5 garage.

6 They are usually asked a bunch o f
7 liability-related questions. You know, was
8 your dog in the car? And is your car off and
9 those sorts of things. And then the system
10 takes it away and stores it. And it's
11 essentially what ends up is there is a large
12 storage rack underneath -- under -- below-
13 grade.

14 The advantage of the mechanical
15 parking is that it takes about 60 percent of
16 the space as con ventional. And so for most
17 times what w e find is that when the
18 opportunity is there , and y ou can mak e
19 conventional parking work, that's typically
20 what the solution that is chosen. But given
21 the site -- the constraints of the site,
22 that's -- this is a val id alternative to be

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1 looked at.

2 CHAIRMAN HOOD: So let me ask
3 this. We have conventional or automated
4 mechanical. Are we really looking at this
5 mechanical? I mean, are you really, really
6 looking?

7 Because here is what happens.
8 They present it to us and guess what? We find
9 out it can't work or we can't do it or it's
10 too expensive.

11 MR. VAN PELT: Yes.

12 CHAIRMAN HOOD: So I just guess
13 I'm trying to find out now are we really,
14 really looking at this?

15 MR. VAN PELT: Yes. I think why
16 we were brought on the team is to evaluate it
17 because of the site's constraints, but we
18 also think that one of the reasons to do it is
19 really for a cost of savings reason. So it's
20 not that it would be more expensive, it would
21 be, you know, one of the alternatives -- it
22 would function better for the site and would

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1 there be, you know, a cost savings reason to
2 do it?

3 A conventional solution has been
4 laid out. We don't think it is a very good
5 garage. It doesn't really -- the way -- it
6 doesn't function as well as a garage ideally
7 would like with the geometry and the ramping
8 and whatnot. We have a lot of bad garages in
9 D.C., but -- so this wouldn't be that much
10 worse than some of the others.

11 But the reason why we -- that we
12 were asked to come and take a look at it is
13 could it actually make this a better project
14 for having automated parking as a solution?

15 CHAIRMAN HOOD: Do we have
16 somewhere in the city that is already doing
17 the mechanical?

18 MR. VAN PELT: There is one
19 project currently in the city, it's the Camden
20 Park that is at McPherson Square on I Street
21 and it has been in operation seven, maybe
22 eight years now.

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1 CHAIRMAN HOOD: Okay.

2 MR. VAN PELT: And we have had
3 other clients come to us that are interested
4 in this technology for their projects. There
5 seems to be more interest in it lately. But
6 so far that is the only one that is currently
7 in operation in the city.

8 CHAIRMAN HOOD: Okay. My
9 experience has been, I remember one specific
10 case some years ago on H Street where this was
11 going to be the big thing going. And there
12 was a reason they couldn't do it, so that kind
13 of took me back there.

14 MR. VAN PELT: There are
15 mechanical garages, but there is -- I guess
16 the only one that is fully automated, this
17 would be a fully automated system.

18 CHAIRMAN HOOD: Where it goes and
19 I guess, what is it, it's a storage rack?

20 MR. VAN PELT : Yes. It's --
21 right. I mean, there are mechanical -- there
22 are some mechanical garages in the city that

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1 exist where they use lifts and the attendants
2 put cars on lifts and lift them up to stack
3 them vertically, but this -- as far as a fully
4 automated garage, there won't -- there is
5 really no need for an attendant. The system
6 is fully -- is done by -- most of it is really
7 the same as elevator technology.

8 CHAIRMAN HOOD: That's exactly
9 what I'm talking about. The same one was on H
10 Street and that's exactly -- we are talking
11 about the same thing actually.

12 MR. VAN PELT: Okay.

13 CHAIRMAN HOOD: Okay, but anyway--

14 MR. VAN PELT: Okay.

15 CHAIRMAN HOOD: -- that didn't
16 happen, so I won't go back to that.

17 MR. VAN PELT: Sure.

18 CHAIRMAN HOOD: Any other
19 questions, Commissioners? Well, I'm sure we
20 have some questions. Commissioner Turnbull?

21 COMMISSIONER TURNBULL: Thank you,
22 Mr. Chair. I think first this is a very

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1 exciting project and I want to thank you for
2 the effort that you have put into this. This
3 is going to be a really nice project when it
4 is completed.

5 But I have some questions. I
6 wonder if you could -- and I think I know the
7 answer, but you didn't really talk about
8 inclusionary zoning and the houses, but I
9 wonder if you could? And I just want to do
10 this for the record that units are in both the
11 historic building and in the new building, so
12 I wonder if you could maybe point those out?

13 MS. PRINCE: We can certainly show
14 you the units that are marked as inclusionary
15 zoning units. Those are in the plans and they
16 are color coded as IZ units. Maybe Mike could
17 get us to one of the sheets that can show us
18 that.

19 COMMISSIONER TURNBULL: How many
20 are there?

21 MS. PRINCE: There are six
22 inclusionary zoning units. And after

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1 discussions with Art Rogers and the Office of
2 Planning, we have those inclusionary zoning
3 units targeted toward two bedrooms, because
4 there was a specific interest in serving
5 families that may be in the neighborhood
6 because of the school.

7 So that was a specific request
8 from the Office of Planning at the outset, so
9 they are unusually large IZ units. One is in
10 the landmark part of the building and the
11 remaining IZ units are in the new
12 construction, so they are divided evenly
13 throughout the project.

14 COMMISSIONER TURNBULL: Okay. I
15 guess the other thing which I'm -- which
16 wasn't carefully or wasn't -- there was no
17 eighth floor plan shown. I guess seventh and
18 eighth are -- is a duplex unit? But we hadn't
19 really seen that. So I was just -- it was
20 just omitted.

21 You see the seventh floor plan.
22 And the only way I can look at it is on the

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1 roof plan, A-13, but it doesn't really show me
2 much as to how that really works up there.

3 MR. COOKE: Mr. Turnbull, this i s
4 Patrick Cooke speaking. The eighth floor plan
5 is up on the screen right now. And they are,
6 in fact, the top floor, duplex units. The
7 area in gray that is shown around are terraces
8 that are accessed from the upper floor.

9 COMMISSIONER TURNBULL: And the
10 material on the terrace is concrete?

11 MR. COOKE: The material on the
12 terrace is a combination of pavers and
13 planters.

14 COMMISSIONER TURNBULL: Okay. And
15 how do you get to the penthouse? Does that
16 stair continue up? The re really is no good
17 blowup of the roof plan.

18 MR. COOKE: This stair does
19 continue up, yes.

20 COMMISSIONER TURNBULL: Okay.
21 That was one of the things we asked for was a
22 better plan of the roof to see how and

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1 understand how it really worked, which we did
2 not get.

3 Let me get back to the front of
4 the embassy, the historic element. And Mr.
5 Van Pelt brought up a point that was at issue.

6 Is HPRB basically saying that the image that
7 you see of the embassy in the front is of such
8 historic nature that you keep the rod iron
9 fence, the curb cuts and everything?

10 I mean, is that -- I'm getting the
11 feeling that that is the way that they would
12 like to see it presented.

13 MR. COOKE: Mr. Turnbull, yes,
14 that's correct. In our reviews with HPRB,
15 they have been specific that we must retain
16 and restore the fence and the iron work that
17 is there. Retain and restore the drive as it
18 is there and retain and restore the side yards
19 as they exist.

20 COMMISSIONER TURNBULL: Okay.
21 Now, the landscape there is very clean. There
22 is not really trees per se. It is fairly just

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1 lawn. And I'm assumin g you are -- are you
2 doing anything to that?

3 MR. COOKE: We are, yes. We are
4 working with A. Morton Thomas on the -- on a
5 layout design for landscaping. We are going
6 to really be embracing this interior courtyard
7 and bringing it back to sort of a more
8 traditional garden with a water feature,
9 possibly a fountain inside.

10 To the front entryway, we are
11 going to stabilize the two large existing
12 trees that are here and hopefully augment that
13 with some additional planting that is around
14 the base of the building.

15 COMMISSIONER TURNBULL: Stabilize?

16 MR. COOKE: Just to make s ure that
17 they are kept i n good health. The tree
18 surgeon hasn't been by th ere in a very long
19 time and one of them has a pretty precarious
20 looking large limb. So we would like to keep
21 those trees alive and keep them healthy.

22 COMMISSIONER TURNBULL: So you

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1 have an arborist involved?

2 MR. COOKE: We do not have an
3 arborist involved, no.

4 COMMISSIONER TURNBULL: Okay.

5 MR. COOKE: We can as the project
6 moves forward though.

7 COMMISSIONER TURNBULL: Okay. The
8 composite roof tile, that's for the new
9 building?

10 MR. COOKE: That is limited only
11 to the highest part of the new building.

12 COMMISSIONER TURNBULL: That's for
13 the penthouse though?

14 MR. COOKE: The penthouse, yes.

15 COMMISSIONER TURNBULL: So we --

16 MR. COOKE: The lower level that
17 we see here is all intended to be that heavier
18 clay tile that you guys handled earlier.

19 COMMISSIONER TURNBULL: Okay. All
20 right. So the --

21 MR. COOKE: Which is very similar.

22 In fact, it is -- the clay tile on the

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1 existing historic building is a two-piece clay
2 tile, which is called l ike a pan and cover.
3 It is a flat pan with a rounded cover.

4 COMMISSIONER TURNBULL: Right.

5 MR. COOKE: We looked at actu ally
6 using that exact same tile. Ludowicci Roof
7 Tile, who we reached out to, is still
8 manufacturing tile in the U.S. an d originally
9 made the tile for this b uilding, as it turns
10 out.

11 During the discussions with
12 Ludowicci, they brought to us that single tile
13 piece, which is basically a single pan and
14 cover in one piece. It is roughly half the
15 cost and it looks the s ame. And it still
16 gives us the opp ortunity to use a real clay
17 material.

18 COMMISSIONER TURNBULL: So that's
19 -- not trying to give any add here, but that
20 tile is a Ludowicci ti le then? I didn't
21 notice the --

22 MR. COOKE: That is correct, yes.

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1 And they have been an American manufacturer
2 of tile products forever.

3 COMMISSIONER TURNBULL: Yes.

4 MR. COOKE: I think they are in
5 Ohio right now.

6 COMMISSIONER TURNBULL: I should
7 have bought stock in Ludowicci years ago.

8 Oh, I guess getting back to the
9 composite tile, life expectancy, the color
10 fastness, what's the --

11 MR. COOKE: Well, we have gotten
12 feedback from the manufacturers that we can
13 expect a 30 to 40 year range in the color
14 fastness. So we are expecting to see a much
15 longer return than some sort of an asphalt
16 product.

17 COMMISSIONER TURNBULL: Okay.

18 MR. COOKE: We looked at a metal
19 product, as well that Historic Preservation
20 has allowed on certain buildings, that mimic a
21 roof tile, but it was incredibly poorly made
22 and it damages and scratches if there is hail.

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1 The color fastness should be good
2 on this. They are ver y proud to po int out
3 that it has got a very high solar reflectance
4 as well, so solar reflectance is sort of the
5 same range as the existing clay tile roof.

6 COMMISSIONER TURNBULL: The are a
7 to the -- on Fuller Street, the penth ouse
8 area, that's the cooling tower, that low roof?
9 Yes, right there.

10 MR. COOKE: The sort of hip roof
11 or the mansard roof --

12 COMMISSIONER TURNBULL: Yes.

13 MR. COOKE: -- that surrounds it?
14 There are vents that are functional that you
15 see articulated through the roof.

16 COMMISSIONER TURNBULL: Right.

17 MR. COOKE: Those are points at
18 which we have ve ntilation, cooling units
19 behind them, yes.

20 COMMISSIONER TURNBULL: Okay. All
21 right. Thank you. Mr . Chair, that's enough
22 from me right now.

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1 CHAIRMAN HOOD: Who would like to
2 go next? Commissioner May or Vice Chairman?

3 VICE CHAIRMAN SCHLATER: Thank
4 you, Mr. Chairman. I just want to thank the
5 applicant for responding to a lot of the
6 issues that were raised at set down. I think
7 you did a good job, particularly with respect
8 to the amenities. I think they are well-
9 thought out. Clearly, well-coordinated with
10 the community and certainly have beefed up the
11 package significantly, so that's duly noted.

12 I also appreciated you putting in
13 a drawing here of what it would look like to
14 build out the Scottish Rite parking lot and
15 showing what a matter-of-right rear yard on
16 that site would look like and how this
17 building would look. And I think the 5 feet
18 of court that you guys are proposing are --
19 is, you know, an urban condition and it's a
20 historic structure that you are working
21 around, so an understandable thing.

22 And it looks like it could work,

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1 you know, with the build-out of that Scottish
2 Rite site just fine. It will be tight, but I
3 think I wouldn't want to buy the condo that
4 gets built up next to it, but that's fine.

5 One thing I did want to just make
6 note of is that, you know, we talk about this
7 and it's hard to figure out how to put a pin
8 in it, but the changes in the materials that
9 you are asking for some level of flexibility
10 on, based on HPRB back and forth, I think
11 that's fine.

12 But I guess what we don't want
13 happening is you guys going back to HPRB and
14 your proposing it as opposed to something that
15 HPRB is forcing upon you. So we want to
16 understand what the look and feel of this is.

17 And we don't want HPRB to be the gatekeeper
18 of, you know, your valued engineering
19 exercise.

20 So if you have a material that you
21 want to come back with that is, you know,
22 maybe not the same quality, but needed to make

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1 the project work from a financial standpoint,
2 I think you need to come back to us and let us
3 just get a chance to take a look at it.

4 So I'm supportive of that
5 flexibility with HPRB, so you don't have to
6 come back here if HPRB needs you to make
7 changes, but I also want to make sure it is
8 recognized that you have to come back here if
9 you need to make changes.

10 A quick question for the
11 architect. You are getting the height for
12 this building off of 16th Street, is that
13 correct, from a zoning perspective?

14 MS. PRINCE: That's correct.

15 VICE CHAIRMAN SCHLATER: Okay.
16 And so there is a meaningful connection
17 between these buildings?

18 MS. PRINCE: Yes, there is.

19 VICE CHAIRMAN SCHLATER: What is
20 the meaningful connection, just out of
21 curiosity?

22 MR. COOKE: I'm going to have to

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1 show you the board that we have got just to
2 keep it simpler. The connectio n to the two
3 buildings happens here across a glass bridge
4 from this lobby portion of the building. From
5 this lobby, you can get to any other of the
6 lobbies in the building, the front door, this
7 back lobby and the downstairs c onnection that
8 happens here as well.

9 This hallway then goes from her e
10 back to th e elevator lobby here, both for
11 convenience of access to the new building and
12 the new services. So anybody who lives in
13 this portion of the building will have access
14 to the common spaces here and vice versa.

15 VICE CHAIRMAN SCHLATER: I did
16 have a question. So there was one drawing in
17 there called the North Wing South Elevation.
18 I don't know if you can call that up on the
19 PowerPoint?

20 MR. COOKE: Give us just a moment
21 and we can bring that up.

22 VICE CHAIRMAN SCHLATER: Thank

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1 you. Is there a significant grade change from
2 back to front on the site?

3 MS. PRINCE: I understand that i t
4 is fairly level. The site is fairly level.

5 VICE CHAIRMAN SCHLATER: Great.
6 Okay. Can you ju st explain what is going on
7 here? It doesn't look like the rest of the
8 building.

9 MR. COOKE: Absolutely. This is
10 the facade. I'm going to point to it o n the
11 plans that you have got in front of you on the
12 board. It's the facade of this wing right
13 here. This facade is t hought of as being a
14 little bit of a moment of freedom and a bit of
15 a unique departure in the project.

16 We have a low scale building ver y
17 differently detailed from the rest of the
18 structure. Both to be sort of subservient to
19 the historic resource, but also it is very
20 close to the building itself. And so what
21 would otherwise be a very dark so rt of street
22 passage between the two of them, almost like a

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1 pedestrian way, we have taken an opportunity
2 to try to introduce a very large expansive
3 glass.

4 And we found a manufacturer that
5 we have worked with in the past that makes a
6 steel system that allows a little bit of
7 flexibility like what you are seeing in the
8 mountains, with this as well those window
9 divisions can be operable. It is manufactured
10 steel windows and doors.

11 VICE CHAIRMAN SCHLATER: Are those
12 units?

13 MR. COOKE: There are units behind
14 that, yes. There are a total of five units
15 behind that or within that north wing portion,
16 right here.

17 VICE CHAIRMAN SCHLATER: Are there
18 windows on the north portion of it?

19 MR. COOKE: There are no windows
20 on the north portion of this. This one sits
21 directly on the property line. And so another
22 reason for us really expanding the glass is it

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1 faces the interior courtyard was that this has
2 no -- this shares or has a party wall,
3 essentially, to the north.

4 VICE CHAIRMAN SCHLATER: Do you
5 need zoning relief to build up to the property
6 line here?

7 MS. PRINCE: No, we don't.

8 VICE CHAIRMAN SCHLATER: Okay.
9 Okay. Great. Thank you. Just one note. You
10 submitted some sun studies and I think for the
11 next round, you basically submitte d two
12 drawings there at one time of day. I think
13 typically we like to see different seasons, so
14 -- or spring, summer, you know, one spr ing/
15 summer, one winter, one summer, I don't know.
16 And also different times of the day. We are
17 only seeing 3:00 in the afternoon.

18 MR. COOKE: Sure. We tried to --
19 the nature of our site is that the sun, and
20 I'm going to draw this with the laser to sort
21 of help explain it, comes across the site like
22 this. And so the only time that our building

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1 throws any other building s into shadows is
2 very early in the morning and it is these
3 houses right here lose their daylight from
4 about 8:30 in the morning until about 9:30 in
5 the morning.

6 The rest of the time everything
7 sweeps around and our building continues to be
8 enshadowed by the rest of them.

9 VICE CHAIRMAN SCHLATER: That's
10 exactly what I wanted depicted by the shadow
11 study, so that's perfect. So if you could
12 just submit that?

13 MR. COOKE: That's the one as well
14 that we thought emphasized sort of a most
15 extreme angle as well, so we can follow that
16 up.

17 VICE CHAIRMAN SCHLATER: Okay.
18 Thank you. The last thing is just on the
19 parking and loading. I would just make a
20 comment. There is two things, the circular
21 drive, which I think is a nice feature of
22 driveways around the District, particularly on

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1 historic buildings around the District on some
2 of the larger streets or something, that I
3 like to see, particularly if they are designed
4 in such a way to discourage, you know, use.

5 I mean, you don't want to see them
6 used heavily. You don't want to see them as,
7 you know, entry and exit for the garage, but I
8 think it's a great feature, too, and I think
9 it's good for a residential building as well.

10 So I like seeing that.

11 I also looked at some of the other
12 options you had put forward in that study.
13 And the one I just wanted to highlight that
14 would be a big problem for me is if you were
15 to do trash off the street. I mean, I think
16 that's a huge problem from a noise, from a
17 smell, from pests and rodent perspective.
18 It's something I wouldn't want to see here.

19 So I think it is good that you
20 have got the loading in the building right
21 now. And I understand that the Mozart Place
22 may not be ideal. It's a very narrow street.

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1 And I can understand why DDOT has got
2 heartburn on it, but we do have an historic
3 structure here and you are limited with what
4 you have got to deal with on the site.

5 And I kind of feel like I'm of an
6 open mind and I'm going to listen to DDOT, but
7 you didn't have really a lot of options here.
8 So that's it for me. Thanks.

9 CHAIRMAN HOOD: All right. Thank
10 you, Vice Chairman. Commissioner May?

11 COMMISSIONER MAY: Thanks. So the
12 fact that you guys all got to talk without a
13 time limit means I have all the time, right?

14 CHAIRMAN HOOD: We can always
15 start that now.

16 COMMISSIONER MAY: Yes.

17 CHAIRMAN HOOD: It's never too
18 late.

19 COMMISSIONER MAY: No, it's too
20 late. Too late. I'll try to keep it short.

21 First of all, I think this is a
22 very exciting project. It has got great

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1 potential and it is, you know, just being able
2 to work with that historic building as a
3 starting point is just really a terrific
4 opportunity.

5 I also think that the project has
6 improved significantly since we saw it at set
7 down. Shrinking it that little bit and
8 modifying the roof, reducing the roof on the
9 tallest portion of the building, I think,
10 those are big improvements and adding in some
11 detail to that, it actually feels comfortable
12 now. Before it felt a little awkward,
13 particularly that tall roof. So I think those
14 relatively subtle changes made the whole
15 building feel a lot better.

16 With regard to the curb cut
17 question, did you actually look at moving the
18 curb cut somewhere else along Fuller, like
19 going straight into the building, rather than
20 going between the old building and the new
21 building?

22 MR. COOKE: Sure. We -- very

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1 early on, we endeavored to keep any of the
2 existing fabric that we could in place. One
3 of those things that --

4 COMMISSIONER MAY: I'm sorry, are
5 you referring to curb cut as fabric?

6 MR. COOKE: That existing curb cut
7 at -- on Fuller Street, yes. So we look to
8 work within whatever that we had. As it
9 affected, you know, the retaining walls,
10 things like that.

11 COMMISSIONER MAY: Yes.

12 MR. COOKE: We did do studies that
13 looked at moving the curb cut and widening it,
14 particularly, to try to make the mechanical
15 parking solution work with a one in/one out or
16 in and out on Fuller Street.

17 COMMISSIONER MAY: Yes.

18 MR. COOKE: Once we found that
19 that as well didn't satisfy and that we didn't
20 have an opportunity to bring in or even turn a
21 vehicle big enough to get trash trucks off the
22 street on Fuller Street, it eventually didn't

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1 bear fruit.

2 We did look at using the 1 6th
3 Street curb cut as a service curb cut, that
4 was immediately torpedoed in the meetings with
5 the HPO staff and then further backed up at
6 the HPRB meeting.

7 They believe and we ultimately
8 agree that to have a service vehicle coming in
9 that horseshoe drive was not only difficult,
10 but also dangerous and would be a terrible
11 detriment to the building. So that really
12 left us back to looking at Mozart for the
13 majority of those services.

14 COMMISSIONER MAY: But you
15 actually looked at running it through your
16 building along Fuller Street?

17 MR. COOKE: We did, yes.

18 COMMISSIONER MAY: Okay. Mr. Van
19 Pelt, when you talked about data, historical
20 data on 16th Street, how far back does the
21 data actually go? And does it go back to when
22 those curb cuts were actually being used?

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1 MR. VAN PELT: The data that we
2 pulled was -- and I can get A. Morton Thomas
3 up here to help us out over those last three
4 years. So, no, it is not when those last --
5 those curb cuts were in use.

6 COMMISSIONER MAY: Okay.

7 MR. VAN PELT: But as -- what we
8 were looking for was some patterns of -- there
9 are many other curb cuts that exist today.
10 Immediately opposite of the street, there is
11 semi-circular drive, there is two of them as
12 you go to the south.

13 COMMISSIONER MAY: Are they
14 similarly situated?

15 MR. VAN PELT: Correct.

16 COMMISSIONER MAY: Relative to the
17 cross streets?

18 MR. VAN PELT: Yes.

19 COMMISSIONER MAY: Because one of
20 these is very close to the cross street, which
21 is part of the problem.

22 MR. VAN PELT: Right. Yes, and I

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1 think that the distance is -- sure, is one of
2 the issues. But as you look at 16th Street
3 Corridor and you look even just to north and
4 south of the site on either side of the
5 street, these driveways exist --

6 COMMISSIONER MAY: Yes.

7 MR. VAN PELT: -- on similar
8 conditions.

9 COMMISSIONER MAY: Okay. And then
10 no significant accident reports?

11 MR. VAN PELT: Not that we --

12 COMMISSIONER MAY: Not that much?

13 MR. VAN PELT: -- saw in the data.
14 I mean, there are -- certainly, there is a
15 crash history on the corridor. There are
16 accidents that have happened.

17 COMMISSIONER MAY: Right.

18 MR. VAN PELT: But not that we
19 could see were tied specifically to the semi-
20 circular drives.

21 COMMISSIONER MAY: Okay. Thanks.

22 I'll have more questions for that when DDOT

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1 does their report.

2 Let's talk about the court
3 situation along the north side of the
4 building. I have to say I'm very, very deeply
5 troubled by it. I'm not comforted by the
6 scenario showing the potential development of
7 the Scottish Rite site, because it is Zoned R-
8 5-D. I don't see why it would not be possible
9 to develop.

10 Sorry, if it's not Zoned R-5-D, it
11 very easily could be Zoned R-5-D. And there
12 is -- it could be treated as a side yard and
13 there is no side yard requirement. So what is
14 to prevent somebody from building a building
15 right on the property line then? Is there
16 anything?

17 MS. PRINCE: No. A building could
18 be built on the property line, but we looked
19 at a condition with the front being on
20 Columbia Road and the rear yard being along
21 the property line. We looked at several
22 scenarios that I think we filed in one of our

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1 submissions.

2 It's not --

3 COMMISSIONER MAY: None of them
4 was a building faced on line, right?

5 MS. PRINCE: No, no. We don't
6 have a building that is faced on line. And
7 the property is Zoned R -5-D, but we have a
8 condition where the other option would be for
9 us to build face on line and not fully design
10 that elevation which seems very undesirable.

11 COMMISSIONER MAY: That's not the
12 question I'm asking.

13 MS. PRINCE: Yes.

14 COMMISSIONER MAY: You are going
15 to what the solution is.

16 MS. PRINCE: Yes.

17 COMMISSIONER MAY: Or the
18 potential solution is. My question is just, I
19 mean, what happens if you have somebody build
20 a building on that face of the line, because
21 there is really nothing to prevent that.

22 MS. PRINCE: Yes.

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1 COMMISSIONER MAY: And you wind up
2 with a 5 foot wide court 90 feet tall. I
3 mean, are those units really going to be worth
4 anything close to what they have right now?
5 Are we going to -- you know, when that -- I
6 mean, they don't even have to come before us
7 again. We don't have to, you know, even face
8 it. These people are -- the people who are
9 your future tenants or owners are going to
10 wind up up in arms about what gets built next
11 to them.

12 I mean, is that -- are you
13 imagining that potential scenario and
14 considering what that would do?

15 MS. PRINCE: I mean, that's a
16 situation we encounter often, at-risk windows
17 associated with residential projects.

18 COMMISSIONER MAY: These are the
19 only windows on some of those units. I mean,
20 an at-risk window --

21 MS. PRINCE: Those are not the
22 only windows. Right. The units generally

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1 wrap the corners. I mean, Patrick --

2 COMMISSIONER MAY: Generally, but
3 not always.

4 MS. PRINCE: Patrick can go
5 through the unit layouts.

6 COMMISSIONER MAY: Okay.

7 MR. COOKE: What you are saying is
8 true, those are at-risk windows. A majority
9 of the units wrap the corners to mitigate that
10 from happening.

11 COMMISSIONER MAY: Maybe I'm not
12 seeing the lines well. Show me what -- take
13 me through a floor. Let's go to the second
14 floor to the inclusionary zoning unit. If
15 that has a window wrapping the corner, I don't
16 know where it is.

17 CHAIRMAN HOOD: What page are you
18 looking at?

19 COMMISSIONER MAY: I'm looking at
20 page A-38.

21 MR. COOKE: Yes, there are balcony
22 doors here from this side.

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1 COMMISSIONER MAY: Okay. So
2 that's --

3 MR. COOKE: Which are intended t o
4 be glass doors.

5 COMMISSIONER MAY: Okay.

6 MR. COOKE: They are designed as
7 glass doors.

8 COMMISSIONER MAY: All right. S o
9 then what about the one next to it?

10 MR. COOKE: The o ne next to it is
11 an example of an at-risk scenario where all of
12 the windows are facing the north wall.

13 COMMISSIONER MAY: Okay. And so
14 how many of t he -- I mean, I'm u sed to the
15 concept of having at-risk windows, but usually
16 when you have at -risk windows, you have a
17 perfectly functional --

18 MR. COOKE: Sure.

19 COMMISSIONER MAY: -- with good
20 windows on the other rooms, not just within
21 the unit, but on the other rooms.

22 MR. COOKE: Sure. And we have

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1 attempted to address that further by setting
2 back the very center portion more generously
3 than the two wings.

4 COMMISSIONER MAY: So it's what, 8
5 feet?

6 MR. COOKE: Closer to 8 feet, yes.

7 COMMISSIONER MAY: Okay. I just
8 think it's a bad idea. Even the ones that
9 wrap the corners and the units wrap the
10 corners, you are going to have units with
11 bedrooms with, you know, walls 5 feet away
12 from the window.

13 In this sort of circumstance, I
14 would have expected that that 8 foot
15 indentation to be significantly deeper, but it
16 might go all the way over the stairwell. So
17 you get 10 or 15 feet.

18 MR. COOKE: I understand. This,
19 from the very outset, was looked at as a
20 building in the round scenario and that
21 compression of the site and this place and
22 generally moving the massing in the direction

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1 that we have with the courtyards has resulted
2 in the design that you see today in concept is
3 a building in the round.

4 COMMISSIONER MAY: Okay. So all
5 right. I understand your design intent. I
6 think the result is flawed as a result. Did
7 you look at doing a T-shaped building rather
8 than an L-shaped building, so that you have a
9 more significant side yard?

10 In other words, you know, the top
11 of the T would be along Mozart and the back
12 wing would just slide south.

13 MR. COOKE: Early on, we did have
14 a structure that moved a lot closer into the
15 center of the site.

16 COMMISSIONER MAY: Yes.

17 MR. COOKE: Closer to a T-shape,
18 which you are suggesting.

19 COMMISSIONER MAY: Right.

20 MR. COOKE: Feedback in working
21 with Historic Preservation Office led us in
22 the direction that we are now with moving the

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1 massing further away from the historic
2 landmark building and to create that courtyard
3 separation in the same language as a courtyard
4 that the existing building has.

5 COMMISSIONER MAY: Well,
6 generally, I agree with the guidance provided
7 by Historic Preservation, but when the next
8 result is, I think, a bad flaw of the
9 building, I am not sure they really appreciate
10 that.

11 All right. Did you look at this,
12 I assume, from a building code perspective and
13 your window opening sizes are not going to
14 force you to seal up the windows that you are
15 designing now, right?

16 MR. COOKE: That's correct.

17 COMMISSIONER MAY: When somebody
18 builds face on line there.

19 MR. COOKE: Right.

20 COMMISSIONER MAY: Okay. All
21 right. Well, I'm not sure what I am telling
22 you to do on this, I just think it's a

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1 significant flaw. It's going to be fine for
2 as long as there is no building on the
3 Scottish Rite Temple site, but it could be a
4 very bad result at some point in the future.

5 As I understand the treatment of
6 the roof now, I'm moving off the court, and
7 I'm going onto other topics, the -- you were
8 not actually regarding that roof now as a
9 penthouse structure with a sloped wall. It is
10 really just the roof is the very top of the
11 building in its entirety and it's all within
12 the zoning envelope, right?

13 MR. COOKE: That's correct.

14 COMMISSIONER MAY: Okay. I'm much
15 more comfortable with that interpretation.

16 The next thing is do we actually
17 have that landscape plan in our package
18 anywhere? Because I have not seen it. Maybe
19 it's there, I just missed it.

20 MS. PRINCE: You will have it in
21 the plans that we are submitting tonight.

22 COMMISSIONER MAY: Okay. It's

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1 helpful to see those further in advance than
2 this.

3 And is t here -- I don't recall
4 much discussion of LEED for the design. Can
5 you talk about that?

6 MR. COOKE: Sure. We can talk
7 about that. When we started the project, we,
8 as we generally do, look at the preliminary
9 perspective. We have approached this project
10 with the goal of LEED-silver and we can meet
11 that in the design.

12 COMMISSIONER MAY: Okay.
13 Typically, we get a checklist submitted, so if
14 you could do that, I would appreciate it?

15 MR. COOKE: Sure.

16 COMMISSIONER MAY: It's usually an
17 earlier part of the submission, too.

18 MR. COOKE: Sure. W e have that
19 checklist with us tonight.

20 COMMISSIONER MAY: Okay. Since
21 part of your goal is to learn how to do the
22 process better, since you plan on coming back

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1 again and again, yes, a LEED checklist and a
2 materials on a board are usually easier to
3 handle than materials. You know, some of them
4 can't -- you can't mount some of your clay
5 tiles on a board, you know, but it's good to
6 see it on a board and seeing enlarged
7 elevations that go with it is another thing we
8 typically see.

9 And we haven't -- I don't see any
10 of the enlarged elevations that we would
11 normally see. I see them not in color.

12 MR. COOKE: We have got some
13 enlarged elevations --

14 COMMISSIONER MAY: Okay.

15 MR. COOKE: -- to consider on
16 Sheets A-62 and A-61.

17 COMMISSIONER MAY: Right. Got it.
18 Okay. Good. And they are tied to the
19 materials. All right. Thanks. I missed
20 that. That's it.

21 CHAIRMAN HOOD: Okay. Any other
22 questions, Commissioners? Okay. I'm going to

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1 ask the Commissioner from 1C, I think it's
2 Commissioner Lansing, am I correct or is it
3 Chairperson Reynolds? Reynolds. Okay.
4 Chairperson Reynolds, do you have any cross
5 examination? Okay. Thank you. Thank you.

6 Let's go straight to the Office of
7 Planning's report. And what we will do is
8 we'll hear the Office of Planning's report and
9 DDOT's report at the same time and we'll ask
10 our questions at the end of both reports.

11 Okay. Ms. Thomas?

12 MS. THOMAS: Yes. Good evening,
13 Mr. Chairman, Members of the Commission. The
14 Office of Planning is recommending approval of
15 the requested PUD and Related Map Amendment
16 from the R-5-B to the R-5-D District on a
17 portion of the site at 2700 16th Street, N.W.

18 The amendment is intended to shift
19 density on the site to preserve the important
20 historic landmark while permitting an addition
21 in character with the historic building as
22 well as the surrounding properties.

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1 The proposal is not inconsistent
2 with the comprehensive plan, including the
3 Future Land Use and Policy Map and the reuse
4 of the property fulfills many policies and
5 actions of the plan's objectives for land use,
6 housing, urban design and historic
7 preservation elements.

8 We are also recommending approval
9 of the relief from the court, could you hear,
10 okay, and roof structure requirements as
11 requested.

12 The applicant has provided the
13 additional explanations requested by the
14 Commission at set down, including the
15 penthouse details, the relationship of the
16 development to the existing row homes on
17 Mozart Place and to potential development of
18 the abutting north property.

19 OP is satisfied that the applicant
20 has worked diligently with the ANC for an
21 extended period to address neighborhood
22 concerns and the amenities package.

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1 The proposal has received three
2 concept level reviews by Historic Preservation
3 from December 2010 through July 2011. Final
4 HPRB review will occur subsequent to the
5 Commission's review. We are confident that
6 the applicant and DDOT will continue to
7 collaborate to resolve the curb cut issues on
8 Mozart Place and 16th Street prior to final
9 action.

10 I will conclude, at this time, and
11 be happy to take any questions.

12 MR. JENNINGS: Good evening ,
13 Chairman Hood, fellow Commissioners. For the
14 record, my name is Jeff Jennings. I work for
15 the District Department of Transportation.

16 This evening, I am joined by
17 DDOT's pedestrian safety coordinator for the
18 entire city. His name is George Branyan.

19 DDOT raised concerns initially
20 about the idea for the use of four separate
21 curb cuts in January of this year with the
22 transportation consultant hired by the

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1 applicant within give or take a two week time
2 frame of initially hearing about the
3 application and conducting two to three field
4 visits to the subject address.

5 We reached out to the applicant
6 and informed them that the use of four
7 separate curb cuts, two on 16th, one on Fuller
8 and one on Mozart would be major concerns as
9 we move forward for this project.

10 As far as the rest of the time
11 line is concerned, we -- after that initial
12 communication in January, we didn't
13 necessarily hear back much from the applicant.

14 We did get a copy of their transportation
15 impact study and continue to see these four
16 separate curb cuts proposed.

17 In late June of this year, June
18 28, DDOT reached back out to the applicant to
19 understand if the case was moving forward as
20 originally planned. And to our slight
21 surprise, it was with four separate curb cuts.

22 If I can provide some brief

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1 comment, the two on 16th provide some major
2 challenges. The applicant has suggested that
3 they would encourage traffic to use these curb
4 cuts on a right-in/right-out basis. We have
5 mentioned to them in meetings or in one
6 meeting, in particular, that trying to
7 encourage traffic, as anybody who drives in
8 this city or walks in this city or rides a
9 bike, to perform a right-in/right-out without
10 any kind of physical means to control that
11 traffic is literally impossible.

12 So that's the reason why we inform
13 the applicant when they reapplied for use on
14 each of those curb cuts on 16th. We would
15 take into consideration the safety. We would
16 take into consideration the DDOT design
17 mentioned in your manual as you referenced in
18 our comments.

19 We did reach out to Historic
20 Preservation, because we did realize that that
21 circular driveway is something that Historic
22 Preservation wants to see maintained.

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1 When we heard back from Steve
2 Callcott at the Historic Preservation Office
3 that the driveway would need to be maintained
4 along with the existing streetscape, but the
5 curb cuts he realizes, Steve Callcott does,
6 that the curb cuts we're installed at a
7 different period of time and the traffic has
8 dramatically changed since that time.

9 He would remain agnostic as to how I
10 can quote Steve in response to our questions
11 about needing to maintain those two curb cuts,
12 if DDOT saw safety problems with them and we
13 do.

14 Moving to the Fuller Street curb
15 cut, as we suggested in our comments, we
16 really encourage the applicant to investigate
17 expanding that Fuller Street curb cut as much
18 as possible. That's the one that we would
19 prefer to see as much in and out circulation
20 use as possible.

21 The Mozart Place curb cut raises
22 some significant concerns, since Mozart has

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1 two existing curb cuts within, give or take,
2 30 feet of this proposed curb cut. So when
3 DDOT staff went out to the field to take a
4 measurement of where the installation of the
5 applicant's proposed curb cut on Mozart and
6 the existing two curb cuts, we would be
7 turning over, approximately, 33 percent of
8 that block of Mozart Place for private use.
9 It's essentially how we look at curb cuts for
10 private use.

11 The other case that I want to
12 mention with respect to a circular driveway,
13 recently, earlier this year, the Board of
14 Zoning Adjustment, and, I believe,
15 Commissioner May may have been on that case,
16 became aware of DDOT's concerns for two new
17 curb cuts supporting a circular driveway just
18 south of this site at 16th and Riggs.

19 And DDOT raised some significant
20 concerns for that circular driveway, at that
21 time, as well. And we referenced that case
22 with the applicant, too, to make them realize

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1 it's not just th is particular case. We are
2 being as consistent as possible with circular
3 driveway use.

4 Curb cuts th at are within a
5 certain vicinity of an intersection that
6 create literally a new intersection is how we
7 see curb cuts. They are redundant in nature,
8 they break up the infrastructure, they provide
9 the vehicle the right-of-way instead of the
10 pedestrian or the bicyclist.

11 So in referencing that case, we
12 did let th e applicant know that there are
13 other cases out there e ven as recently as I
14 think April or May of this year with the
15 Embassy of the Congo that , you know, we just
16 simply said we cannot allow f or new circular
17 driveways to exist on 16th Street.

18 We are aware of the neighboring
19 properties that have those circular driveways,
20 especially the, I think it is, Mexican
21 Chancery across the way or the Cultural
22 Attache of Mexico is across the street.

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1 I have to say those curb cuts, as
2 somebody who lives in this neighborhood and
3 walks often on 16th Street, are not used very
4 often. I think those events are held probably
5 once every two to three months where you will
6 have valet parking established for those
7 particular curb cuts directly across the
8 street.

9 So I'm familiar when the applicant
10 does reference neighboring properties with
11 16th Street curb cuts. Times change and we
12 are much more in the business of trying to
13 keep our eyes open for the vulnerable
14 pedestrian users. Pedestrians -- vulnerable
15 transportation users, pedestrians, cyclists,
16 especially, the people that use the mass
17 transit along this corridor and walk up and
18 down this corridor as well.

19 It's also the reason why I brought
20 George with me tonight. He is very familiar
21 with this particular corridor having studied
22 it for the 10 or so years he has been with

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1 DDOT. So we are happy to answer any
2 questions. I think that really should provide
3 plenty of testimony for DDOT. Thanks.

4 CHAIRMAN HOOD: Okay. Let's open
5 it up for any questions for either Office of
6 Planning or DDOT. Commissioner May?

7 COMMISSIONER MAY: Yes. I just
8 want to start off, since you mentioned my
9 participation in the previous case.

10 That was a case where a new
11 circular drive was being proposed at
12 essentially a single-family home being
13 converted to an embassy use, right?

14 And there was another existing
15 historic property, but it did not have that
16 circular drive. This is adding a circular
17 drive where none previously existed. And it
18 was also a significantly narrower property,
19 was it not?

20 Okay. I would not read too much
21 into the decision making in that case. I
22 think that there were a lot of things that

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1 were affecting the decision of the BZA not to
2 approve that or to -- I guess we never got to
3 the point of voting it up or down. The
4 proposal was changed and the proposal to put
5 in the circular drive was eliminated before
6 the decision was made.

7 But it was not well -received by
8 the BZA, but I think it was for a whole host
9 of reasons and only some of those reasons
10 exist in this case. And that's basically the
11 proximity of the curb cut to the intersection.

12 And in that BZA case, I think, it
13 was actually quite a bit closer to the
14 intersection, because the property was so much
15 narrower. Anyway, so I just wanted to make
16 sure the record was straight on that.

17 The -- I guess i n DDOT's
18 consideration of curb cuts, I understand the
19 constraints about, you know, some of the rules
20 about how cl ose it is to the corner and
21 wanting to limit curb cuts overall and so on.

22 But when it comes to very practical matters

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1 like the need to get trash out of the building
2 and to get goods in some circumstances into a
3 building, if -- does the fact that the site is
4 as constrained as it is factor into your
5 decision making?

6 I mean, the fact that it is very
7 difficult to design a building that is going
8 to be serviceable off of Fuller Street to the
9 extent that it has to with the garage, with
10 the loading dock and so on, is that going to
11 factor into your decision about whether or not
12 to grant a curb cut on Mozart? I hope I got
13 the street names right.

14 MR. JENNINGS: I think that's
15 accurate. What we did -- we are aware of the
16 serious constraints on this site. No alley
17 access, but we do and we really wanted the
18 applicant to avoid using Mozart because of the
19 two curb cuts that are already in place
20 supporting the Scottish Rite Temple.

21 And it seems the applicant
22 approached the administration or the staff of

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1 the Scottish Rite Temple to see if perhaps one
2 of them could even be closed, which we would
3 support, and then perhaps, you know,
4 reevaluating Mozart.

5 So we looked at a host of
6 different options. And to answer your
7 question in a little more direct fashion, yes,
8 these are things that we did weigh before we
9 submitted our plans.

10 COMMISSIONER MAY: Okay. So , I
11 mean, you know, we could approve this project
12 as it is and then it would be up to you all to
13 make a decision, at some point later on about
14 the curb cuts. So but, you know, it doesn't
15 make sense for us to send you about a
16 particular path if there is total certainty
17 that they would not be successful.

18 I mean, is this something that you
19 are going to take into consideration later on?

20 I mean, just like we view the constraints
21 that are imposed by an historic property, and
22 the guidance that is provided by HPRB and the

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1 staff of the Historic Preservation Office,
2 will you take those things into consideration?

3 Because, you know, you might want
4 to insist as much as possible, you know, to
5 your dying breath that Fuller Street is the
6 right place to put it, but if it can't fit and
7 still have the building there, do they have a
8 shot at Mozart?

9 MR. JENNINGS: I think it's really
10 up to the applicant. It is up to the
11 applicant to -- when they present their case
12 to the Public Space Committee. Our position
13 within the policy and planning administration
14 is to provide guidance and at least forewarn
15 the applicant and the Zoning Commission that
16 these particular curb cuts that are being
17 requested at this point in time, even with the
18 early on guidance going back.

19 COMMISSIONER MAY: Well, if it's
20 not practical, it wasn't practical back then.
21 So having told them early doesn't really mean
22 very much. It's a question of whether it

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1 boils down to a really practical problem right
2 now.

3 MR. JENNINGS: Right.

4 COMMISSIONER MAY: So it's stil l
5 up to the applicant. It's -- you are not even
6 going to offer up the possibility that if they
7 really prove the case, th at it is not
8 physically possible to service the building?

9 MR. JENNINGS: I 'm not in a
10 position to do that.

11 COMMISSIONER MAY: Yes. Okay.

12 CHAIRMAN HOOD: Any other
13 questions or comments? Commissioner Turnbull?

14 COMMISSIONER TURNBULL: Thanks,
15 Mr. Chair. I've just got maybe some comment
16 or something, a little dialogue with Mr.
17 Jennings.

18 On 16th Street with the circular
19 drive, from DDOT's perspective, what is your--
20 if there is a physical solution to traffic
21 going in one way and out, is it a curb in the
22 middle of the street? A barrier, a median

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1 strip running in front of those? Not
2 necessarily this particular street, but any
3 street that may have this.

4 MR. JENNINGS: Sure. It 's a very
5 good question and what we can do is it's a
6 physical infrastructure piece that would
7 tailor someone's driving, so that only a
8 right-in or right-out could occur. Again, we
9 would prefer not to see that happen here. We
10 would prefer 16th Street return to its full
11 sidewalk offerings.

12 COMMISSIONER TURNBULL: But if the
13 applicant offered some type of a median strip,
14 you would entertain or at least look at it?

15 MR. JENNINGS: I don't believe so.

16 COMMISSIONER TURNBULL: You
17 wouldn't?

18 MR. JENNINGS: No, sir.

19 COMMISSIONER TURNBULL: So that's
20 not an option at all?

21 MR. JENNINGS: Ah, it --

22 COMMISSIONER TURNBULL: On this

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1 site anyways.

2 MR. JENNINGS: On this site,
3 preferably not. There are other ins tances
4 throughout the city that I know t hat DDOT has
5 performed work where we force a driver to make
6 a very tight right hand turn. The example of
7 that comes to mind in conv ersation right now
8 at the intersection of Wiscon sin and Upton
9 Streets where vehicles are actually f orced
10 into a right hand turn, a very, very slow
11 right hand turn knowing that it is a lot of
12 pedestrian activity at this intersection with
13 the post office right nea rby, schools and
14 retail.

15 But for the m ost part, at this
16 particular site, no, we would not pr obably
17 want to entertain anything like that.

18 COMMISSIONER TURNBULL: Okay.
19 Thank you.

20 CHAIRMAN HOOD: Vice Chairman
21 Schlater?

22 VICE CHAIRMAN SCHLATER: Mr .

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1 Jennings, are there existing curb cuts for a
2 circular drive there now?

3 MR. JENNINGS: There are . The
4 applicant would -- and we have told this to
5 them in a couple of meetings we have had.
6 They would need to reapply since the use of
7 the building has been changed. So with Public
8 Space and the private property use, when it is
9 changed, and if the applicant plans on trying
10 to reuse those curb cuts, they will need to
11 submit new Public Space applications for it.

12 VICE CHAIRMAN SCHLATER: When you
13 change the use, you need a new application for
14 a curb cut?

15 MR. JENNINGS: That's correct.

16 VICE CHAIRMAN SCHLATER: And
17 that's applied to?

18 MR. JENNINGS: Existing curb cuts.

19 VICE CHAIRMAN SCHLATER: All
20 buildings throughout the city that change
21 uses?

22 MR. JENNINGS: That's correct.

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1 And that has been in effect, I would say, for,
2 approximately, the last four and a half years.

3 VICE CHAIRMAN SCHLATER: Wow. I s
4 it against DDOT's Regulations to have circular
5 driveways?

6 MR. JENNINGS: It is not.

7 VICE CHAIRMAN SCHLATER: Okay. So
8 you look at them on a case-by-case basis?

9 MR. JENNINGS: We do.

10 VICE CHAIRMAN SCHLATER: Do you
11 not look at the -- I mean, would you not say
12 that the character of 16th Street is partially
13 defined by these circular driveways? I mean,
14 I think when you -- I think that was
15 acknowledged by HPRB. I mean, 16th Street was
16 built-out in a unique way. And its --
17 certainly the public space is characterized by
18 these circular driveways, is it not?

19 MR. JENNINGS: I don't disagree
20 with you. And I think we could have a
21 significant and massive conversation about
22 this, but a lot of these buildings were built

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1 at a period in time when what is called the
2 Notorious Left Hook i n the transportation
3 industry didn't exist.

4 So the Notorious Left Hook m eans,
5 and I can have George explain this even
6 further, is a northbound 16th Street driver is
7 going to stop in the northbound west lane and
8 attempt to make that left hand turn into this
9 particular property. And that is the reaso n
10 we have as many ped crashes and ped fatalities
11 that we have in the entire city.

12 So that's one reason we don't
13 necessarily encourage these types of curb cuts
14 along major corridors like 16 th Street. If
15 this was perhaps something that was a little
16 slower traveled, slower velocity traffic --

17 VICE CHAIRMAN SCHLATER: Yes.

18 MR. JENNINGS: -- less pedestrian
19 activity, maybe we would consider it. Going
20 back to the o ther case where we had the
21 embassy, if perhaps there was a circular
22 driveway that had been proposed strictly on

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1 Riggs, not involving 16th Street, it would
2 have been certainly evaluated on its face and
3 perhaps we would have given it more weight.

4 But you make a very good point
5 with respect to how do we look at these? What
6 is it exactly that we are trying to consider
7 as the factors? When I sit in a meeting with
8 George or with an applicant, I am quick to
9 point out that 14th Street, 16th Street,
10 Connecticut Avenue, Wisconsin Avenue,
11 significant corridors that are well-known in
12 the city where a left hand turn can be
13 precarious, we really try to thwart that kind
14 of behavior.

15 VICE CHAIRMAN SCHLATER: Okay. I
16 won't beat a dead horse on this. I think that
17 clearly -- I mean, you have your reasons for
18 opposing this. I would say the fact that
19 there is an existing curb cut here that has
20 been in use in the past and this is an
21 historic structure and it is not being used
22 for loading, parking in buildings, so that the

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1 actual numbers of people who are goi ng to be
2 using this thing would presumably be very low,
3 in my calculus of looking at it, it would seem
4 to bias towards letting them use it as a
5 circular drive.

6 But that's -- you know, the Public
7 Space Committee can go through its process and
8 I'm not on the Public Space Committee.

9 For the Office of P lanning, a
10 question on this court relief and what happens
11 when the Scottish Rite Temple builds to the
12 property line, maybe not next year, maybe not
13 10 years from now, but 20 or 30 y ears from
14 now?

15 MS. STEINGASSER: I think our
16 original interpretation was more al ong the
17 line of your's, Commissioner Schlater, that
18 this was an urban setting, that this would
19 have an ur ban relationship. There was an
20 assumption that we made that anything built on
21 the Scottish Rite would respect that and set
22 back, that is typically wha t we see, even in

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1 matter-of-right projects.

2 But it is not a guarantee. Mr.
3 May is correct, it is not a guarantee that
4 they wouldn't and there could be units that
5 would have as little as 5 feet.

6 VICE CHAIRMAN SCHLATER: And
7 that's an acceptable risk from OP's
8 standpoint?

9 MS. STEINGASSER: Well, to be
10 honest, it's not something we spend a lot of
11 time thinking through to the degree that Mr.
12 May pointed out that some of the bedrooms
13 would be -- some of the full units might be
14 landlocked.

15 Like I said, what we usually see
16 is a mutual respect, because it doesn't
17 benefit the adjoining property owner for their
18 units to view them 5 feet of this building
19 either. There is a mutual disregard in that
20 respect, so they don't have an incentive to be
21 that close. And there is some lot line jogs
22 in certain places, so it would be an odd

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1 configuration for someone on the Scottish Rite
2 to actually build and protrude purposefull y
3 into that space.

4 But, you know, as was pointed out,
5 it's not a guarantee.

6 VICE CHAIRMAN SC HLATER: Okay.
7 Thank you very much.

8 CHAIRMAN HOOD: Commissioner May?

9 COMMISSIONER MAY: I just want t o
10 follow-up on one question about the Notorious
11 Left Hook. I assume that that stretch of 16th
12 Street has a double ye llow line down the
13 middle of it? Okay.

14 So is it legal for a driver to
15 make a left turn across a double yellow line?

16 It wasn't when I got my d river's license. I
17 don't know whether it is legal in the District
18 or not, because I didn't get it here.

19 MR. JENNINGS: I'm going to d efer
20 to my colleague, George, on this one. He is
21 much better as far as the operati ons and, you
22 know --

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1 COMMISSIONER MAY: Okay.

2 MR. BRANYAN: I believe
3 technically it is illegal to cross a double
4 yellow line, but, of course, people turn left
5 into driveways all the time, because they are
6 there. And so, you know, it's a situation
7 that is very difficult to control when traffic
8 enforcement is not at a level that can really
9 control a lot of behaviors on the streets that
10 we see that we would like to see changed.

11 But I think it's very difficult to
12 quantify the pedestrian hazard for curb cuts,
13 circular driveways or any kind. You know, Mr.
14 Van Pelt's presentation mentioned crash data
15 shows no definitive records of accidents
16 associated with 16th Street curb cuts, but it
17 maybe should have said that there is no --
18 it's not possible to find any evidence of --
19 any records of those kinds of crashes, because
20 I tried to before we came tonight.

21 And looking at crash data and it's
22 almost impossible to find what crashes occur

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1 when a vehicle traverses the sidewalk. It's
2 simply not a box checked on the crash report,
3 so it's very difficult to find that.

4 But the bottom line is that any
5 time vehicles, motor vehicles cross a
6 sidewalk, a conflict is possible. And I don't
7 think you have to talk to too many people that
8 live in the city and walk frequently to find
9 out that they have all had a situation, a
10 close call where someone were pulling into or
11 out of a driveway and failed to yield to them.

12 COMMISSIONER MAY: So does this
13 mean that DDOT is going to be more aggressive
14 about enforcing existing curb cuts that have
15 like cars parked in them, things like that?

16 MR. BRANYAN: Well --

17 COMMISSIONER MAY: I mean, there
18 are all sorts of flagrant abuses occurring --

19 MR. BRANYAN: Yes.

20 COMMISSIONER MAY: -- with curb
21 cuts across the city.

22 MR. BRANYAN: That's true. Yes,

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1 we train MPD officers in a lot of the laws
2 that apply to pedestrian safety and that's one
3 of them, is blocking a crosswalk and blocking
4 sidewalks.

5 COMMISSIONER MAY: Yes.

6 MR. BRANYAN: And curb ramps are
7 all illegal. Again, the kind of level
8 enforcement has been very difficult to get.

9 COMMISSIONER MAY: Okay. Well,
10 and I just want to go back to the left turn
11 across the double yellow lines. You know,
12 this is something that I have wondered about a
13 long time, particularly since I -- once I
14 started working in this building, which is a
15 very bad situation with people making left
16 turns from northbound 3rd Street into the
17 parking garage, which is incredibly close to
18 the intersection of D Street.

19 And there is -- I think there is a
20 real problem here with enforcement of that
21 particular infraction across the city. I
22 mean, I don't think that most people are aware

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1 that that's illegal. They think that it's
2 perfectly fine.

3 And I'm not even sure that the
4 police officers understand that it's illegal,
5 because, you know, you see it happen all the
6 time with the police officers right in front
7 of people. I think that a more concerted
8 effort would be appropriate there and not just
9 trying to affect the built environment to make
10 it sanitary and safe.

11 I mean, it's like, you know,
12 building new roads to handle cars at 45 and
13 then, you know, posting a speed limit at 35,
14 because people don't go 35. Well, you know,
15 that's the wrong strategy. You wind up with
16 people going 55 instead.

17 But anyway, that's enough of my
18 lecture.

19 CHAIRMAN HOOD: Commissioner May,
20 I do want to tell you on Bladensburg Road, the
21 officers there are aware of the double lines.
22 If you make a left and have an accident, you

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1 better believe you will get the ticket. So I
2 want you to know they are aware of it.

3 And I'm glad you got into t hat,
4 because that's where I was going with the
5 double line. I thought that would have been a
6 measure to exclud e some of th at from
7 happening, but looking back on th at incident,
8 some people are aware.

9 Mr. Jennings, let's look at -- and
10 I'm not sure if this is still on the table,
11 because I didn't hear of this, so I may have
12 missed it. In your parking analysis, you said
13 however the parking spaces are inside and the
14 new project may remain open to non-residential
15 lease opportunities as happens at neighboring
16 buildings.

17 And then you go on to say DDOT
18 firmly recommends the Zoning Commission limit
19 the use of the residential parking garage to
20 those residents living inside of the proposed
21 building. Is that still on the table? I was
22 looking at the applicant, but I'm asking is

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1 that still on the table?

2 I mean, you all, obviously, want
3 us to limit to the residential people who
4 reside in the building as opposed to anyone
5 coming in, any non-resident. Is that still on
6 the table?

7 MR. JENNINGS: Chairman, we're
8 actually open to limit it to just the
9 residential folks on the site.

10 CHAIRMAN HOOD: Oh, so understand
11 what DDOT has -- oh, okay.

12 MR. JENNINGS: Correct. Yes, sir.

13 CHAIRMAN HOOD: Okay.

14 MR. JENNINGS: Thank you.

15 CHAIRMAN HOOD: Okay. That's all
16 I had actually. Commissioner May?

17 COMMISSIONER MAY: Mr. Chairman,
18 if I could, your question about the
19 residential parking raised -- reminded me of
20 another issue, which is whether the residents
21 of this building are going to be eligible for
22 residential parking permits, street parking?

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1 Has that been established?

2 MS. PRINCE: They will be unless
3 the Commission restricts us.

4 COMMISSIONER MAY: Well, we
5 typically don't state it as a restriction.

6 MS. PRINCE: Yes.

7 COMMISSIONER MAY: It's o ften
8 proffered as a condition.

9 MS. PRINCE: We have not proffered
10 that.

11 CHAIRMAN HOOD: Has the concern
12 been from the ANC or the community that that's
13 what they would like to see? Was that even
14 brought up?

15 MS. PRINCE: We a ctually haven't
16 heard that from the ANC, to my knowledge. Mr.
17 Reynolds is here from the ANC. I'm certainly
18 happy to hear his input on that issue.

19 CHAIRMAN HOOD: Okay. We will
20 hear from Mr. Reyno lds very shortly. Any
21 other questions, Commissioners?

22 Okay. Does the applicant have any

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1 cross-examination either of the Office of
2 Planning or DDOT?

3 MS. PRINCE: Just a few, very few.
4 Mr. Jennings, with respect to the driveway, I
5 think I heard you say that Historic
6 Preservation, Steve Callicott in particular,
7 wants to see the driveway visually preserved.
8 Is that correct?

9 MR. JENNINGS: He is agnostic on
10 the curb cuts leading to the personal
11 driveway. That's the actual term that he used
12 with us via writing.

13 MS. PRINCE: But the driveway
14 itself, he would like it to be visually
15 preserved, that's my understanding.

16 MR. JENNINGS: That's my
17 understanding as well.

18 MS. PRINCE: Do you see, because
19 there is a lot of talk about public safety
20 issues, which I understand, but, a public
21 safety issue with a driveway that is visually
22 there, yet not usable because curb cuts have

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1 been -- I mean, curbs have been installed
2 after 80 years of them not being there?

3 In other words, someone drives up,
4 sees the driveway, and tries to make the
5 turning maneuver only to find out that the
6 curb has been installed. Do you see any issue
7 with that?

8 MR. JENNINGS: I really don't.

9 MS. PRINCE: Yo u don't see any
10 issue with that?

11 MR. JENNINGS: I truly don't. And
12 furthermore, with a good landscape architect,
13 I'm sure it could be made so that a driver is
14 fully aware that it is not for a vehicle to
15 pull up.

16 MS. PRINCE: Do you -- if you
17 accept and I'm not saying that you do, but if
18 you accept the applicant's premise that
19 because of the limited site area available for
20 excavation for the garage, we really can't
21 widen the Fuller curb cut to accommodate
22 service and parking.

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1 If you accept that, do you
2 believe, since you are quite opposed to a curb
3 cut on Mozart, that handling trash from the
4 street is an acceptable situation, given your
5 staunch opposition to alternatives?

6 MR. JENNINGS: I don't think we
7 have said that at all. An d I'm not in a
8 position to answer that tonight.

9 MS. PRINCE: If you had to choose
10 between a curb cut on Mo zart and trash being
11 handled from the street, what would your
12 choice be?

13 MR. JENNINGS: I don't know.

14 MS. PRINCE: Thank you. I have no
15 additional questions.

16 CHAIRMAN HOOD: Okay. Thank you .
17 Chairman Reynolds, did you have any cross -
18 examination? Come for ward. And once you
19 come, you might as well hold your seat. We've
20 got one more thing an d then we'll hear
21 straight from you. But you can go ahead with
22 your cross-examination now. If you can just

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1 identify yourself and you may begin.

2 MR. REYNOLDS: Thank you. For the
3 record, my name is Wilson Reynolds. And as I
4 serve -- I serve as the Chair of Advisory
5 Neighborhood Commission 1C in Adams Morgan.
6 Thank you.

7 Mr. Jennings, just so I'm clear
8 and understanding this, page 4 of your written
9 statement clearly identifies Mozart Place as
10 being a narrow street. And did I remember
11 correctly that your verbal statement
12 identified Fuller Street as being a very
13 narrow street?

14 MR. JENNINGS: I think earlier in
15 the record, Commissioner Reynolds, it has been
16 stated that each street is relatively narrow,
17 one-way direction for each street, parking on
18 both sides.

19 MR. REYNOLDS: Okay.

20 MR. JENNINGS: So they are --

21 MR. REYNOLDS: I just wanted to
22 establish that.

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1 MR. JENNINGS: -- both narrow.

2 MR. REYNOLDS: Now, I also
3 remember you saying, and, please, correct me
4 if I'm wrong, that you stated that "having
5 four curb cuts would be redundant." That
6 would be a quote. Is that correct?

7 MR. JENNINGS: That's accurate.

8 MR. REYNOLDS: Okay. And you are
9 aware, and if I'm remembering this correctly,
10 that there are four entrances proposed for
11 this property?

12 MR. JENNINGS: Um, I don't know
13 that. And I would say that's not accurate.
14 One, Mozart is proposed to be an exit. And
15 one of the 16th Street curb cuts is proposed
16 to be an entrance. So --

17 MR. REYNOLDS: No, no, I'm talking
18 about from the building, entering and exiting
19 the building, for people to be able to get in
20 and out of the building. Doorways, I'm sorry.

21 MR. JENNINGS: Oh, that's --

22 MR. REYNOLDS: I apologize.

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1 MR. JENNINGS: -- a little more
2 clear. I agree with you.

3 MR. REYNOLDS: Thank you. So my
4 question is in your deliberations in coming to
5 this conclusion of redundancy, was there an
6 examination, and if there was, I would like to
7 hear the reasoning of why it was rejected, why
8 they would not be complimentary in
9 distributing the traffic load and access and
10 egress entry and everything else that would go
11 on, the interaction between the residents and
12 people coming in and out of the buildings,
13 delivery trucks, etcetera, etcetera, etcetera.

14 MR. JENNINGS: Oh, sure. So the
15 way we look at these particular kinds of
16 cases, Commissioner Reynolds, is we look at it
17 with an eye of safety, first and foremost.
18 Will it contribute to a safe environment at
19 the end of the day? Will the city have to
20 come out and do additional maintenance, add
21 additional measures to try and do traffic
22 control once the private entity has completed

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1 its project?

2 So as far as complimentary, we
3 plan for pedestrians, cyclists, mass transit
4 and personal passenger vehicles, that's DDOT's
5 policy. And we would be happy to look at this
6 property with the sense that you would have
7 pedestrians exiting the building. We don't
8 want the vehicles also exiting at the same
9 time that pedestrians would be walking along
10 the sidewalk to access the main transit
11 corridor like 16th Street and, therefore, you
12 would have significant conflicts.

13 So as far as complimentary is
14 concerned, I'm not necessarily sure that DDOT
15 is in agreement with the idea that they could
16 be complimentary to each other.

17 MR. REYNOLDS: All right. Thank
18 you. Thank you, Mr. Chair.

19 CHAIRMAN HOOD: Chairman Reynolds,
20 if you can hold your seat? The other, at this
21 point, is other Government responses. We do
22 have, and this is basically reflected in the

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1 Office of Planning's report, it talks about
2 the fire department, FEMS would like a n
3 opportunity to review the site access plans
4 for emergency vehicle access and fire lanes as
5 plans develop. I'm sure that will happen at
6 the appropriate time.

7 Also, DPW is asking -- saying no
8 comments at this time and requested the
9 applicant to maintain public space in the
10 roadway from dirt and debris. And I'm sure if
11 they don't, we will hear or t hey will hear
12 from Chairman Reynolds and the community.

13 And we also have the DDOT rep ort.

14 Did I miss anything other than a letter from
15 Waste Management talking about the curb cut
16 and access and the amount of space needed for
17 trash? Did I miss anything?

18 Okay. So at this point, we will
19 go straight to Chairperson Reynolds and his
20 ANC report.

21 MR. REYNOLDS: Thank you again,
22 Mr. Chair. Michael, could we, please, have

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1 the slide on the aerial view of the southwest
2 perspective again, please?

3 Mr. Chair, I have learned in
4 public service on the Advisory Neighborhood
5 Commission that those who are brief are
6 welcomed back, so I'm going to try to keep
7 this short.

8 I would like to thank the
9 Commission for indulging ANC-1C and allowing
10 us to make the additional submission that came
11 in this afternoon, resulting from the ANC
12 meeting we had last night as we were in recess
13 in August.

14 I would like to be able to address
15 some of the points that you mentioned earlier
16 going back to the correspondence that was
17 submitted September 8th in regards to the jobs
18 program.

19 The Advisory Neighborhood
20 Commission is -- the July 15th correspondence,
21 right. The Advisory Neighborhood Commission
22 is very well-aware of and keenly interested in

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1 employment and job opportunities in the city.

2 We know there is real pain here.

3 We have tried to look at this from
4 a number of different ways and the Community
5 Employment Agreement attempted to address
6 that, because we are of the opinion that
7 although the First Source Requirement s are
8 very laudable, they lack a certain amount of
9 follow-up, enforcement, acknowledgement, you
10 know, all the different things that give this
11 thing teeth, legs and time to run it out.

12 So therefore, we put in things
13 here that I will go through very briefly. One
14 is a requirement from the subcontractors to
15 report their past performance in hiring D.C.
16 residents. That, yes, we do like people to be
17 hired from our own Commission, but actually
18 put language in here "and nearby communities."

19 And although the First Source
20 Requirement says basically District-wide. We
21 specified the recruitment techniques even down
22 to a website, organizations, agencies, that

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1 kind of specificity.

2 We specified the type of
3 employment, these would be new jobs for
4 training positions 12 full-time to run for the
5 exact -- to the length of the entire project.

6 Now, this wouldn't be the kind of thing where
7 an employer could hire and 30 days fire them
8 and that would be the end of it and nothing
9 would happen.

10 Obviously, jobs are on here, bu t
11 most important is I would draw yo ur attention
12 to page 2 of the annual report where we are
13 inserting language in here asking for a
14 written report to be filed with sanctions, if
15 these practices are not being met, of \$3,000
16 each month up to \$100,000, subjected to
17 professional binding arbitration.

18 This is some thing we took very
19 seriously. On the jobs component for the
20 festival center program, currently if I'm
21 remembering this correctly, it is between 6 to
22 8 people that are being graduated out in a

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1 basic culinary program out of this facility
2 today.

3 From what we were told from the
4 representatives from the festival center, they
5 will be able to add a second program of
6 fundamental pastry skills and graduate up to
7 40 people per month. This is a sizeable
8 increase. And it will make a contribution ,
9 once again, for people looking for jobs.

10 You also referenced the project
11 for the H.D. Cooke School. One of the things
12 that ANC-1C is very well-aware of is that, you
13 know, we give o ut grants. We are under
14 restrictions in how we give out those grants.
15 We cannot duplicate services that are
16 provided by the city already.

17 Principal Black was very clear in
18 letting us know that their budget simply would
19 not support t hese additional services that
20 would provide components to be able to expand
21 their library services, components to be able
22 to expand their music departme nt and to be

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1 able to offer these grant programs for the
2 Sitar Center for the Arts, which is also
3 located in Adams Morgan within the boundaries
4 of ANC-1C.

5 So those are the comments that I,
6 basically, wanted to make regarding the
7 amenities package.

8 I would also like to go back to
9 the September 8th submission where we have
10 inserted a statement here at the bottom that
11 we express strong support for the curb
12 cuts, specifically on Fuller and Mozart
13 Streets.

14 I may be perhaps one of the few
15 people that has actually driven onto circular
16 driveway at the embassy making this left turn
17 and I will state for the record that, at that
18 time, there was street construction going on
19 and not many lines at all of any type, color,
20 shape or number. It is navigable.

21 Although in the bureaucratic
22 sense, these curb cuts may not exist. Trust

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1 me in the corporeal sense, they are very much
2 there and prepared to be used.

3 There was a great deal of
4 discussion on these curb cuts and the ability
5 to diffuse traffic, diffuse points of
6 bottlenecks on these established narrow
7 streets of Fuller Street and Mozart Place and
8 that was viewed as a true asset, that you are
9 going to have people.

10 The residents and guests that are
11 going to be coming from different entrances
12 and exits and the same thing would happen with
13 the distribution of traffic, including things
14 like UPS trucks and the mail trucks.

15 A lot of conversations taking
16 place about trash trucks. If you have been at
17 that intersection, the thing that makes the
18 Mozart Place curb cut very appealing and very
19 attractive is the ability to use the opposing
20 alleyway behind the festival center for a
21 trash truck to be able to pull in and then
22 back into the driveway that would be proposed

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1 at Mozart Place.

2 This would be very, very difficult
3 to do on Fuller Street. And as page 4 of the
4 DDOT statement states, there is a projected
5 loss of four parking spaces on Mozart Place.
6 I would posit to you that there would be a
7 projected loss of parking spaces on the Fuller
8 Street side should the curb cut be required to
9 access any attempt at having the trash trucks
10 come on the property and, therefore, needing a
11 wider turning radius for any type of truck.

12 Let's not forget, we can talk
13 about trash trucks, but, there are a number of
14 service vehicles that correlate with density
15 in our city. There is more Verizon trucks,
16 Comcast trucks, moving trucks and a number of
17 a host of other utility vehicles that are used
18 in the commercial sector that need access to
19 these services and entrances into this
20 building.

21 I would submit that having four
22 curb cuts actually does help distribute that

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1 load around. And having said that, I would
2 like to say thank you and I'll be happy to
3 answer any questions.

4 CHAIRMAN HOOD: Okay. Thank you
5 very much, Chairperson Reynolds. Let me just
6 ask you a question. I don't know if you heard
7 the conversation up here about the residential
8 parking, was that ever brought up about the
9 concern about overflow in the community and
10 not, basically, given the opportunity of
11 residents who reside in this building the
12 opportunity to apply for a residential parking
13 permit?

14 MR. REYNOLDS: Absolutely. And
15 thank you for posing that as a direct
16 question. This was discussed at a great deal
17 last night at the ANC meeting, specifically
18 due to the deep concerns of one of the
19 neighbors that lives on Fuller Street directly
20 across and is very interested in the
21 proposition of possibly being able to have
22 access to one of these parking spaces.

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1 ANC-1C was reluctant to take any
2 position on this, because we viewed it as a
3 foray into the private contractual agreements
4 that take place on purchasing or leasing
5 property. And we do not feel that was an
6 appropriate place for us to be able to comment
7 on to regulate where the parking space should
8 be leased or sold to an embassy that is
9 outside of the condominium envelope building.

10 However, yes, we are keenly aware
11 of the parking issues in Adams Morgan and the
12 extreme challenges specifically in this
13 neighborhood.

14 I would proffer that given enough
15 time, I could come back to this body with a
16 resolution that would be highly supported
17 welcoming the opportunity to provide parking
18 spaces that are off-street parking spaces to
19 those fortunate individuals that would be able
20 to afford them. I think it would be very
21 welcome.

22 I know certainly there was one

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1 lady in the audience last night that would
2 very, very much appreciate that opportunity.

3 But to answer -- I apologize, but
4 just to answer your question about RPP
5 parking, based on my understanding of the
6 regulations, as long as you have an address
7 that is in an RPP Zoned area, you are eligible
8 for the RPP sticker, unless it was
9 specifically written out, I don't even know if
10 the regulations would allow that. But these
11 people would be allowed.

12 And there is a practice all over
13 the city where people will get an RPP sticker,
14 move their cars to the street so they can keep
15 their own private vehicle parking space empty
16 when their friends come over, because we all
17 know it's very, very difficult to find parking
18 in the neighborhood. Yes, I think that's
19 going to happen.

20 On the other hand, the ability to
21 be able to provide spaces that market
22 conditions free up to be able to place by the

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1 sheer mechanics of supply and demand back into
2 the public realm, I think would be an asset.

3 CHAIRMAN HOOD: Okay.

4 MR. REYNOLDS: Thank you.

5 CHAIRMAN HOOD: You actually bring
6 up a good point. I know that t here are some
7 dealings we have done that with in the past, I
8 believe, and I'm just curious of what is the
9 track record? Maybe one of the developers
10 would be lucky enough to come down and I'll be
11 able to find out how actually did that work?

12 So anyway --

13 COMMISSIONER MAY: Well, I thin k
14 that's an important point to emphasize. I
15 recall on several projects, PUDs, where it was
16 proffered that the building residents would
17 not be eligible for RP P. I don't k now how
18 they do that from a regulatory point of view,
19 but it has been done, right?

20 MR. JENNINGS: That's correct.
21 The first case that I experienced where the
22 building proffered the applicant, it's a

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1 building in Chevy Chase and I want to say the
2 address is -- it's not Western Avenue. Maybe
3 it's Wisconsin/Western.

4 Nonetheless, the manner in which
5 it moves is this body, the Zoning Commission,
6 puts it into the order. The next step is for
7 DDOT to draft a memorandum. That memorandum
8 is directed to the Director of the Department
9 of Motor Vehicles and it goes to Director
10 Babers and Director Babers literally has her
11 staff extract that particular address from the
12 RPP system.

13 So you are absolutely accurate.
14 It has happened previously and I think we have
15 a handful of addresses throughout the entire
16 city not just limited to particular
17 neighborhoods that have either proffered it or
18 it has happened through another mechanism.

19 CHAIRMAN HOOD: And again, I'm
20 just curious if it works. It may be in the
21 system, however, but I'm just curious just
22 like some other things that we have found out

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1 that actually are said, but aren't actually
2 working, but that's something for a later
3 time. And we'll be going back up. I'm just
4 curious.

5 MR. REYNOLDS: Mr. Chairman, may I
6 add something? In Ward 1, Council Member
7 Graham introduced the parking -- a package of
8 parking legislation, which DDOT now is in the
9 process of finalizing the regulations. And in
10 this regime, each ANC will be given the
11 opportunity to opt into this package.

12 One of the components of this
13 package is the ability for a person that lives
14 in a non-RPP street to finally be able to
15 qualify for RPP parking, because we have a bit
16 of a reverse situation.

17 Historically, RPP parking was very
18 rare in the very beginning and now has become
19 very, very common in Ward 1 and also in Adams
20 Morgan. There are some souls though that just
21 by the draw of the cards happen to live on a
22 block where it does not have RPP restriction

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1 and are, therefore, prevented from having an
2 RPP sticker, which means they can only park on
3 their block and everybody else can park on
4 their block and it's very restrictive.

5 That is coming. It will create a
6 conflict, I would suggest, to have a building
7 being taken off-line from accessing RPP when
8 you now have a piece of legislation coming on
9 board that will allow people to finally access
10 RPP parking that were living on commercial
11 streets or were living on blocks that did not
12 have RPP. And I just wanted to make that --
13 put that out there.

14 CHAIRMAN HOOD: Okay.

15 COMMISSIONER MAY: I'm curious
16 about that. I mean, this is legislation over
17 here.

18 MR. REYNOLDS: Yes, sir.

19 COMMISSIONER MAY: Is there
20 specific legislation? Legislation was passed
21 and they are acting on drafting the
22 regulations now?

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1 MR. REYNOLDS: Yes, sir. I am
2 trying to remember. It's the Parking Relief
3 Act of 2010, if I'm remembering this
4 correctly. There is three components to it .
5 This is one of them. The components have each
6 been piloted in various parts of the city.
7 Very, very quickly, one of them is a dual zone
8 parking regime where a particular block will
9 be RPP reserved on one side of the street and
10 the other side of the street will be -- will
11 still allow the two hour limit like we
12 commonly will see on the streets.

13 The ability to --

14 COMMISSIONER MAY: But I'm mostly
15 curious about the requirement or the ability
16 of a non-RPP eligible person to get RPP.

17 MR. REYNOLDS: Yes, sir. This
18 would allow it.

19 COMMISSIONER MAY: Right. And is
20 the phrasing of that such that someone who
21 lives on a non-RPP street, but in a
22 predominantly RPP neighborhood can qualify or

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1 is it that, y ou know, anybody who can't get
2 it, can get it for some reason?

3 What I am -- I am concerned about
4 the potential for the actions that we have
5 taken in the past to hav e been undermined by
6 this, because, frank ly, this is a very
7 important tool for controlling vehicle parking
8 on the streets.

9 And when you are building large
10 buildings in a congested area where there is
11 not a lot of RPP spaces to be h ad, it's very
12 important, I think, for us to be able to say
13 you cannot qualify for RPP. If you want to
14 have a car, you need to pay for a space in the
15 building.

16 MR. REYNOLDS: Commissioner May ,
17 you are right on poi nt with this. I
18 apologize. I -- the regulations are still--

19 COMMISSIONER MAY: Yes.

20 MR. REYNOLDS: -- you know, in the
21 process of revision.

22 COMMISSIONER MAY: Okay.

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1 MR. REYNOLDS: And being brought
2 back in for comment. I simply can't share
3 that with you --

4 COMMISSIONER MAY: Okay.

5 MR. REYNOLDS: -- because I simply
6 don't know. I apologize.

7 COMMISSIONER MAY: It would be
8 helpful for me, frankly, if D DOT could share
9 the relevant portion of that legislation, if
10 there is a conflict. If there is not a
11 conflict, I don't want to -- need any more
12 paper, but if you think there is a conflict?

13 MR. JENNINGS: If I can just take
14 a quick shot? Your first question, which was
15 blocks that are perhaps along major corridors,
16 for example, 16th Street, that are currently
17 non-RPP, those are the buildings that would
18 become eligible for RPP.

19 And I seem to think that if there
20 is a zoning order that has direct reference to
21 an address, that that exclusion would still
22 continue to exist. I don't think it would

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1 undermine this legislation.

2 COMMISSIONER MAY: Oka y. Well, I
3 mean, it --

4 MR. JENNINGS: I co uld certainly
5 investigate it.

6 COMMISSIONER MAY: Yes. If you
7 find that it is anything other than that, I
8 think we would want to know, but otherwise, as
9 I said, we don't need more paper.

10 CHAIRMAN HOOD: Okay. Well, wit h
11 that I will --

12 COMMISSIONER TURNBULL: Mr. Chair,
13 I just want to get back to Commissioner May.
14 It seems to me that on the Wisconsin Avenue
15 Giant PUD, we had a restriction for RPP
16 permits, I think. There was a great outcry by
17 all the neigh borhood about people par king,
18 even though there was that. So I think that
19 was the one case that comes to my mind where
20 we did have a restriction in the order.

21 CHAIRMAN HOOD: Are we talking
22 about the giant Giant? Is that the case?

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1 COMMISSIONER TURNBULL: The one
2 that is being appealed.

3 CHAIRMAN HOOD: Yes. We will find
4 out how we did once --

5 COMMISSIONER TURNBULL: Right.

6 CHAIRMAN HOOD: -- we get through
7 that process.

8 COMMISSIONER TURNBULL: Right.

9 CHAIRMAN HOOD: We will find out
10 where we are. Due to that, I'm not goi ng to
11 belabor the point, but Chairperso n Reynolds
12 has mentioned that he w as going to work out
13 some of the -- or try to work on an agreement
14 with the applicant.

15 But let me ask you this, Mr.
16 Jennings, that agreement that Chairperson
17 Reynolds is agreeing to work out, would the
18 District Department of Transportation, you
19 guys, be interested in looking at it? Because
20 specifically you, basically, state about the
21 parking spaces in the -- being in just the
22 residential -- residents only.

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1 But if he comes back with an
2 agreement, would you all entertain that?

3 MR. JENNINGS: I don't think we
4 would. And let me explain. On cases that
5 currently have been built, we are experiencing
6 a number of opportunities where parking spaces
7 remain unused. And it's either the condo
8 association or the developer has decided that
9 he is going to release these parking spaces
10 out to the general community.

11 And I can speak from personal
12 experience living in Columbia Heights where I
13 see two separate buildings on a daily basis,
14 one of them hosts a number of Washington
15 Hospital Center employees that park at a
16 building located on Irving Street and a
17 Washington Hospital Center shuttle bus now
18 picks up Washington Hospital Center staff and
19 shuttles them along Irving Street to the
20 hospital.

21 So it's almost turned into like a
22 satellite parking lot for lack of a better

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1 term.

2 We, as a municipal agency, are
3 constantly trying to understand how we can
4 safeguard the additional trips in to a
5 neighborhood. Trying to kind of impede or
6 stymie that action. And what, I think,
7 Commissioner Reynolds has offered would
8 actually contribute to that condition, where
9 those additional trips whether they be
10 residents of a nearby neighborhood or if you
11 have employees of a nearby office building who
12 may want to use 16th and Fuller as their 9:00
13 to 5:00 parking space, those additional trips
14 coming into the city really will contribute to
15 the overall impacts of the neighborhood that
16 we are looking at here.

17 CHAIRMAN HOOD: Okay. I think
18 that Chairperson Reynolds and all of us have
19 heard your comments. I'm not going to say do.
20 I'm not going to say don't. But we will wait
21 and see what happens.

22 Any other questions,

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1 Commissioners? Do we have any cross-
2 examination?

3 MS. PRINCE: No.

4 CHAIRMAN HOOD: Okay. Chairperson
5 Reynolds, I want to thank you and the
6 Commission for all your hard work in working
7 on this.

8 I understand that we have no one
9 here to testify either in support or
10 opposition. Not meaning that nobody is in
11 support, but no one is here tonight to testify
12 in support or opposition.

13 Rebuttal -- well, any rebuttal or
14 closing, Ms. Prince?

15 MS. PRINCE: Very brief closing
16 comments. Thank you very, very much for your
17 time tonight. I think we got a lot of helpful
18 insights about the project this evening. On
19 the parking issue that we just discussed, we
20 have been to a lot of ANC meetings. We know
21 the issues that came up were currently and
22 those that didn't.

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1 We have certainly heard a lot
2 about traffic and loading and access and
3 taking pressure off the intersection of Fuller
4 and Mozart. I don't recall hearing a lot
5 about wanting the residents of the project to
6 give up their right to get residential parking
7 permits.

8 And we did hear from a resident,
9 last night actually, about a strong interest
10 in trying to have an opportunity to get a
11 space in the building were they not all sold
12 to the condominium owners.

13 So I don't -- I think it would not
14 be a good idea to agree to restrictions that
15 don't exactly reflect what we heard the
16 community wanted or didn't want. We have
17 tried to make this project very, very
18 responsive to what we have heard.

19 So while this was a thoughtful
20 dialogue, I, frankly, think that these spaces
21 are very likely to get sold to the owners and
22 some of these issues will be moot.

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1 Regarding Mr. May's very
2 thoughtful comments I thought on the court
3 issue, as Jennifer stated it, I think pretty
4 clearly, I don't think there is a lot of
5 incentive for a builder on the Scottish Rite
6 site to build right to the property line where
7 that is the very logical location for a rear
8 yard.

9 It's possible. I don't think
10 there is much incentive. But what is also
11 possible is let's not forget that the Italian
12 Embassy site back in 2006 wasn't even a
13 landmark yet. It is now and that's why we
14 have all these controls in place.

15 Well, the same could happen with
16 the site to the north. The Scottish Rite
17 Temple does not happen to be a landmark now,
18 although the companion building on lower 16th
19 is. Were this site designated historic, a
20 whole set of controls would come into play
21 that, I think, would make it much, much less
22 likely that those -- that that condition would

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1 exist.

2 Having said that, I do note that
3 we are talking about five units would be
4 affected by that court condition, just so you
5 can put a number on it. We did do that
6 research while we were waiting.

7 COMMISSIONER MAY: I counted six
8 and a half.

9 MS. PRINCE: Six and a half?
10 Okay.

11 COMMISSIONER MAY: A half unit,
12 because it's -- you know, the bedrooms are on
13 the lower floor and then there is the living
14 space.

15 MS. PRINCE: All right. I'll go
16 with your number.

17 COMMISSIONER MAY: By the way, two
18 of those are IZ units out of the six IZ in the
19 whole project. Isn't it six in the whole
20 project?

21 MS. PRINCE: All right.

22 COMMISSIONER MAY: So a third of

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1 the IZ projects as well.

2 MS. PRINCE: All right. That's a
3 valid point. We can look at that further.

4 And then regarding the curb cut
5 issues, I think you have heard our position
6 loud and clear. I will say that up until 20
7 days before this hearing, this developer was
8 trying desperately to make a one curb cut
9 solution work.

10 We didn't want to be in a position
11 to have DDOT oppose us on this issue. We had
12 some consultants on the team that were more
13 optimistic about making it work than others
14 and we put all the minds together and went the
15 extra step of consulting with Waste
16 Management, with having peer review. We
17 wanted to get the right answer, not a pre-
18 engineered answer.

19 We went in with the attitude that
20 if we can make one work, that is our strong
21 preference. And we couldn't get that answer.

22 And I think you heard from Mr. Jennings, it's

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1 not like we have some great alternative
2 solution. And the idea of dumpsters sitting
3 on Mozart Place across from residents for five
4 days a week traffic, pick-up seems like a
5 highly undesirable situation. And we don't
6 have an alternative.

7 So we have done our best. But
8 overall, I think this is a project in an ANC
9 where you don't usually see this level of
10 support and I think it reflects the
11 developer's ability to listen. And that's how
12 we formulated the design and that's how we
13 formulated the amenities package and that's
14 why I think it is going to be a very, very
15 strong project and a contributor to the
16 neighborhood.

17 I thank you for your time and if
18 you have any further questions, my team is
19 ready to answer them.

20 CHAIRMAN HOOD: Okay. Thank you
21 very much, Ms. Prince. Commissioners, any
22 further questions? Do we have any material

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1 that is due or things that we have asked for?

2 Okay. Can we do that, at this point, Ms.
3 Schellin?

4 MS. SCHELLIN: The LEED checklist
5 and I don't know if we actually have a picture
6 of the materials? Has that already been
7 provided? We do?

8 MR. COOKE: The picture is in the
9 record already on Sheets A-61 and A-62.

10 MS. SCHELLIN: Mr. Turnbull wants
11 a better roof plan and an eighth floor plan.

12 MR. COOKE: The eighth floor plan
13 is in the documents. Could I -- should I try
14 to point to it?

15 MS. SCHELLIN: You might want to
16 point those out to see if he is satisfied with
17 that.

18 MR. COOKE: The eighth floor plan
19 is on Sheet A-44, if that's sufficient.

20 MS. SCHELLIN: Okay. You still
21 want a better roof plan? Okay. I'm not sure
22 if Mr. May is looking for something else or

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1 not. I wasn't sure if he actually expected
2 something regarding the facade change for that
3 where the back wall was or not. If you are
4 expecting them to actually do something?

5 COMMISSIONER MAY: No, I'm not
6 expecting them to redesign the entire project
7 for the sake of that issue.

8 However, if they decided to, I --

9 MS. SCHELLIN: You would be happy.

10 COMMISSIONER MAY: -- think it
11 would be an improvement.

12 I do have a question here. The
13 materials that were submitted were incomplete,
14 I think. We didn't see any cast stone
15 samples. I'm not so concerned about those,
16 but you have this sort of rusticated stone
17 that is on the -- in the courtyard. I would
18 like to know what that product is and see a
19 photograph of it.

20 I mean, ideally, I would have
21 liked to have seen the sample. What's the
22 module on that? Is that -- how tall is the --

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1 MR. COOKE: It's intended to be,
2 approximately, 18 x 36, a building module.

3 COMMISSIONER MAY: 18 x 36. So
4 it's a real -- okay. Yes, I mean, just, you
5 know, some kind of information on what that
6 material is.

7 MR. COOKE: There is a photog raph
8 on A-61 is that -- that replicates the exact
9 look. We have worked or we are working with a
10 precast manufacturer who h as indicated that
11 they can match the look of the lower right
12 hand image, which is the face, labeled as,
13 cast stone veneer rusticated texture.

14 COMMISSIONER MAY: Yes.

15 MR. COOKE: Cast stone still.

16 COMMISSIONER MAY: S o it's going
17 to look like that and it's going -- you are
18 going to have the dressed edges and all that?

19 MR. COOKE: Yes. We are e confident
20 we can do that in the precast material.

21 COMMISSIONER MAY: And the
22 courtyard is going to be all of that?

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1 MR. COOKE: That's correct.

2 COMMISSIONER MAY: Yes, okay. All
3 right. Well, then that's good enough for me.
4 Yes, I don't think I need anything else.

5 MS. SCHELLIN: Okay.

6 VICE CHAIRMAN SCHLATER: Shadow
7 studies, please.

8 MS. SCHELLIN: Shadow studies.
9 And then I believe the applicant would like
10 the record to be open, so they can set a -- or
11 submit a final set of plans, if the Commission
12 would allow them to do that.

13 And then we also need an updated
14 list or an up dated set of labels for owners
15 within 200 feet, if we could have those.

16 COMMISSIONER MAY: Mr. Chairman ,
17 this isn't necessari ly going to require a
18 submission, but I am not comfortable where we
19 left the whole parking issue, because I think,
20 on the one hand, we have DDOT advocating that
21 the parking within the building can't be --
22 should not be sold to outside, you know, non-

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1 residents.

2 And I guess you -- did you agree
3 to that? Is that what you agreed to earlier
4 or not?

5 CHAIRMAN HOOD: Between that and
6 the discussion with Council Member Graham's
7 introducing it, I just kind of left it alone.

8 COMMISSIONER MAY: Well, no. I
9 mean, I thought they had agreed to something.
10 Well, but in any case, there is that. And
11 then there is the RPP issue.

12 CHAIRMAN HOOD: Right. And I
13 think that I kind of -- that's why I went to
14 Mr. Jennings and asked him if someone came
15 back with a proposal, which I think Chairman
16 Reynolds had mentioned --

17 COMMISSIONER MAY: Yes.

18 CHAIRMAN HOOD: -- would DDOT
19 entertain it and they said no. So my last
20 comment was if they bring it, we will look at
21 it. If they don't bring it, we won't have
22 nothing to look at.

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1 COMMISSIONER MAY: Right.

2 CHAIRMAN HOOD: And I left it up
3 in the air.

4 COMMISSIONER MAY: Okay.

5 CHAIRMAN HOOD: I'm not going to
6 say --

7 COMMISSIONER MAY: So --

8 CHAIRMAN HOOD: I don't want to
9 say bring it or don't bring it. I am kind of
10 like I'm just waiting to see what is in front
11 of me, then we will make that decision.

12 COMMISSIONER MAY: Right. Okay .
13 Yes, I mean, I would very much like to hear
14 more from the applicant and from the ANC on
15 the issue of parking, because I do think it is
16 a development here. I mean, I think there are
17 a couple of ways that they can -- that this
18 can go, you know.

19 Basically, if they can only -- the
20 spaces can only be so ld to residents, that
21 pushes things in one direction. And limiting
22 RPP would push things, yo u know, in maybe a

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1 different direction. You know, I don't know
2 what the right solution is necessarily, but I
3 would like it to be a l i t t l e bit more thought
4 out than what we are working with right now.

5 And, you know, whether or not th e
6 Department of Transportation actually agrees
7 with whatever is proffered, you know, they get
8 to decide curb cuts an d we get to decide
9 parking.

10 CHAIRMAN HOOD: Exactly.

11 COMMISSIONER MAY: So --

12 CHAIRMAN HOOD: And I think
13 Chairperson Reynolds had mentioned that he was
14 going to bring something back.

15 COMMISSIONER MAY: And I think
16 that would be great. I would like to --

17 CHAIRMAN HOOD: I just didn't want
18 to say do it and it wasn't considered.

19 COMMISSIONER MAY: Yes. I mean, I
20 actually -- I think one o f the things about
21 the RPP issue is that, frankly, not many
22 people understand that it is possible to get

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1 an exclusion to have a building built with a
2 requirement that there be no RPP available to
3 those residents.

4 Most residents and ANC folks, I
5 don't think understand that that's even a
6 possibility. And I think that's something
7 that should be discussed and deliberately
8 decided, particularly in an area like this
9 where we know there is absolutely a
10 residential parking issue.

11 CHAIRMAN HOOD: Well, I think Mr .
12 Jennings is also going to go down that avenue,
13 because we don't want to get caught like we
14 did with the Open Meetings Act. Not that --
15 we do everything in the open, it might not be
16 a good analogy, but there are some things that
17 need to take place.

18 And I think we need to be more
19 proactive when that legislation is presented
20 or I don't know how far along it is, but
21 hopefully Mr. Jennings will be able to give us
22 some more insight on that at a later time.

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1 MR. REYNOLDS: Mr. Chair, a p oint
2 of clarification, please. AN C-1C will not
3 meet again until Wednesday, October the 5th.
4 Will the record allow us to sustain that
5 calendar?

6 CHAIRMAN HOOD: When are we
7 supposedly going to take this up?

8 MS. SCHELLIN: Well, typically, we
9 only allow a week for a response. We don't
10 necessarily take into account a meeting. So
11 unless you guys are going to do that, that's
12 not what we --

13 VICE CHAIRMAN SCHLATER: There are
14 two votes, too.

15 MS. SCHELLIN: Yes.

16 CHAIRMAN HOOD: Yes, there i s a
17 proposed and there is a final. So if we do a
18 proposed, I will tell you we have held up and
19 not did a final. But if there is a proposed
20 vote, then we will have another time and that
21 might be -- depending upon when your meeting
22 falls, which is the first?

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1 MR. REYNOLDS: First Wednesday of
2 the month.

3 CHAIRMAN HOOD: First Wednesday of
4 the month. You will have a time to weigh in
5 before we do final. Depending upon when we
6 are going to vote.

7 MS. SCHELLIN: Well, there will be
8 time before we actually do proposed.

9 CHAIRMAN HOOD: Okay. So what we
10 will do is just --

11 MS. SCHELLIN: Allow the ANC --

12 CHAIRMAN HOOD: -- go on record
13 now and allow the ANC to be able to submit it
14 without the filing, if that's okay with the
15 applicant.

16 MS. PRINCE: I got a little lost
17 there. So we are talking about --

18 CHAIRMAN HOOD: So did I and I
19 said it.

20 MS. PRINCE: So we can turn around
21 these documents in a week, in less than a
22 week. We can turn them around immediately.

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1 CHAIRMAN HOOD: Well, we --

2 MS. PRINCE: We were hoping to get
3 proposed action as soon as possible. In the
4 event that you feel it is important for us to
5 go back to the full ANC, where we have been
6 many, many times, but if you feel it is
7 important for us to go back to the full ANC to
8 get input on these two parking issues, we
9 would greatly appreciate your taking proposed
10 action say at the second meeting in September
11 and then we would go to the ANC in October and
12 then we could have final action in later
13 October.

14 CHAIRMAN HOOD: Is that going to--

15 MS. PRINCE: So we don't lose --

16 CHAIRMAN HOOD: -- come up?

17 MS. PRINCE: -- a month.

18 CHAIRMAN HOOD: Is this case going
19 to come up by our next meeting, two weeks from
20 now?

21 MS. SCHELLIN: It depends. If the
22 Commission wants draft findings of fact and

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1 conclusions of law, then, no. It can't. the
2 regs do not allow for that, because they
3 cannot -- we cannot require those until seven
4 days after the transcript is received. And
5 calculating that, the earliest we can request
6 that would be September 29th and that would be
7 after.

8 CHAIRMAN HOOD: So we're lookin g
9 at our first meeting in October pretty much.

10 MS. SCHELLIN: Our only meeting in
11 October.

12 CHAIRMAN HOOD: Only meeting,
13 okay. There are so many. Okay. Well, the
14 one meeting in Octo ber, we are looking at
15 this.

16 MS. SCHELLIN: That's i f the
17 Commission wants draft findings of fact before
18 proposed action, correct.

19 CHAIRMAN HOOD: Okay. And the ANC
20 will be meeting the first Wednesday of tha t
21 month. So I just -- other than us having,
22 what is it, a seven day, we can just waive our

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1 rules. But I just wanted to know if the
2 response from the ANC -- I'm not going to say
3 you have to go back.

4 The way I understand it is
5 Chairperson Reynolds just wanted to make sure
6 he goes in front of his ANC and presents what
7 he is going to come with. Am I correct ?
8 You're not asking for the applicant to come
9 back?

10 MR. REYNOLDS: No, not
11 necessarily. I mean, the concept we are
12 working with here is, you know, the great
13 weight, which, of course, requires a formal
14 action duly noticed meeting with a quorum
15 present.

16 So for us to be able to meet that,
17 unless I put the Commission on some sort of
18 speed dial and we do a special meeting, which
19 is not going to be received well, given the
20 schedule we have been on lately, it will be
21 challenging for us.

22 CHAIRMAN HOOD: Okay. So why

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1 don't we just stick to our first -- this will
2 be taken up at our first meeting in October.
3 That will give the ANC time to weigh in and be
4 also accorded the great weight.

5 Okay? And that also will give,
6 you know, all of us time to be able to digest
7 what we have asked for.

8 MR. REYNOLDS: All right . Mr.
9 Chair, just so I'm clear, commentary on the
10 RPP parking issue as well as commentary on
11 being able to offer parking spaces on the
12 property to people that do not live on the
13 property? Not necessarily for sale, but
14 access for use.

15 CHAIRMAN HOOD: Right. You have
16 some kind of solution you said you were
17 confident you could work on.

18 MR. REYNOLDS: Oh, absolutely.
19 The thing that we are cautious of here is to
20 not get into property contract conflicts. But
21 I think I understand what you are saying.
22 Thank you.

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1 CHAIRMAN HOOD: Anything else?

2 MS. SCHELLIN: Do we want to give
3 dates?

4 CHAIRMAN HOOD: Ms. Schellin?

5 MS. PRINCE: Can we just go over
6 the schedule again, because I'm wondering if
7 the draft order is controlling things here a
8 bit. I'm wondering if that could be submitted
9 in between final and -- proposed and final?

10 MS. SCHELLIN: It's up to the
11 Commission.

12 CHAIRMAN HOOD: Anybody have a
13 problem with that? Because we have two votes.
14 Whatever we don't have in time when we do
15 proposed, if it's not ready for us to move
16 forward to final, then we will hold it up at
17 the proposed.

18 MS. SCHELLIN: Right.

19 CHAIRMAN HOOD: But if it is, then
20 we can do it at final.

21 MS. SCHELLIN: You're not --
22 right. You just are not going to have the

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1 ANC's response at proposed action is what I'm
2 saying.

3 VICE CHAIRMAN SCHLATER: I'm okay
4 with waiving that requirement.

5 MS. SCHELLIN: Not having the
6 ANC's response regarding the parking?

7 VICE CHAIRMAN SCHLATER: Okay.
8 Not having ANC's response and not having
9 finding -- draft findings of fact.

10 MS. SCHELLIN: Okay. I t hought
11 that Peter wanted their response on the
12 parking issue?

13 COMMISSIONER MAY: I do want their
14 response, but I'm okay if we just --

15 MS. SCHELLIN: If you don't have
16 it.

17 COMMISSIONER MAY: -- have it
18 before final.

19 MS. SCHELLIN: Before final, okay.

20 CHAIRMAN HOOD: Yes. And le t me
21 just put everybody on notice, if it is
22 proposed, if it's voted up, it doesn't mean

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1 that the final will not be held up or voted
2 down. So I just want to put that out there.

3 MS. PRINCE: Okay.

4 CHAIRMAN HOOD: Okay. All ri ght.
5 Anything else?

6 MS. SCHELLIN: So we want to get
7 some dates?

8 CHAIRMAN HOOD: Dates.

9 MS. SCHELLIN: Okay. So then
10 since they are saying that they can provide
11 those things quickly, then we would need those
12 by 9/15, the additional reque sts that were
13 made.

14 And then we wo uld have them
15 provide their draft order by -- or the ANC
16 could provide their response.

17 Mr. Reynolds, can you do that by
18 October 12th?

19 MR. REYNOLDS: We can do that by
20 the next day.

21 MS. SCHELLIN: Okay.

22 MR. REYNOLDS: Just like we did

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1 today.

2 MS. SCHELLIN: All right. Then in
3 that case, if you could file your response and
4 also the applicant could do their draft
5 findings of facts and conclusions of law, both
6 would be due by October 6.

7 And then we will take proposed
8 action or take it up for consideration for
9 proposed action at the September 26th meeting.
10 Got it?

11 CHAIRMAN HOOD: Are we all on the
12 same page?

13 MS. PRINCE: Thank you very much.

14 CHAIRMAN HOOD: Great. With that, I
15 want to thank everyone for their participation
16 tonight. I think it has been a very healthy
17 and good discussion and a good hearing.

18 And with that, this hearing is
19 adjourned.

20 (Whereupon, the Public Hearing was
21 concluded at 9:27 p.m.)

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