

ZONING COMMISSION

PUBLIC HEARING

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The Public Hearing of Case No. 06-27 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist
ESTHER BUSHMAN	General Counsel

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
TRAVIS PARKER
JENNIFER STEINGASSER

This transcript constitutes the
minutes from the Public Hearing held on
January 4, 2007.

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

6:38 P.M.

CHAIRPERSON MITTEN: Good evening,
this is the Public Hearing of the Zoning
Commission of the District of Columbia for
Thursday, January 4, 2007. My name is Carol
Mitten, and joining me this evening are Vice
Chairman Anthony Hood and Commissioners
Michael Turnbull, John Parsons, and Greg
Jeffries.

The subject of this evening's
hearing is Zoning Commission Case No. 06-27,
and this is a continuation of our November 20,
2006 hearing. This is a request by Boston
Properties and KSI Services, Incorporated, and
the George Washington University, for approval
of a consolidated planned unit development and
related map amendment for property located in
the Foggy Bottom West End Neighborhood of Ward
2, on a site encompassing the entire city
block which is known as Square 54.

Notice of today's hearing was

1 published in the D.C. Register on August 11,
2 2006, and copies of that hearing announcement
3 are available to you, and they are in the wall
4 bin by the door.

5 This hearing will be conducted in
6 accordance with the provisions of 11 DCMR
7 Section 3022, and picking up where we left off
8 at our last hearing, the order of procedure
9 this evening will be as follows: we'll take
10 up any preliminary matters and then we'll have
11 the report by the Office of Planning. If you
12 remember, we took the DDOT presentation out of
13 order. Then we'll have any other reports by
14 government agencies, and then we'll have the
15 report by the Advisory Neighborhood
16 Commission. In this case, it's 2A.
17 Organizations and persons in support;
18 parties, organizations, and persons in
19 opposition; and then we'll have rebuttal by
20 the Applicant at the end.

21 The following time constraints
22 will be maintained in the hearing. The

1 Applicant took a total of one hour for their
2 presentation, so each party will have 30
3 minutes, an hour in the aggregate.
4 Organizations will have five minutes, and
5 individuals will have three minutes. The
6 Commission intends to adhere to the time
7 limits as strictly as possible in order to
8 hear the case in a reasonable period of time.
9 The Commission reserves the right to change
10 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 They look like this. They're on the table by
16 the door. Upon coming forward to speak to the
17 Commission, please give both cards to the
18 Reporter who is sitting to our right. Please
19 be advised that this proceeding is being
20 recorded by the Court Reporter and it is also
21 being webcast live. Accordingly, we ask you
22 to refrain from making any disruptive noises

1 in the hearing room.

2 When presenting information to the
3 Commission, we ask for you to take a seat at
4 the table in front of us and turn on and speak
5 into the microphone, first stating your name
6 and address. When you're finished speaking,
7 we ask you to turn the microphone off because
8 they tend to pick up background noise.

9 The decision of the Commission in
10 this case must be based exclusively on the
11 public record. To avoid any appearance to the
12 contrary, the Commission requests that persons
13 present not engage the members of the
14 Commission in conversation during a recess or
15 at any other time. Ms. Schellin and Ms.
16 Hanousek will be available throughout the
17 hearing to answer any questions that you might
18 have.

19 We ask you to turn off all beepers
20 and cell phones at this time so as not to
21 disrupt the hearing. Anyone who plans to
22 testify this evening who wasn't already sworn

1 in at our November 20th hearing, I'd ask you
2 to stand now and take the oath. Anybody who
3 wasn't already sworn who plans to testify this
4 evening. You need to raise your right hand
5 and Ms. Schellin will administer the oath.

6 (Witnesses sworn.)

7 Thank you very much. Now the
8 first preliminary matter that we have is that
9 Mr. Kimmel, who just stood up has requested
10 party status and he has done that well past
11 the time required under our rules, and we have
12 an objection from the Applicant, and it also
13 defeats the purpose of being a party to weigh
14 in at this late date because you don't avail
15 yourself of your opportunity for cross
16 examination. So unless there are objections
17 from my colleagues, I would just ask Mr.
18 Kimmel to weigh in as a witness at the
19 appropriate time and that I would not
20 recommend granting him party status at this
21 time.

22 Is there any objection to that?

1 Okay. So Mr. Kimmel, we'll just invite you
2 forward when those in opposition testify.
3 Thank you very much.

4 Okay, so we're ready for -- is
5 there any other preliminary matter, Ms.
6 Schellin? Mr. Feola, did you have anything?

7 MR. FEOLA: No, ma'am.

8 CHAIRPERSON MITTEN: Okay, where
9 is Mr. Hitchcock?

10 MR. THOMAS: Madam Chair, we had a
11 call from Con Hitchcock who, being the loyal
12 member of the Metro traveling public, is stuck
13 on a Metro.

14 CHAIRPERSON MITTEN: Say it's not
15 so.

16 (Laughter.)

17 MR. THOMAS: And we hope he'll be
18 here momentarily.

19 CHAIRPERSON MITTEN: Okay.

20 MR. THOMAS: While I am at the
21 microphone, let me say that only this evening
22 did we receive another report from DDOT, which

1 is considerably late and which does not even
2 on its face purport to be complete and we
3 would move to strike it.

4 MS. SCHELLIN: I think that might
5 be a different case. That's not for this
6 evening.

7 CHAIRPERSON MITTEN: Is that in
8 06-27?

9 MS. SCHELLIN: That's a different
10 case.

11 MR. THOMAS: I'm sorry. I'm
12 sorry. I was handed it and obviously I didn't
13 read it very thoroughly.

14 MS. SCHELLIN: We were trying to
15 get it to you in as much advanced time as we
16 could, since it is very late. We just got it
17 after five o'clock tonight.

18 MR. THOMAS: Thank you, and I
19 apologize for the confusion.

20 CHAIRPERSON MITTEN: Okay, no
21 problem. We look forward to Mr. Hitchcock
22 joining us, but you didn't have any

1 preliminary matters, Mr. Thomas?

2 And Ms. Kahlow, did you have any?
3 Okay, then we're ready to proceed with the
4 report by the Office of Planning.

5 MR. PARKER: Good evening, Madam
6 Chairman.

7 CHAIRPERSON MITTEN: Good evening,
8 Mr. Parker.

9 MR. PARKER: For the record, my
10 name is Travis Parker with the Office of
11 Planning. The Office of Planning considers
12 Square 54 to be a great opportunity for the
13 city, the University, and the neighborhood.
14 No where else in the city will you find an
15 open development parcel of this size, with
16 this much capacity for positive impacts in an
17 important area in the District. Square 54 is
18 the nexus of several disparate neighborhoods,
19 from the row houses of historic Foggy Bottom,
20 to the apartment buildings of the West End, to
21 the high rise commercial office buildings of
22 the Golden Triangle, to the academic core of

1 GW Campus.

2 No other site has such an
3 opportunity to tie all of these aspects
4 together and offer something to each one. And
5 the proposed plan certainly attempts to do
6 just that. It will anchor the incredibly
7 important Pennsylvania Avenue commercial
8 corridor. It will provide a full service
9 grocery store that can serve a wide
10 residential population and will provide many
11 thousand feet of neighborhood serving and
12 destination retail.

13 It will provide significant new
14 housing opportunity in the area, improving the
15 balance between the University and
16 neighborhood uses while potentially easing
17 housing pressure in the Foggy Bottom and West
18 End areas. It will serve as a gateway to and
19 landmark of the GW campus, providing improved
20 pedestrian retail opportunities and
21 distinctive architecture to the campus.

22 Finally, it has the distinct

1 opportunity to become an important
2 neighborhood center, a potential gathering
3 place and focal point for all types of people
4 and uses. OP has been working with the
5 University and the community on this site for
6 over two years. As we are all aware, OP has
7 conditioned a favorable recommendation on any
8 commercial development of Square 54 on the
9 University completing a new campus plan that
10 gave comprehensive and thoughtful
11 consideration to campus growth over the long
12 term.

13 OP believes that the University
14 has been successful in showing the potential
15 of the remainder of campus in its new campus
16 plan, and has a plan for Square 54 that
17 capitalizes on its unique qualities. Over the
18 course of this project, OP has worked with the
19 Applicant on all aspects of the building to
20 address concerns and make improvements. The
21 original design showed 130 feet on the entire
22 office portion of the building.

1 OP agreed with some in the
2 neighborhood that the height should be more
3 respectful to the existing conditions in
4 Washington Circle, and like the campus plan,
5 some of the density was shifted towards the
6 center of campus and the height of the office
7 building was set down from 130 feet on 22nd
8 street to 90 feet directly on Washington
9 Circle.

10 OP has also worked with the
11 Applicant in the public areas of the site.
12 The landscaping and entrance of the center
13 courtyard must be -- excuse me, have changed
14 from the original design. One suggestion of
15 the Office of Planning was that if the
16 courtyard must be gated off at night, then any
17 gates must be hidden or be made very
18 unobtrusive during the day time.

19 OP has supported the I Street
20 Plaza as an important public place. In
21 addition, we strongly support the Applicant's
22 desire to combine all parking and loading

1 facilities below ground to maximize open space
2 on the surface.

3 The comprehensive land use map
4 shows mostly institutional use for this site,
5 with a strip of high-density commercial along
6 Pennsylvania Avenue. The proposed development
7 is not inconsistent with this designation,
8 assuming approval of the new campus plan in
9 some form, and it will offer positive impacts
10 for both the University and the city.

11 We recommend approval based on --
12 subject to approval of the new campus plan and
13 I'd be happy to answer any questions the
14 Commission may have.

15 CHAIRPERSON MITTEN: Thank you,
16 Mr. Parker.

17 Questions from the Commission for
18 Mr. Parker?

19 VICE CHAIRPERSON HOOD: Madam
20 Chair?

21 CHAIRPERSON MITTEN: Mr. Hood?

22 VICE CHAIRPERSON HOOD: Mr.

1 Parker, is this consistent with the new
2 comprehensive plan that just was passed by the
3 Council?

4 MR. PARKER: The new comprehensive
5 plan has maintained the same land use
6 designation and so it is, yes.

7 VICE CHAIRPERSON HOOD: Okay. Let
8 me just ask you, the ANC vote, 3 to 2, do you
9 know who was the SMD Commissioner, you may not
10 know, and I may wait on this question. Was
11 the SMD Commissioner one of the people who
12 opposed?

13 MR. PARKER: I believe so.

14 VICE CHAIRPERSON HOOD: Okay, I'll
15 find out more on that.

16 (Laughter.)

17 I have one other question. That's
18 all I have, Madam Chair. I'll find it. I
19 don't want to waste time.

20 CHAIRPERSON MITTEN: Thank you,
21 Mr. Hood. Anyone else?

22 I had a couple of questions on the

1 additional submissions that we got from the
2 Applicant. And one is because we had asked
3 for a -- this is shown in Exhibit B of the
4 additional submission by the Applicant. And
5 it shows the height, the various heights at
6 the different frontages of Square 54 and then
7 it shows the abutting properties. And there's
8 a fairly significant difference in height
9 between Square 54, particularly on the north
10 side of I Street and the things on the south
11 side of -- the buildings on the south side of
12 I Street. So I was wondering if you would
13 comment on that and how you reconciled the
14 difference in supporting the design?

15 MR. PARKER: One of the important
16 pieces of the campus plan as a whole was to
17 focus the density and height on -- to the
18 center campus, specifically around 22nd Street
19 between H and I. And if you look at the next
20 page from the one that you're looking at,
21 you'll see that there are proposed development
22 sites on three corners of that intersection

1 that will raise the height significantly on
2 the corners of that intersection. So it
3 really comes in line when future development
4 will be happening in the center of campus and
5 once again, the principle was to have this
6 development focused in that area away from
7 surrounding uses.

8 CHAIRPERSON MITTEN: Okay.
9 Another question that's related to the
10 additional submission which is and we asked
11 the Applicant to come back to us with some
12 kind of language that would tie down this
13 grocery store proffer that they're making and
14 what would happen in the event that they
15 couldn't identify an occupant for the space.

16 I am interested in the Office of
17 Planning's reaction to this because by the
18 time we might find out that they were
19 unsuccessful, the whole project could be built
20 and I just can't help but recall some other
21 projects -- they're not grocery store related,
22 but projects downtown where people reserved

1 space for a department store and were unable
2 to get it. And it's very difficult to try and
3 come up with, given this is such a significant
4 amenity, what kind of thing would the Office
5 of Planning think would be an appropriate
6 substitute if that amenity, given that the
7 development would have taken place, what would
8 be an appropriate substitute amenity?

9 MR. PARKER: I don't know that we
10 have put a lot of thought into coming up with
11 substitutes for a grocery store. We tried to
12 do everything we could to assure that it would
13 happen, as far as having it built and having
14 requirements that there are no other options
15 other than to come back if they're not
16 successful.

17 One thing that I would say that
18 among the Applicant's submissions are monetary
19 values estimated by them of all of their
20 contributions. So we have some idea of the
21 level of contribution it is that can be used
22 at some future point if we have to come up

1 with new ideas. So we'll at least have a
2 starting point to work from at that point, but
3 we haven't spent any time coming up with
4 contingency plans for the grocery store.

5 CHAIRPERSON MITTEN: The reason I
6 ask is because different people weigh that
7 amenity differently and it's not just about
8 the money, the subsidy that's required. So --

9 MR. PARKER: I agree.

10 CHAIRPERSON MITTEN: I'm just
11 trying to figure out if having, well, after a
12 couple of years from now after it's all done,
13 if that's going to be -- well, we'll just
14 figure something else out. I just don't know
15 if that's a satisfactory solution.

16 Anybody else have questions for
17 the Office of Planning?

18 COMMISSIONER TURNBULL: Madam
19 Chair, I guess just weighing in what you're
20 just talking about, the only -- I guess the
21 only question I would come up is that in
22 Exhibit G, in their construction they're

1 actually talking about creating that grocery
2 space in Phase 1.

3 CHAIRPERSON MITTEN: Right.

4 COMMISSIONER TURNBULL: Whether --
5 and I thought your concern was it's not going
6 to be coming in until later.

7 CHAIRPERSON MITTEN: No, it's that
8 they would create the space, then it wouldn't
9 be occupied. I mean it's one thing to create
10 the space, it's another to actually entice a
11 grocery store --

12 COMMISSIONER TURNBULL: To be in
13 there.

14 CHAIRPERSON MITTEN: Yes.

15 COMMISSIONER TURNBULL: Okay.

16 CHAIRPERSON MITTEN: Okay?

17 VICE CHAIRPERSON HOOD: Madam
18 Chair, I had one more question.

19 CHAIRPERSON MITTEN: Okay.

20 VICE CHAIRPERSON HOOD: Mr.
21 Parker, in your report, this is my other
22 question. In your report we talk about the

1 second Metro entrance, I see in your report on
2 page 6 you mention about possibly the
3 Applicant having an alternative, depending
4 upon whether, I guess, WMATA, whoever, wants
5 to do that second entrance.

6 Are you asking for another
7 alternative before we do final or are you
8 going to wait and the Applicant has to come
9 back?

10 MR. PARKER: Based on my
11 discussions with the Applicant and with WMATA,
12 the second Metro entrance won't be located on
13 Square 54. What WMATA is looking at now,
14 there is a feasibility study out. They're
15 looking at the southeast corner of 22nd and I.

16 So my discussions with the
17 Applicant have been that there will be a
18 contribution, as an amenity of this project,
19 towards engineering of that second entrance
20 and then as part of the campus plan, they will
21 come up with some language to proffer space in
22 the new development on the southeast corner of

1 22nd and I to accommodate that entrance.

2 VICE CHAIRPERSON HOOD: Okay. But
3 it's being offered for this case, I want to
4 make sure I'm following you.

5 MR. PARKER: It's a monetary
6 contribution.

7 VICE CHAIRPERSON HOOD:
8 Contribution towards the overall --

9 MR. PARKER: Towards the study,
10 right, but no space --

11 VICE CHAIRPERSON HOOD: Oh,
12 towards the study.

13 MR. PARKER: No, I'm sorry, the
14 study has been done, towards engineering of
15 the entrance.

16 VICE CHAIRPERSON HOOD: So what if
17 it doesn't happen?

18 MR. PARKER: If it doesn't happen
19 that money can -- we do need to come up with
20 a contingency for that money, but the
21 feasibility study by WMATA certainly
22 recommends that they'll continue and my

1 discussions with them is that they have every
2 intention of continuing the process.

3 VICE CHAIRPERSON HOOD: All right,
4 I won't belabor it. Thank you.

5 CHAIRPERSON MITTEN: Commissioner
6 Jeffries?

7 COMMISSIONER JEFFRIES: Just a
8 quick question. Could you comment on the
9 merging of the residential and the office as
10 it relates to design?

11 MR. PARKER: I guess I need a
12 little more -- what are you looking for?

13 COMMISSIONER JEFFRIES: Look at
14 Exhibit A.

15 MR. PARKER: Okay.

16 COMMISSIONER JEFFRIES: And I
17 guess I'm commenting about the glass box
18 that's on the circle and then obviously the
19 residential look on the other side. And I
20 just wanted you to sort of, if you could,
21 based on what was there, to sort of comment on
22 sort of the reconciliation between the two.

1 MR. PARKER: Well, I think they're
2 clearly different buildings and they're
3 intended to be differentiated.

4 I think maybe the Applicant could
5 comment better on how they tie together, but
6 I think the intent is that they're designed
7 separately. They stand out as separate uses
8 and separate buildings, but they have aspects
9 certainly that will tie them together.

10 COMMISSIONER JEFFRIES: Okay, I
11 might ask some additional questions to the
12 Applicant about this, but my other question is
13 in terms of the control elements to the
14 public. Could you walk me through that again
15 in terms of if they had to put a gate up or
16 fence, how would that work?

17 MR. PARKER: It's my understanding
18 that that central courtyard will be closed off
19 at late night. I don't have exact hours, but
20 say midnight to six or something along those
21 lines, in which case they'll have a gate up.
22 And one of our requests of the Applicant was

1 that gate, during the daytime, not just be a
2 big open swinging gate, but somehow be
3 concealed or made

4 --

5 COMMISSIONER JEFFRIES: Like a
6 pocket or something?

7 MR. PARKER: Exactly. We don't
8 want a large barrier, visually or otherwise.

9 COMMISSIONER JEFFRIES: Have you
10 requested drawings or what that would look
11 like?

12 MR. PARKER: We've talked with
13 them several times. I don't think we have any
14 designs of what that gate might look like yet.

15 COMMISSIONER JEFFRIES: Thank you.

16 CHAIRPERSON MITTEN: Anyone else?
17 Okay.

18 Mr. Feola, did you have any
19 questions?

20 MR. FEOLA: No questions.

21 CHAIRPERSON MITTEN: Okay, Mr.
22 Hitchcock, welcome.

1 MR. HITCHCOCK: Thank you, Madam
2 Chair, Members of the Commission.

3 Mr. Parker, good evening.

4 MR. PARKER: Good evening.

5 MR. HITCHCOCK: A couple of
6 questions on your report. I direct your
7 attention to the second page, paragraph 3
8 where you talked -- do you have it?

9 MR. PARKER: I do.

10 MR. HITCHCOCK: Where you talked
11 about OP not considering support for
12 nonacademic uses without a detailed plan
13 showing GW's academic and student housing
14 needs could be met on the remainder of campus.

15 MR. PARKER: Are you on the final
16 report or the setdown?

17 MR. HITCHCOCK: I am on the report
18 dated November 10, 2006, page 2, second
19 paragraph.

20 MR. PARKER: Oh, second paragraph.
21 Okay.

22 MR. HITCHCOCK: Under background?

1 MR. PARKER: Yes.

2 MR. HITCHCOCK: Did GW provided
3 you with such a detailed plan?

4 MR. PARKER: Absolutely. That's
5 the plan that's the subject of the other
6 application.

7 MR. HITCHCOCK: And were there any
8 changes that were made during the course of
9 your review?

10 MR. PARKER: To that plan or to
11 this?

12 MR. HITCHCOCK: To what was
13 initially presented?

14 MR. PARKER: Absolutely.

15 MR. HITCHCOCK: And what were the
16 nature of the changes that were recommended?

17 MR. PARKER: Again, we're talking
18 about to the campus plan?

19 MR. HITCHCOCK: Well, I'm talking
20 about -- you said in your report that you
21 wanted a detailed plan showing how the needs
22 could be met on the remainder of campus and

1 I'm asking -- I asked you if there was a
2 detailed plan and you said yes.

3 MR. PARKER: Certainly.

4 MR. HITCHCOCK: When was that plan
5 presented?

6 (Pause.)

7 MR. PARKER: I'm not sure of the
8 exact date that it was filed with either the
9 Office of Zoning or us. But your question is
10 to what the changes are from the original plan
11 to the later plan, the campus plan?

12 MR. HITCHCOCK: Correct.

13 MR. PARKER: The original campus
14 plans didn't have a lot of thought as to where
15 things were laid out. The course of the
16 planning for the campus in that application
17 led us to think about where development should
18 be happening, why development should not be
19 happening in certain areas. We went through
20 the whole process of designing a historic
21 district. We looked at surrounding land uses
22 and the changes to where development was

1 happening and how dense and everywhere else
2 are too numerous to even mention, but there
3 were significant changes of how development
4 was occurring on campus between the original
5 draft and where we're at today.

6 MR. HITCHCOCK: I guess what I'm
7 driving is whether OP looked at the
8 possibility of achieving goals with a lower
9 zoning category than the one that was
10 ultimately presented in this application?

11 CHAIRPERSON MITTEN: Do you mean
12 for Square 54?

13 MR. HITCHCOCK: Yes.

14 MR. PARKER: We looked at multiple
15 options for Square 54 including, I'm sure,
16 different zoning classifications.

17 MR. HITCHCOCK: Well, is it your
18 testimony then that plans with lower zoning
19 classifications might have been appropriate
20 for this site?

21 MR. PARKER: No, that wasn't my
22 testimony.

1 MR. HITCHCOCK: Well, you said you
2 considered all sorts of options. I mean what
3 options did you consider other than the zoning
4 classification in the proposal before us in
5 this case?

6 MR. PARKER: I think that based on
7 everything that's happened, this is the plan
8 that we consider most appropriate for the
9 site.

10 MR. HITCHCOCK: That wasn't my
11 question, sir. My question was what other
12 options?

13 CHAIRPERSON MITTEN: I just want
14 to make a distinction so that everybody will
15 feel comfortable answering. The question is
16 -- the questions coming at you, what did you
17 consider. You're answering back this is what
18 you considered most appropriate. Just because
19 you answer back something that you considered,
20 we understand that it doesn't necessarily mean
21 that you thought it was appropriate. So could
22 you just give some sense of what the range

1 was?

2 MR. PARKER: I -- we, we looked
3 mainly at high density options for the site,
4 because that is the comp. plan that is the
5 surroundings of this site. Our other options
6 on this site were generally that this would be
7 a high density site.

8 MR. HITCHCOCK: So I'm still not
9 sure I understand. Is there a zoning
10 classification other than the ones being
11 applied for that you considered?

12 MR. PARKER: I don't think we
13 looked at it that way. We looked at what the
14 appropriate development was for the site, and
15 the zoning classification was -- I don't think
16 we went about it backwards by grabbing a
17 zoning classification and designing a site to
18 that classification. I think we tried to
19 design a site that was appropriate for the
20 area and for the campus, and then design a PUD
21 around that.

22 MR. HITCHCOCK: Well, let me ask

1 you that. I mean, you're aware that in the
2 2000 campus plan, the BZA order talked about
3 how the University's housing needs could be
4 met on Square 54?

5 MR. PARKER: Among other places.

6 MR. HITCHCOCK: Well, let's just
7 stick with Square 54.

8 MR. PARKER: Okay.

9 MR. HITCHCOCK: And that was not
10 considered to be appropriate use?

11 MR. PARKER: Well, that plan also
12 considered Square 54 a place for commercial
13 development.

14 MR. HITCHCOCK: Well, where is the
15 student housing though?

16 MR. PARKER: There are several new
17 student housing opportunities in the new
18 campus plan.

19 MR. HITCHCOCK: But not on Square
20 54?

21 MR. PARKER: Agreed, because they
22 were able to demonstrate that it could be

1 accomplished without using Square 54.

2 MR. HITCHCOCK: Is that what was
3 really driving your consideration, how GW can
4 use Square 54 for non-academic purposes?

5 MR. PARKER: No, GW came to us
6 with a request for Square 54. We were not
7 willing to consider that request until we were
8 satisfied that they could present a plan for
9 the campus that was appropriate and could
10 accommodate all of their needs.

11 MR. HITCHCOCK: You say
12 appropriate. Is there anything that you told
13 them that you would not support?

14 MR. PARKER: All sorts -- like I
15 said, the development plan changed hundreds,
16 well, not hundreds -- dozens of times over the
17 course of the last two years. So there were
18 countless things that we told them we wouldn't
19 support.

20 MR. HITCHCOCK: Could you give
21 some examples?

22 MR. PARKER: Development above 80

1 feet on G Street. Development above 90 feet
2 right on the circle. Development along the
3 peripheries of campus. Countess more.

4 MR. HITCHCOCK: Okay. Let me move
5 on. Let me circle back to what I talked
6 about. I mean, did the Applicants give you
7 any figures to explain what might not be
8 doable if there were a lower zoning
9 classification put into effect?
10 I mean, did they come in and see with C-3-C,
11 we can do X, with C-2 we can do this, with C-
12 2-A, we can do this.

13 MR. PARKER: No, I don't think we
14 ever had that discussion like that.

15 MR. HITCHCOCK: Does OP normally
16 exclude consideration of alternatives in PUD
17 cases of this sort?

18 MR. PARKER: I didn't say that we
19 excluded consideration of alternatives. I
20 think we looked at a proposal that was brought
21 to us and considered whether it was
22 appropriate, whether there were more

1 appropriate things. But we didn't go district
2 by district to determine which would be the
3 most appropriate district. We looked at
4 different uses of the site, different
5 densities on the site to consider which would
6 be the most appropriate in relation to the
7 surroundings.

8 MR. HITCHCOCK: Okay, let's move
9 on to another subject along here, and that is
10 the issue of parking.

11 Do you recall whether there will
12 be a net gain in parking spaces or a net loss
13 with the new garage or the old one being torn
14 down?

15 MR. PARKER: Campus wide or just
16 Square 54 and the garage?

17 MR. HITCHCOCK: Well, you raised
18 it in the report, so I guess --

19 MR. PARKER: There will be less
20 parking spaces under Square 54 than there are
21 in the existing campus garage, but there will
22 be several, smaller additional parking,

1 underground parking facilities throughout the
2 campus that I believe will result in a net
3 gain of parking spaces on the campus overall.

4 MR. HITCHCOCK: I'm curious as to
5 how -- does OP view that as an amenity?

6 MR. PARKER: Did I say it was an
7 amenity?

8 MR. HITCHCOCK: Well, I'm looking
9 under page 4 where you talk about PUD
10 evaluation standards and mention parking in
11 the same paragraph, talking about high quality
12 developments that provide public benefits.

13 MR. PARKER: I'm sorry, can you
14 point me to it?

15 MR. HITCHCOCK: Yes. Page four of
16 the November 10 report, under the paragraph
17 PUD Evaluation Standards. The penultimate
18 sentence talks about building on Square 54
19 providing a significant amount of parking to
20 allow them to replace their existing
21 underground garage at some point in the
22 future. I'm just trying to figure out how

1 that fits into your assessment of the --

2 MR. PARKER: Well, a lot of these
3 spaces will be University spaces that will
4 allow the University to phase out that
5 existing above ground garage and use that
6 space for a science center or a more
7 appropriate use than a structured parking
8 garage.

9 MR. HITCHCOCK: Okay, so did you
10 do an analysis of how much more parking or
11 less parking is available?

12 MR. PARKER: I have those numbers.

13 MR. HITCHCOCK: Okay, but is it
14 your testimony that the amount, whether an
15 increase or decrease in the amount of parking
16 is a neutral factor?

17 MR. PARKER: We certainly haven't
18 focused on a decrease or increase of parking
19 as an amenity. I think the only purpose of
20 that sentence was to call out that this would
21 be the first stage in being able to remove
22 what some could consider to be an unsightly

1 above ground parking garage.

2 MR. HITCHCOCK: Okay. Let's try
3 another subject. On page five towards the
4 bottom, the discussion of grocery store where
5 you talk about needs that OP views as
6 neighborhood serving. The phrase neighborhood
7 serving is yours? How do you define
8 neighborhood serving in this context?

9 MR. PARKER: One second, please.

10 MR. HITCHCOCK: Sure, take your
11 time.

12 (Pause.)

13 MR. PARKER: I don't see the words
14 neighborhood serving under grocery store.

15 MR. HITCHCOCK: Okay. I lost my
16 place. Well, let me phrase the question
17 differently. Let me -- in that paragraph, you
18 indicate that no retailer will sign a formal
19 letter of intent before the zoning approval of
20 the project. Why is that, that some kind of
21 letter of intention, are you suggesting that
22 a letter of intention not be a condition?

1 MR. PARKER: I'm suggesting that a
2 letter of intent may not be a reasonable
3 condition if it's not possible to get one
4 before zoning approval is reached.

5 MR. HITCHCOCK: Okay, so the space
6 should -- suppose that there is a difficulty
7 in getting such a tenant afterwards?

8 MR. PARKER: Which is the subject
9 that the Chair just brought up. We certainly
10 want to and have done our best to provide
11 every incentive and every reason for this
12 grocery store to happen and note as few
13 contingencies for not having a grocery store
14 as possible. And we're certainly open to any
15 suggestions that you may have on other ways to
16 ensure that it happens.

17 MR. HITCHCOCK: Okay. I think
18 that's all, Madam Chair.

19 CHAIRPERSON MITTEN: Thank you,
20 Mr. Hitchcock.

21 Ms. Kahlow.

22 MS. KAHLOW: I'm Barbara Kahlow

1 and I am representing the West End Citizen
2 Association today.

3 Mr. Parker, I have a series of
4 questions. First, about the comprehensive
5 plan about which Mr. Hood asked you a
6 question. Isn't it true that the existing
7 land use map shows Square 54 as a 100 percent
8 institutional use?

9 MR. PARKER: The existing future
10 land use map?

11 MS. KAHLOW: The existing land use
12 map. Not the future one, not the planned one.
13 The existing land use map which is map 10.
14 Shall I -- we discussed this one the phone.
15 Would you like to look at it again?

16 CHAIRPERSON MITTEN: Is that in
17 the record. Do we have that in the record.

18 MS. KAHLOW: It's on the website.

19 CHAIRPERSON MITTEN: Well, you
20 will have to submit that the record so that we
21 can understand -- this is part of the newly
22 passed comprehensive plan?

1 MS. KAHLOW: I'm going to make the
2 distinction between the existing and the new
3 one, because there is a distinction -- and I
4 would like -- it has not yet been passed by
5 Congress, so this is the existing -- just so
6 we all know, this is the existing
7 comprehensive plan.

8 MR. PARKER: But I disagree. What
9 you have in your hand is the newly passed one.
10 The existing one is a hand drawn.

11 MS. KAHLOW: This is the planned
12 land use plan. This is the existing land use
13 plan.

14 MR. PARKER: Those are the same.

15 MS. KAHLOW: They are different.
16 In the -- let me just describe what we have
17 since we did discuss this by phone. In the
18 existing land use plan, Square 54 is 100
19 percent institutional. In the plan that is
20 called planned land use map, which you are
21 referring, Mr. Hood, the site is 98 percent
22 institutional. The tiny sliver on

1 Pennsylvania Avenue.

2 CHAIRPERSON MITTEN: Why don't we
3 just to what's the point. Instead of
4 identifying these things, what is your point?

5 MS. KAHLOW: The point is that the
6 report is inaccurate, both the oral and the
7 written report and that there is no
8 commercial. The precedent, and you'll be
9 hearing a bunch of questions on this, about
10 there is no precedent for commercial use.
11 There is only a tiny sliver --

12 CHAIRPERSON MITTEN: So could you
13 point to the area in the report that you take
14 issue with so Mr. Parker can respond?

15 MS. KAHLOW: Page seven, the
16 Office of Planning's report. I first wanted
17 to go with maps, with is comprehensive plan.
18 The first sentence says the generalized land
19 use map includes a site in the GW Campus
20 designated as a mix of institutional high
21 density commercial use. The question is isn't
22 the existing only 100 percent institutional

1 and isn't the planned only a sliver
2 commercial?

3 CHAIRPERSON MITTEN: Okay. Mr.
4 Parker?

5 MR. PARKER: I unfortunately don't
6 have my generalized land use map, but the
7 immediate past generalized land use map that
8 is being phased out did show high density
9 commercial on Pennsylvania Avenue. The new
10 map does not. The new map has 100 percent
11 institutional use on Square 54. I was using
12 the past map when I wrote this report.

13 MS. KAHLOW: Well, just so you
14 know on --

15 CHAIRPERSON MITTEN: If there is a
16 point you would like to make, you can make it
17 in your testimony.

18 MS. KAHLOW: I will, but I would
19 like to submit these to record. I will do it
20 during my testimony.

21 CHAIRPERSON MITTEN: Great.

22 MS. KAHLOW: Does the application

1 ask for 39 percent residential use, 9 percent
2 above ground retail use, and 52 percent
3 commercial use?

4 MR. PARKER: I don't have those
5 numbers.

6 MS. KAHLOW: Do you want me, I'm a
7 statistician, to go through the square footage
8 -- should we go through that?

9 MR. PARKER: I'll trust you.

10 MS. KAHLOW: Thank you. How can
11 OP support only 39 percent residential use,
12 which is 343,000 of the 800,070 foot thousand
13 square foot use. See page 12 of May 30th
14 application on Square 54, especially in light
15 of OP's previous recommendations and the
16 Commission's actions, multiple turndowns of
17 the proposals for less than 50 percent
18 residential use in a PUD on Square 51 which is
19 now the Ritz compound.

20 How can you -- how can OP support
21 anything less than 50 percent residential use
22 in a PUD in this neighborhood since you've

1 submitted multiple reports saying that it
2 should never be less than 51 percent?

3 MR. PARKER: I don't know anything
4 about Square 51. I'm not prepared to address
5 that, but I think we just have a disagreement
6 from you on what the appropriate use along
7 Pennsylvania Avenue and Washington Circle are.

8 We've been over this development
9 with the Applicant for two years and we are
10 satisfied that the appropriate uses are in the
11 appropriate places on this site.

12 MS. KAHLOW: I'm not asking that
13 right now. I'm asking about the percentage of
14 the entire Square 54, 39 percent residential
15 use.

16 CHAIRPERSON MITTEN: Just let him
17 finish and then you can ask another question.

18 MS. KAHLOW: I think he's
19 answering a different question than I asked,
20 but I'll get to that question.

21 MR. PARKER: My answer was we not
22 only believe that the uses are in the

1 appropriate places, but are in the appropriate
2 ratios.

3 MS. KAHLOW: And would you support
4 39 percent residential use on other sites in
5 residential neighborhoods?

6 MR. PARKER: It entirely depends
7 on the site or the context.

8 MS. KAHLOW: And since Square 51
9 is a block away, when did OP decide to change
10 from the multiple years, as Mr. Parsons knows,
11 where they said do not set it down unless it's
12 a minimum of 51 percent? When did you make
13 that change to 39 percent?

14 MR. PARKER: I'm not familiar with
15 Square 51.

16 MS. KAHLOW: But in the
17 neighborhood, in Foggy Bottom West End?

18 MR. PARKER: As I said in my oral
19 testimony, there are a lot of different uses
20 and neighborhoods even in Foggy Bottom West
21 End. There are a lot of different uses.
22 There are a lot of different areas and Square

1 54 does its best to provide a nexus, a mix and
2 a transition between those.

3 MS. KAHLOW: All right, let's go
4 to the complement. Since the comprehensive
5 plan, the reason why I submitted these maps
6 only shows a small sliver as contemplated as
7 commercial use. What is the logic or
8 rationale behind OP support for 52 percent
9 commercial use on Square 54, 454,000 of the
10 870,000 square feet?

11 MR. PARKER: Our rationale is that
12 this is the appropriate use for the square
13 based on and assuming the approval of the
14 campus plan that's been discussed.

15 MS. KAHLOW: Just so we know,
16 right now we're talking about one particular
17 application which is Square 54.

18 CHAIRPERSON MITTEN: Let me just
19 try and help out here because I've been --
20 you're touching on something that has
21 frustrated me and so I just want to get this
22 clear.

1 Do you find that the institutional
2 land use category provides any guidance at all
3 about the zoning category that's appropriate
4 for a particular site?

5 MR. PARKER: Not per se. Not for
6 strict zoning. Our thought is that when it
7 comes to density and use, we have to use the
8 surroundings, use the context.

9 CHAIRPERSON MITTEN: Okay. So my
10 frustration has been it doesn't provide any
11 guidance which is frustrating for the Zoning
12 Commission when we're in these situations.

13 So beating that particular horse
14 is not going to get us anywhere.

15 MS. KAHLOW: I'm not sure that
16 that's the horse I was beating. There are --
17 this is an independent application and his
18 answer said as to why he thinks it's okay for
19 52 percent commercial on this particular
20 square, this particular PUD happens to relate
21 to another case. That's not -- I don't
22 understand how that's allowed. I'm asking

1 about this case only because that's what we're
2 talking about. Why does this say 39 percent
3 residential and 52 percent commercial in an R-
4 5-D zone with institutional uses and only a
5 sliver contemplated as commercial?

6 CHAIRPERSON MITTEN: I just don't
7 think this back and forth is going to be
8 productive, so I'd like you to move on to
9 another subject.

10 MS. KAHLOW: All right. Zoning
11 rules for universities. This is the second
12 thing. I'm moving from the comprehensive
13 plan. Is OP concerned that GW's upzoning
14 request for this square and Square 80 to C and
15 SP zoning, respectively, would exempt these
16 sites from the aggregate Floor Area Ratio cap
17 of 3.5, Floor Area Ratio for R zoned
18 properties and city-wide zoning rules for
19 colleges and universities?

20 MR. PARKER: I think we've taken
21 care of that with this campus plan by
22 providing a complete stop on all development

1 that isn't specifically designated in this
2 plan.

3 CHAIRPERSON MITTEN: How is this
4 relevant to Square 54?

5 MS. KAHLOW: Because this case,
6 Square 54 is being considered as a PUD and the
7 University has proposed upzoning as a way to
8 get around the FAR cap in colleagues and
9 universities section --

10 CHAIRPERSON MITTEN: We've been
11 through this in other PUD cases within the GW
12 campus.

13 MS. KAHLOW: What I want to
14 understand in this PUD case is why OP, if OP
15 had a concern about this because this might be
16 acted on before the campus plan. Does he have
17 any concern about this precedent of exempting
18 them? In the other cases they were not
19 exempted and there's material in the record,
20 I don't have it right in front of me, I have
21 to pull it, that for the other cases, let's
22 pretend it's 1957 E Street, that FAR was

1 included in the 3.5 cap in that PUD. And it's
2 these two they're trying to break that
3 precedent.

4 CHAIRPERSON MITTEN: Well, I don't
5 know about 1957 E Street, but I can tell you
6 that the dormitory that we voted on on Square
7 103, I think it was, was not included. So
8 we've been through this before and I don't
9 think this is productive.

10 MS. KAHLOW: I think Square 103
11 was. The only one that was not was Square 80,
12 but you could be correct.

13 If the universities could upzone
14 properties to get around the FAR limit, what
15 protections do the zoning rules provide for
16 logical reasoned development upon which
17 neighbors and communities with the
18 universities can rely?

19 MR. PARKER: Ms. Kahlow, I think I
20 would share your concern if we were continuing
21 under the existing plan. They would come
22 forward with individual PUDs and get out of

1 the existing caps on development on the
2 campus. I've done my best to solve that
3 problem in the new campus plan by providing a
4 limit on development based on the development
5 plan that's designed. They can't come in with
6 PUDs that we haven't already identified and
7 discussed in great detail in the campus plan
8 hearings.

9 So I don't see a precedent that
10 can be set.

11 MS. KAHLOW: I'm trying to
12 understand the protections, and you're saying
13 if I can restate what you said, you think
14 there are protections?

15 MR. PARKER: Absolutely.

16 MS. KAHLOW: And I'm trying to
17 understand what the protections are.

18 MR. PARKER: The protections are
19 GW cannot come forward with the rezoning or a
20 PUD that isn't identified in the campus plan,
21 cannot.

22 MS. KAHLOW: All right. We'll be

1 testifying about that as Ms. Mitten would want
2 me to do.

3 Let's go to height. Why did then
4 OP Director Ellen McCarthy abandon her
5 February 4, '06 commitment to the Foggy Bottom
6 community to have no more than 90 feet of
7 height all the way around Washington Circle,
8 not 90 feet, then rising to 110 or 130 or 142
9 feet elsewhere on the square?

10 MR. PARKER: I don't believe she
11 did. The building is 90 feet on Washington
12 Circle. It does step up then to 120 and as it
13 goes towards I, it steps up again to 130.

14 MS. KAHLOW: And then to 142.

15 MR. PARKER: Yes. Okay. Not for
16 zoning purposes, but yes.

17 MS. KAHLOW: In reality.

18 MR. PARKER: In reality.

19 MS. KAHLOW: Because we're really
20 trying to deal with reality. This is a huge
21 square and if you're measuring from the
22 ground, it's 142 feet.

1 MR. PARKER: Agreed.

2 MS. KAHLOW: All right, map
3 amendment. On November 16, '06, the WECA and
4 ANC 2A met with another prospective Foggy
5 Bottom West End developer for 1143 New
6 Hampshire. The Zoning Commission just got a
7 filing.

8 They had applied for a PUD and map
9 amendment from an R to a C-3-C. After
10 discussions, they were willing to recast --

11 CHAIRPERSON MITTEN: The
12 relevance?

13 MS. KAHLOW: You're going to see
14 it. They were going to recast it to CR.

15 Why did OP not consider upzoning
16 from R-5-B to CR versus C-3-C, since the PUD
17 of Cr zoning could also have 8.0 FAR and
18 they're only requesting 7.5 FAR?

19 CHAIRPERSON MITTEN: So answer
20 that without the context of the other case.
21 She's asking you an abstract question.

22 MS. KAHLOW: That is correct. Why

1 not CR which is what I believe Mr. Hitchcock
2 was trying to get it and I'm going to go
3 through a bunch of them. Why not CR? Has 8.0
4 FAR --

5 MR. PARKER: There's an issue of
6 consistency with the surrounding area.
7 There's C-3-C across the street from this
8 site.

9 MS. KAHLOW: Where is there C-3-C
10 across the street?

11 MR. PARKER: Directly to the east.

12 MS. KAHLOW: You mean one square
13 over?

14 MR. PARKER: No, no. Directly
15 across -- Square 75, directly across 22nd
16 Street. The northern half is zoned C-3-C.

17 So there's no CR in the area.

18 MS. KAHLOW: Except for Square 51.

19 MR. PARKER: Again, Square 51 is
20 three blocks away.

21 MS. KAHLOW: But that's what this
22 Commission has been doing.

1 MR. PARKER: Square 51 has CR
2 adjacent to it. So it would be appropriate to
3 extend the CR line to Square 51.

4 MS. KAHLOW: Did you consider CR
5 since it has the same FAR, the difference just
6 so I can shorten this for everyone is that the
7 maximum height under CR, under PUD, is 110,
8 not 130.

9 CHAIRPERSON MITTEN: Did you
10 consider CR?

11 MR. PARKER: We didn't consider
12 CR.

13 MS. KAHLOW: Why not?

14 MR. PARKER: Because there's no
15 context for it in this neighborhood and we did
16 feel that the 130 feet along Pennsylvania
17 Avenue is appropriate. That's the existing
18 Pennsylvania Avenue corridor.

19 MS. KAHLOW: What is to the west
20 of Pennsylvania Avenue. What are the heights
21 on the north and south sides of Pennsylvania
22 Avenue in the residential area of Foggy Bottom

1 West End? What are those heights?

2 MR. PARKER: Those are several
3 different questions. You said --

4 MS. KAHLOW: You pointed to one
5 building that was a C and was 130. And I'm
6 asking what the heights are, because you're
7 looking for the context, listening to your
8 discussion, are all of the other buildings to
9 the west.

10 MR. PARKER: No, the allowed
11 heights to the west are 90 feet or less in
12 many places.

13 MS. KAHLOW: Thank you. Now let's
14 move to the next thing, environmental
15 concerns. Under the PD evaluation standards
16 in both your set down and final reports, OP
17 stated page five of the set down, June 30th,
18 page five of the 11/10 final report, OP stated
19 "the community has expressed concern regarding
20 the environmental impacts of the project and
21 OP shares these concerns". What specific
22 concerns of the community share and which ones

1 does OP not share?

2 MR. PARKER: We share the concern
3 of healthy air in the city, and we want to
4 make sure that this project follows the same
5 rules that every other project has to follow
6 to ensure environmental compliance.

7 MS. KAHLOW: And what do you not
8 share? What other concerns?

9 MR. PARKER: I don't know the
10 answer to that question.

11 MS. KAHLOW: So you were only
12 talking about air quality?

13 MR. PARKER: I mean, we've
14 obviously interested in sustainable design,
15 green roofs. You'd have to list your other
16 concerns.

17 MS. KAHLOW: We will.

18 MR. PARKER: Okay.

19 MS. KAHLOW: What is OP's view of
20 the impact of Square 54 proposal on the
21 already failing traffic, especially around
22 Washington Circle and the impact that would

1 have on air quality?

2 MR. PARKER: I would have to defer
3 to DDOT on that question.

4 MS. KAHLOW: What is OP's view of
5 the adverse impact on air and light of
6 proposed 130 foot building at the corner of
7 22nd and I, the circle, around the circle,
8 Schneider's Triangle, the low scale buildings,
9 the 3 Washington Circle, and across 22nd
10 street in the Presidential Condominium at 2141
11 I. What is your view of the impact, adverse
12 impact on air and light for all those
13 properties?

14 MR. PARKER: There are significant
15 buffers between those properties and this
16 property. I believe they are University-owned
17 buildings between all the properties you just
18 mentioned.

19 MS. KAHLOW: And the Schneider's
20 Triangle, there's nothing other than
21 Washington Circle, and that's the landmarked,
22 historic landmarked buildings that are low-

1 scale, all under 60 feet, and they'd be look
2 at 130 feet and for which we'll be asking
3 about shadows. As you know, what is OP's view
4 of the adverse impact on air and light for the
5 Schneider's Triangle little townhouses?

6 CHAIRPERSON MITTEN: Where is
7 Schneider's Triangle?

8 MR. PARKER: Is that across?

9 MS. KAHLOW: If you look at
10 Washington Circle, if you may, to the north,
11 tiny bit northeast, because Schneider's
12 Triangle is a whole wedge of Schneider's
13 Triangle --

14 CHAIRPERSON MITTEN: The whole
15 other side of Washington Circle.

16 MS. KAHLOW: Exactly opposite.

17 CHAIRPERSON MITTEN: Okay, I got
18 it.

19 MS. KAHLOW: Just to make sure we
20 know, there's -- what he's talking about is
21 one building down Penn. There is the IFC.
22 Then there's Schneider's Triangle. Then

1 there's 3 and 1 Washington Circle, and then
2 the rest of it.

3 CHAIRPERSON MITTEN: Got it.

4 MS. KAHLOW: So it's a huge area,
5 all of which is very low scale. The question
6 is, that's why we are going to air and light
7 and shadow studies. What did --

8 MR. PARKER: The property you're
9 talking is across from Washington Circle.

10 MS. KAHLOW: Exactly.

11 MR. PARKER: I'd put a guesstimate
12 that there's 700, 800 feet there. I don't see
13 any light or air issues.

14 MS. KAHLOW: Have you studied it?
15 Have you done shadow studies?

16 MR. PARKER: I believe the
17 Applicant has done a shadow study. I have not
18 reviewed the shadow studies.

19 MS. KAHLOW: They told us they
20 have not, but you have no concern. How about
21 Washington Circle, which is the other -- 1 and
22 3 Washington Circle, as you're moving west

1 also on circle, the condominiums there.

2 As you know, a witness has already
3 testified about that in the campus plan case,
4 about his air and light, and I'm asking for
5 this case?

6 MR. PARKER: Once again, those
7 properties are 600 to 800 feet away. There
8 are no shadow issues across Washington Circle.

9 MS. KAHLOW: Since there are no
10 shadow studies, you just are assuming that?

11 MR. PARKER: Correct.

12 MS. KAHLOW: Okay, what is OP's
13 view of the impact of Square 54 proposal on
14 the already unacceptable air quality? You
15 said you're concerned about air quality. The
16 question is what is your view of the impact of
17 this proposal, height and density?

18 MR. PARKER: I'm not qualified to
19 answer that question.

20 MS. KAHLOW: Since you are not,
21 what part of the District is qualified to
22 answer that?

1 MR. PARKER: Department of the
2 Environment, I would say.

3 MS. KAHLOW: Department of Health.
4 Have you consulted with the Department of
5 Health since OP is concerned about air
6 quality? And I'm going to be asking that
7 specifically because the December 9, 1999
8 memorandum, which is already in the record
9 that says there is essentially no remaining
10 air resource margin in the 23rd street quality
11 just south of Washington Circle. This area
12 will experience CO, peak CO concentrations
13 that are just below the applicable health
14 standard.

15 I will be quoting, and I can do it
16 now if this is helpful, because I would like
17 to ask you about it. The rest of that report,
18 which I only recently received that I think I
19 would ask I would wonder why OP not has not
20 asked Department of Health for -- just one
21 more sentence.

22 Department of Health further

1 advised Department of Consumer and Regulatory
2 Affairs, to whom the memo was sent, "we have
3 also concluded that it is important for both
4 our agencies to pay close attention to future
5 permit applications for the use of either the
6 existing building or land at the site of the
7 current GW University Hospital Site, Square
8 54. The University Hospital system did not
9 ask its contractor to take into account
10 traffic that might be generated in the future
11 by or at the existing site. Insofar as the
12 technical analysis being used to support the
13 permit application for the replacement
14 hospital project does not take into account
15 air pollution that might be generated by such
16 a future use in Square 54, please be advised
17 that future uses at this site, Square 54, may
18 be found to be highly constrained".

19 In light of that memo, why didn't
20 OP ask the Department of Health or
21 Environment, whatever its current name is, for
22 its review?

1 MR. PARKER: Because this isn't
2 the appropriate time. The Applicant will be
3 dealing with that review when they apply for
4 building permits, and at that time they will
5 have a responsibility to meet or exceed those
6 standards. If they don't, at that time they
7 will have to deal with the consequences of
8 that.

9 MS. KAHLOW: Can you explain to me
10 that? Maybe I'm a little dense here. My
11 understanding is that the whole point of the
12 PUD process was to ask all the District
13 agencies, as DDOT is one, Health is whatever,
14 to opine at this stage in the planning stage
15 why would that not be -- we're not talking
16 about an environmental impact statement here.

17 We're asking for what's already in
18 the record for you to ask, since you said OP
19 was concerned about air quality. That's what
20 you said. Why didn't you ask, why didn't OP
21 ask the Department of Health for their input,
22 just like DDOT?

1 CHAIRPERSON MITTEN: Did you make
2 a referral to them?

3 MR. PARKER: I'll go through my
4 records. I believe we did. They don't, as a
5 matter of course, respond to our referrals for
6 PUDs. And I can confirm, if you'd like, that
7 we did send them a referral. But they don't
8 respond to PUD referral requests.

9 They have another stage in the
10 process at which they get involved.

11 MS. KAHLOW: As you know in our
12 testimony, we're going to be asking --

13 CHAIRPERSON MITTEN: I know what
14 you're going to ask for.

15 MS. KAHLOW: Right, I understand.
16 But this is not just a blind question, and I
17 believe since Mr. Parker testified that OP was
18 concerned about air quality and it was at the
19 set down stage that we since made --

20 CHAIRPERSON MITTEN: Okay, let's
21 just go on.

22 MS. KAHLOW: Second Metro

1 entrance. OP's report page six, Final Report
2 states "OP continues to recommend a
3 significant monetary contribution towards the
4 design and engineering of a potential second
5 entrance." What is OP's recommended
6 significant monetary contribution?

7 MR. PARKER: The Applicant has
8 offered \$100,000, I believe, toward the
9 engineering study.

10 MS. KAHLOW: That's correct. The
11 question is is that your recommendation, not
12 theirs? I'm asking your recommendation. I
13 understand that Mr. Peter Johnson talked about
14 -- he said up to \$100,00, just so you know.
15 What is your recommended significant monetary
16 contribution? His words were up to.

17 MR. PARKER: We've recommended in
18 favor of the project with that as one of the
19 amenities.

20 MS. KAHLOW: And how much money
21 was my question. How much would the
22 significant monetary contribution do you think

1 is appropriate?

2 MR. PARKER: As I've said, we've
3 determined that that is adequate for us to
4 recommend approval of the project with the
5 \$100,000 contribution.

6 MS. KAHLOW: It's up to \$100,000.
7 My question is what number should it be
8 instead the up to? Do you want an up to?

9 MR. PARKER: It's our
10 understanding that it would be a \$100,000
11 contribution.

12 MS. KAHLOW: Okay. OP's report
13 goes further on the same section. I'm not
14 sure it's the same page, let me -- it's page
15 six. To state for discussions of the
16 Applicant, OP is amenable to a clause that
17 would assign this money to another public
18 project in the immediate area should the Metro
19 project not move forward. What other public
20 projects in the immediate area were or are
21 being considered and was there or will there
22 be any community input into this list?

1 MR. PARKER: Absolutely. We are
2 open to your input.

3 MS. KAHLOW: Have you spoken --
4 since you wrote this, what are OP's views at
5 this point?

6 MR. PARKER: At this point, we
7 haven't -- like I said, we haven't put a lot
8 of time into contingency plans.

9 MS. KAHLOW: That was for the
10 grocery. That's also for the Metro?

11 MR. PARKER: Absolutely. If the
12 Metro -- we fully expect the Metro to
13 progress. If it doesn't, we're open to
14 suggestions on where that money could go.

15 MS. KAHLOW: This is the \$100,000?
16 Okay, well let's go to the rest of this, going
17 to the grocery business. On Exhibit G that
18 Mr. Hitchcock, I think, referred to, I'd like
19 to understand -- can we pull that? Do you
20 have that before you?

21 MR. PARKER: Exhibit G in the new
22 file?

1 MS. KAHLOW: This is the
2 Applicant's December 26 Supplemental
3 Submission that Ms. Mitten, I think, referred
4 to. Chairman Mitten referred to. This is
5 Exhibit G. It's a one pager. Can we all get
6 it front of us?

7 Could you walk me through, since
8 I'm a little dense, exactly what the proposal
9 is here that the PUD would be valid for two
10 years? They could then apply for building
11 permit, then they could what in another two
12 years, two years, two years?

13 Could you just walk me through the
14 years so I could understand it? Because the
15 way I read it is, is it at least eight years
16 before they consider that the building, as
17 someone said, the building be built that the
18 grocery store may be a no go? Is that the way
19 you read it? Could you walk me through this?

20 MR. PARKER: No, I believe what
21 this says is that the first thing that will be
22 constructed are all of the below-ground

1 spaces, the parking, the loading, including
2 the retail. And so the grocery store will be
3 built prior to the Applicant building office,
4 residential, or retail portions of the
5 building.

6 MS. KAHLOW: I'm trying to
7 understand the years. Could you walk me
8 through the years? How many years does this
9 exhibit talk about?

10 MR. PARKER: Well, Phase One must
11 be started within two years of approval.

12 MS. KAHLOW: So that's for
13 building permit?

14 MR. PARKER: That's correct.

15 MS. KAHLOW: And then what
16 happens? You commence construction after
17 another two years?

18 MR. PARKER: I'm not qualified to
19 talk about the building process. It could --
20 yes, I don't understand --

21 MS. KAHLOW: And then the
22 Certificate of Occupancy -- I'm trying to

1 understand. The way I count this and when we
2 ask the Applicant, I get at least eight, and
3 I wanted to see if you have also started
4 counting this. It would be helpful because
5 you have more experience than I do.

6 MR. PARKER: So you're trying to
7 determine what the longest period of time
8 before this building could be put up is?

9 MS. KAHLOW: Before the grocery
10 store might be there.

11 MR. PARKER: The grocery store
12 could be there -- well, the PUD is valid for
13 two years at which point they have to have a
14 building permit. At that point, yes, it
15 appears that they have to have within two
16 years of then they have to have a Certificate
17 of Occupancy for those improvements. So the
18 grocery store will be built and occupiable
19 within four years.

20 MS. KAHLOW: And what will be the
21 longest period was my question, not the
22 shortest period?

1 MR. PARKER: Four years. That is
2 the longest period.

3 MS. KAHLOW: When would they have
4 to go back to the last C? When would they
5 have to return to the Zoning Commission
6 reconsideration? I count eight years, but
7 maybe I'm not counting right. Could you walk
8 me through that, because it's C, it's not B.

9 MR. PARKER: I mean --

10 MS. KAHLOW: As Ms. Mitten
11 responded earlier, they could have the space
12 developed, but not occupied.

13 MR. PARKER: But it says, you'll
14 note, in A, Section A, that within two years
15 of receipt of Certificate of Occupancy, they
16 shall commence construction of Phase Two. So
17 they have, they have to get a Certificate of
18 Occupancy for Phase One within two years.

19 MS. KAHLOW: First they have to
20 get the building permit, then they have to
21 build it?

22 MR. PARKER: Correct.

1 MS. KAHLOW: Then they have to get
2 the Certificate of Occupancy, and then have --

3 MR. PARKER: One in the same.
4 Those aren't two years per step.

5 MS. KAHLOW: How long is building?

6 CHAIRPERSON MITTEN: Can I just
7 help out here?

8 MS. KAHLOW: You are an expert,
9 and I couldn't ask you. That would be
10 wonderful for someone to explain this.

11 CHAIRPERSON MITTEN: Without going
12 through and assigning times, they have to
13 apply for a building permit for Phase One
14 within two years.

15 MS. KAHLOW: That's correct. And
16 how long --

17 CHAIRPERSON MITTEN: Depending on
18 how people manage these processes and
19 typically they are required to start
20 construction within three years. That's not
21 written in here, but that's typically how we
22 write the order. So assuming they start

1 construction within three years, you can
2 actually make construction last a long time.
3 Typically, they don't because it's not
4 productive, but sometimes depending on what
5 the economy is doing. So let's say it takes
6 them two years to build it, so if they apply
7 for the building permit in two years, start
8 construction in three years. It takes two
9 years to build, they can have a Certificate of
10 Occupancy within five years of the issuance of
11 the order for Phase One.

12 And then they have to within two
13 years of that, start Phase Two, or apply for
14 the building permit for Phase Two -- or start
15 construction of Phase Two. So the bottom line
16 is it could take a long time.

17 MS. KAHLOW: Thank you.

18 CHAIRPERSON MITTEN: That was my
19 concern -- take a long time.

20 MS. KAHLOW: Thank you. That's
21 what I wanted to be on the record.

22 CHAIRPERSON MITTEN: That's my

1 expert rendering of that.

2 MS. KAHLOW: Exhibit F in the same
3 submission mentions that the traffic people
4 say that this site is in the CBD. Is it?
5 Commercial Business District? Is this site in
6 Foggy Bottom in the Commercial Business
7 District? Central Business District?

8 MR. PARKER: Technically, I don't
9 believe that it is.

10 MS. KAHLOW: Thank you. Now let's
11 go to the other part here, and this will be
12 the end of my questioning. This is also in
13 this submission. Exhibit B, to which we've
14 already seen. Since this is a freestanding
15 submission, this PUD and the campus plan may
16 or may not ever happen, how do you feel, how
17 does OP feel about the 142 feet juxtaposed to
18 the 35 feet, 85 feet, 85 feet, 85 feet? How
19 does OP feel about the 142 feet? Would it
20 overpower or not these other sites right
21 directly across the street?

22 MR. PARKER: We've conditioned our

1 approval on approval of the campus plan. So
2 we don't feel it's appropriate. We feel it's
3 appropriate with a 110, 110, and 100.

4 MS. KAHLOW: I see. So 142 is
5 appropriate with 110? Is that what you are
6 saying? Because I see 85 still across the
7 street on I Street in the new version too.
8 How can 142 be appropriate against 85 and
9 those two buildings on I Street and the
10 Presidential Condominium at 80 feet.

11 MR. PARKER: It's not necessary
12 that the heights imitate each other and be the
13 same. There is the opportunity for variety in
14 heights, and certainly the most appropriate
15 place for height on the campus, as we
16 determined through the campus plan is in this
17 campus core. We've determined that this is
18 the most appropriate part. This is the part
19 furthest from Washington Circle, furthest from
20 surrounding other uses including residential
21 uses.

22 MS. KAHLOW: Is the 142 feet

1 consistent with the Height Act, since it is in
2 reality 142 feet even if they're measuring it
3 and calling it --

4 MR. PARKER: Technically it is.

5 MS. KAHLOW: Technically it is.
6 Has there been an analysis of that by the
7 Council? By any of your various Councils, in
8 I don't know which Council would be the right
9 one to have opined on that.

10 MR. PARKER: Oh, my attorney. No,
11 no. I mean, the people that will make the
12 decision on that are the people in front of
13 you.

14 MS. KAHLOW: I was just
15 remembering two blocks away the WETA case
16 where --

17 CHAIRPERSON MITTEN: Okay.

18 MS. KAHLOW: I'm asking if you had
19 done the analysis.

20 CHAIRPERSON MITTEN: He said no.

21 MS. KAHLOW: The answer is no.
22 All right. Well, then I'm finished with Mr.

1 Parker. Thank you very much.

2 CHAIRPERSON MITTEN: Thank you.

3 MR. PARKER: Happy New Year.

4 CHAIRPERSON MITTEN: Okay, I don't
5 know that there's any other government
6 agencies represented here tonight. No one
7 ventured back from DDOT?

8 (Laughter.)

9 Okay, we're ready for the ANC
10 report then.

11 (Pause.)

12 CHAIRPERSON MITTEN: Mr.
13 Hitchcock, I have a question for you.

14 MR. HITCHCOCK: Yes, ma'am.

15 CHAIRPERSON MITTEN: Since Mr.
16 Thomas is joining you guys at the table, is
17 this going to be a combined -- how is this, is
18 this going to be strictly ANC or?

19 MR. HITCHCOCK: This is strictly
20 ANC. Foggy Bottom Association will make its
21 presentation during persons and parties in
22 opposition subject to the half hour

1 limitation. But this ANC direct testimony.

2 CHAIRPERSON MITTEN: Okay, just
3 wanted to make sure.

4 MR. MICONE: Happy New Year.

5 CHAIRPERSON MITTEN: To Mr.
6 Micone. Happy New Year to you too.

7 MR. MICONE: Madam Chair, Members
8 of the Commission, thank you for the
9 opportunity to provide testimony at tonight's
10 hearing. I am Vince Micone, a member of the
11 Foggy Bottom and West End Advisory
12 Neighborhood Commission. I reside at 1099
13 22nd Street, Northwest, and was elected to ANC
14 2A in 2004. And since 2005, I've served as
15 the Commission's Chairperson. I am joined by
16 Commissioner Michael Thomas. We are here
17 tonight representing the position of ANC 2A,
18 which is accorded great weight in these
19 proceedings.

20 Let me begin by acknowledging the
21 other ANC 2 Commissioners and former
22 Commissioners present this evening.

1 While we do not agree with
2 unanimity in this case, their various
3 perspectives are appreciated on these matters.
4 The decisions which you make in this case, and
5 the related campus plan cases will
6 dramatically impact our neighborhood. It
7 should not be surprising then that these cases
8 have been highly contested within our
9 community.

10 From the very day that I was
11 elected, I have been in some way involved in
12 the debate regarding the future of Square 54
13 and its effect on Foggy Bottom, the West End,
14 and GW.

15 While some have testified that ANC
16 2A is insensitive to students and ardently
17 opposes -- and is ardently opposed to anything
18 that the University proposes, nothing could be
19 further from the truth.

20 The Commission listened to a
21 variety of perspectives in many meetings and
22 sessions about this application over a nearly

1 two year period. I can think of no set of
2 cases during my tenure involved with
3 neighborhood matters that has garnered more
4 attention, nor has more thoughtful
5 consideration been given to the impact of any
6 set of zoning matters.

7 However, consideration of these
8 types of matters should never be construed as
9 unfettered support. ANC 2A voted to oppose
10 this application at a meeting on November 9,
11 2006. Our vote continued to reflect the
12 intensity of the debate and was not unanimous.
13 We believe that this application cannot be
14 taken in a vacuum. The combined impact of
15 this application and the proposed campus plan
16 will dramatically alter the future of our
17 neighborhood.

18 In and of itself, the Square 54
19 proposal will involve three massive buildings
20 within the campus boundaries that do not
21 directly contribute to meeting GW's
22 educational mission.

1 Instead of a mixed use, they could for example
2 include the proposed Cancer Center, Student
3 Housing, commercial retail, and perhaps some
4 offices.

5 We were asked to support a land
6 use proposal which will be used to fund
7 increase densities throughout the campus,
8 growth that could be relieved by using Square
9 54 or some portion of it to meet the academic
10 needs of the institution. The majority of the
11 Commission could not support that proposal.

12 And as you have asked Commissioner
13 Hood, I am the Commissioner for the Single
14 Member District that incorporates about 90
15 percent of the campus. Commissioner Thomas
16 will now more fully explain ANC 2A's position.

17 CHAIRPERSON MITTEN: Hold on one
18 second.

19 Mr. Feola.

20 MR. FEOLA: Madam Chair, Paul
21 Feola for the Applicant. I just would like to
22 register our objection to -- as I've paged

1 through Mr. Thomas' testimony, it seems to go
2 way beyond the resolution that was passed by
3 the ANC and there's no indication that his
4 testimony has the blessing or the vote of the
5 entire ANC, which I understand was 3 to 2, so
6 it seems like he has to give the ANC report,
7 not embellish on it as much.

8 CHAIRPERSON MITTEN: Okay, would
9 you care to address that before you go
10 further, Mr. Thomas?

11 MR. THOMAS: Madam Chair, I
12 believe that the arguments and the facts
13 marshalled for the arguments are all fair
14 expressions and extensions of the points of
15 objection that were stated in the letter.

16 Things, of course, move on. We
17 respond in part to what goes into the record
18 and so I have done that. But I think the
19 basic objections that the Commission voted on
20 in its November meeting, I have attempted to
21 elaborate on in written testimony.

22 CHAIRPERSON MITTEN: Okay.

1 MR. THOMAS: We could simply read
2 the letter, but I don't believe that's what's
3 called for here.

4 CHAIRPERSON MITTEN: Well, if Mr.
5 Feola has specific points, he'll ask you about
6 them on cross examination that he wants to
7 find out if you have the authority of the ANC
8 to go there.

9 So please proceed.

10 MR. THOMAS: Thank you very much.
11 And thank you, Madam Chair, and Members of the
12 Commission. I am Michael Thomas. I reside at
13 2501 M Street, N.W. in the West End, where I
14 serve as Commissioner for ANC 2A-02. I will
15 talk to you briefly about several of the
16 issues specifically raised by the provisions
17 of the application, including size, amenities
18 and traffic.

19 We all recognize, however, that
20 this is the third of a trio of applications
21 which with together would add 2.8 million
22 square feet of constructed space and the human

1 activity it would generate to the 5.6 million
2 square feet GW currently occupies in Foggy
3 Bottom.

4 As Mr. Katz testified, GW's
5 proposal for Square 54 is a key element of
6 GW's integrated development strategy as a
7 university. It is an integral part of their
8 campus plan and the proposed uses must be seen
9 as accessory University uses, just as the
10 University was, just as they argue in another
11 case that Quigley's is.

12 The three sets of applications
13 must accordingly be reviewed in the aggregate
14 to determine what effects, good and bad, they
15 will have on the neighborhood and the city,
16 and to determine whether they comply with the
17 law and are consistent with the policy.

18 The three applications demand that
19 this Commission repudiate the core standards
20 of the campus plan regs which are intended to
21 limit aggressive institutional growth so that
22 it does not negatively impact, much less

1 displace, existing residential neighborhoods.

2 GW requests that you apply neither
3 the quantitative caps on density that the
4 campus plan regulation imposes, nor the
5 separate qualitative limits which prohibit
6 further development if the requested
7 University use would likely become
8 objectionable.

9 It's beyond serious dispute, given
10 the historical documents that have been
11 developed over past cases that the result
12 would be a campus that would put enormous
13 pressure on the small surviving part of the
14 historical residential community.

15 Until their most recent filing in
16 the campus plan case, GW had one argument for
17 this result. They ask you to find that
18 denominating their requests as PUD
19 applications with zoning changes to C-3-C or
20 C-4, meant that the special exception
21 standards of Section 210 would be inapplicable
22 to the increased massing that they request.

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1 Accepting that approach, you can't
2 differentiate that from other special
3 exception uses and that would then allow 88
4 other uses which now require special
5 exceptions, everything from radio antenna to
6 stables to be allowed in PUDs without applying
7 established standards which are specifically
8 designed in each case to protect adjacent
9 properties.

10 That would be a dramatic departure
11 from prior decisions and a violation of the
12 fundamental policy of the comprehensive plan
13 to protect, preserve and enhance existing
14 residential neighborhoods.

15 We believe it would also be
16 unlawful, but at the very least nothing
17 compels this Commission to apply the
18 regulations in such a way.

19 In its proposed findings in the
20 campus plan case, GW for the first time makes
21 the argument that their proposals actually
22 comply with the FAR limits of Section 210.3.

1 In order to reach that absurd result, GW
2 argues that when the section limits gross
3 floor area to that "prescribed for the R-5-D
4 district", it really means that the FAR
5 allowed under a PUD. Excluding nonresidential
6 properties, GW then calculates their FAR after
7 proposed buildings are constructed will be 3.9
8 in the aggregate, less than the 4.5 allowed
9 for a PUD in a property zoned R-5-D.

10 We would first note that this
11 novel interpretation of Section 210.3 strains
12 that language beyond recognition. The
13 language could have specified gross floor area
14 limit prescribed for R-5-D district under
15 Chapter 24 and did not do so.

16 But perhaps the best proof of what
17 is meant by the plain language of Section 210
18 is the meaning that has been attributed to it
19 by GW, by OP and by regulators over the past
20 many years.

21 In its 2000 campus plan
22 application, GW acknowledged "the aggregated

1 3.5 FAR ceiling permitted under the zoning
2 regulations" for University uses in
3 residential districts. That was the basis
4 upon which BZA considered the application. In
5 2004, in proceedings on the F Street
6 dormitory, Ms. Prince, Mr. Barber and the
7 Office of Planning all specified that the
8 limit was an aggregate 3.5. They agreed
9 further that despite the fact the application
10 was for a PUD, all of the added massing would
11 count against the limit. Ms. Prince noted
12 that "Corporation Counsel agreed
13 wholeheartedly" with that interpretation.

14 OP favored the PUD for an F Street
15 dormitory in 2004, but on the understanding
16 that, and I quote, "Foggy Bottom was at a
17 critical tipping point of ceasing to be a
18 neighborhood in its own right and becoming a
19 glorified campus" and that there was
20 accordingly a need for an overall plan to set
21 out how GW, and I'm quoting again, "how GW
22 plans to use its dwindling supply of available

1 FAR under its current cap to meet its
2 obligations under the campus plan." That was
3 Ellen McCarthy in 2004.

4 In her final report on the current
5 application, the former Director of Planning
6 never even asked the question whether this
7 massive project alone or in conjunction with
8 the campus plan and Square 80 applications
9 would cause objectionable impacts in the
10 residential neighborhood, let alone make any
11 attempt to quantify those impacts.

12 Clearly, enforcing Section 210's
13 requirements as she and everyone else had
14 heretofore understood them, to proposals for
15 a 50 percent increase in massing and
16 associated human activity would require
17 rejection of the applications. Only by
18 ignoring Section 210 and substituting the
19 subjective and essentially standardless
20 approach to Chapter 24 can these applications
21 even be considered.

22 For the reason the ANC, the

1 Federation of Citizens Associations and the
2 Committee of 100 for the Federal City set out
3 in the campus plan case, we believe that Ms.
4 McCarthy's approach in the 1999 hospital case
5 which we describe below is the correct one to
6 be applied in this case.

7 If Section 210 applies to a 90-
8 foot tall, for-profit hospital, it should
9 apply to 130-foot tall for-profit complex just
10 next door.

11 Talking about height and massing
12 as proposed on Square 54. Since I wrote this,
13 I have seen the exhibits. I just got today a
14 copy of the materials filed, dated the 26th by
15 the Applicant. And so I'd note that the
16 tallest of the buildings on Square 54 is now
17 shown to be 142 as measured from the base of
18 the building on I Street or nearly 50 feet
19 higher than the hospital actually. That map
20 demonstrates it's 42, not 50.

21 Those buildings would loom over
22 Washington Circle, dwarfing the buildings on

1 the other side. I'm specifically talking
2 about people who live in 3 Washington Circle
3 from whom we've heard.

4 Every hearing and meeting relating
5 to Square 54, especially those with ULI, have
6 made clear that Square 54's location on
7 L'Enfant Circle, on Pennsylvania Avenue,
8 midway between the White House and Georgetown,
9 makes it a developer's dream. That, in turn,
10 makes it a prospective cash cow for a
11 University that can create an endowment only
12 through real estate development. This
13 motivation is understandable, but it cannot
14 overcome the policies of the comprehensive
15 plan and the campus plan regulations which
16 require much more modest plans for this site.

17 Square 54 is the largest
18 developable parcel available for University
19 uses within the campus boundaries, but this
20 proposal would dedicate none of it to core
21 University uses. Any core University use,
22 that is, education, housing students, any such

1 use located on Square 54 would relieve
2 development pressure on the rest of the campus
3 foot for foot and proportionally reduce
4 impacts on the co-located neighborhood.

5 In 2003, Ms. McCarthy stated that
6 OP had "strongly urged GW to consider" student
7 housing on Square 54, but GW demurred. In the
8 proceedings on the current campus plan, the
9 BZA accepted that Square 54 could be used for
10 a range of uses, but also accepted GW's
11 assurances that it would be able to
12 accommodate its University functions within
13 its remaining FAR under the Section 210.

14 Instead, what this proposal does
15 is place more massing on Square 54 than GW has
16 remaining under that limit by their own
17 calculation, 867,000 square feet versus
18 837,000, all satisfying none of the
19 University's education-related needs and
20 without counting any of the massing against
21 the FAR limit. In fact, under the reading of
22 the regulations that the Applicant urges, none

1 of the 2.8 million square feet of new
2 construction would count against the FAR
3 limit, so that they would end, as they began
4 with over 800,000 square feet remaining.

5 This result should be compared
6 with the position urged by Ellen McCarthy in
7 1999. Then she testified as an expert in the
8 proceedings in the application to build a new
9 hospital. That was not a PUD application. It
10 involved a code maximum 90-foot building to be
11 used by a for-profit company for accessory
12 University uses immediately adjacent to Square
13 54.

14 Ms. McCarthy applied the standards
15 of Section 210.1 and .2 and set out numerous
16 reasons that the proposed hospital is
17 objectionable, including its massing adjacent
18 to the historic district and the predictable
19 effects of noise, traffic and compromised
20 pedestrian safety. And I won't go through the
21 rest of that. Her testimony is set out at
22 Exhibit D.

1 The point really is that as an
2 expert and as everyone else understood,
3 Section 210 would be applied.

4 I want to talk about amenities
5 starting first with student housing which
6 seems to have a different shape and form or
7 life, depending upon when people are talking
8 about it, as well as grocery stores and other
9 amenities.

10 Before the ANC, GW's
11 representative told us that no student who
12 rented an apartment in Square 54's new
13 buildings would be counted against GW's
14 obligation to house students on campus. That
15 appears to be incorrect, at last under the
16 language proposed by the University under
17 Condition 12, because that defines on-campus
18 beds to include those on properties in which
19 the University has an ownership interest.
20 Because GW would continue to hold fee title to
21 this property, beds in the new apartments
22 would qualify.

1 We note, moreover, that OP lists
2 as the second and presumably therefore in
3 their minds significant public benefit, the
4 project would provide the asserted fact that
5 the newly available apartments "may encourage
6 more students to live on campus and relieve
7 some of the rental housing pressure by
8 students in the surrounding neighborhood."

9 For that to be a benefit to the
10 community that is substantive and reliable,
11 approval of the application should be
12 conditioned upon dedicating substantial
13 residential space to student housing.
14 Otherwise, few students may rent there and yet
15 another public benefit would prove to be
16 minimal or nonexistent.

17 Even under the subjective PUD
18 standards of Section 2403.3, requiring only
19 that impacts to the surrounding area be
20 favorable, capable of being mitigated or
21 acceptable, given the quality of public
22 benefits in the project, in the amenities

1 offered here don't begin to balance the
2 impacts inherent in a huge project of this
3 kind.

4 The most prominently emphasized
5 amenity, neighborhood retail including a
6 grocery store, is perhaps the least credible.
7 If you would walk the area accompanied by a
8 long-time resident, you would be shown where
9 grocery stores have failed, Columbia Plaza and
10 L Street; where retail placement has
11 struggled, the Ritz complex; and where retail
12 stores have closed, the Watergate in 2000
13 Penn.

14 2000 Penn is perhaps instructive,
15 since it is owned by GW and is at the other
16 end of the promised vibrant retail
17 streetscape. The Gap Store there has closed.
18 Tower Records is bankrupt. The windows are
19 covered with paper and for rent signs.

20 The developers here assert that by
21 developing a critical mass of 84,000 square
22 feet of retail this project will avoid a

1 similar fate and imply that asking them to
2 have a credible plan B available is therefore
3 unnecessary and therefore unreasonable.

4 An adequate response to that is
5 Georgetown Park. According to its leasing
6 agent that elegant shopping complex contains
7 300,000 square feet of retail space. It has
8 lost several destination stores and commonly
9 has extensive vacancies, even though it offers
10 substantial parking and is located in the
11 midst of an extended shopping area.

12 The only successful grocery store
13 addition in Foggy Bottom or West End in years
14 is Trader Joe's in the new Columbia Residence
15 project. That happened only with a very large
16 financial inducement, seven figure financial
17 inducement, over and above what the developers
18 could otherwise do from the Foggy Bottom
19 Association.

20 The space proffered as a possible
21 grocery store at Square 54 is below grade, cut
22 up by structural members and offers limited

1 parking. Only 25,000 square feet is promised,
2 although a 40,000 square foot plus full
3 service grocery store was often cited by GW
4 officials and their development team during
5 open community meetings. That would suggest
6 that the project depends for its viability on
7 chains developing hybrid urban store models
8 and suggest yet another specialty or boutique
9 store rather than a full-service supermarket.

10 OP recommends that failure to
11 obtain a grocery store should require the
12 Applicant to return to the Zoning Commission,
13 but it is not clear what that means. And
14 since I wrote this, we've seen Exhibit G --
15 I'm still not sure what Exhibit G means, but
16 it certainly means that it could be some years
17 before we know whether there is a grocery
18 store and we would suggest that the mechanism
19 they're talking about there which means we get
20 several steps down the road and then we come
21 back to the Zoning Commission and talk about
22 something else to do when this is their

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1 principal amenity is simply not a -- I mean
2 that is not a procedure in which any of us
3 should have any confidence.

4 The Zoning Commission, rather,
5 should require proof of a binding, contractual
6 commitment for a full service supermarket,
7 together with meaningful performance
8 guaranties as a condition to issuance of
9 building permits for any part of the project.

10 At a meeting of the D.C. Building
11 Industry Association of November 9, 2006,
12 Peter Otney of Boston Properties discussed
13 this proposed project. He said the project
14 would be built in stages with the garage going
15 in first, then the commercial office space,
16 but the residential component would have to
17 await firming of the market. Note the grocery
18 store and other retail are part of the
19 residential project which is itself seen as an
20 amenity by OP at least.

21 The implication is that the
22 construction that comprises the proffered

1 amenities might be some years in the future
2 and the Chair has laid out what that would
3 likely be in any event.

4 But the opportunity cost of
5 committing this critical site to commercial
6 office space instead of core University uses
7 and the impacts generated from commercial uses
8 would then be largely irreversible, if we're
9 not careful. We obviously can structure this,
10 but what we are saying is if this is their
11 principal proffered amenity, then it ought to
12 be cast in stone so that it cannot possibly go
13 away before any of these non-University uses
14 are too far committed to reprieve.

15 Briefly on traffic. The traffic
16 study submitted by the Applicant isn't
17 credible, at least to lay observers who live
18 nearby. We rely on Mr. Mehra presented by
19 FBA. If one gives credence to the proffered
20 amenities, a vibrant shopping district will
21 necessarily draw substantial numbers of
22 customers in cars. While Applicant's

1 assumption is that 60 percent of shoppers will
2 not use automobiles, we have, unfortunately,
3 not arrived at the point, I don't believe,
4 where most Americans will do their shopping
5 for groceries and clothes and other items on
6 foot or by Metro. I mean if this is a full-
7 service grocery store, if people are going to
8 go get four, six bags of groceries, they're
9 going to be in a car.

10 The Applicant's assertion that a
11 new mixed-use complex over 40 percent of the
12 size of the Empire State Building will add
13 little to traffic congestion in an area where
14 several intersections are at level of service,
15 even after drive times defies logic.

16 The assumption that background
17 traffic in the area will grow at only half a
18 percent per annum is also dubious, given that
19 DDOT used an assumption of 1.0 percent a year
20 for its 2006 Lower West End traffic study.

21 Mr. Laden testified that DDOT uses
22 the higher number to be reasonably

1 conservative and conceded that the two
2 assumptions would generate significantly
3 different results over time.

4 In conclusion, what we're really
5 asking is as to all of these interrelated,
6 interdependent applications, I think we all
7 need to take a step back and realize what this
8 really commits. Reasonable residential
9 development and neighborhood-friendly retail
10 would be welcome in Foggy Bottom and West End,
11 always would be. The core problem here is
12 that these elements come only as part of the
13 truly massive over-development of the 40-acre
14 GW campus, as well as this particular site,
15 and require acceptance of a legal scheme that
16 omits the regulations' protections of the
17 existing residential neighborhood against
18 aggressive institutional growth.

19 The other problems, the outsized
20 proposal for this lot, noncredible amenities,
21 invalid traffic studies, environmental issues
22 are all serious, but our focus must continue

1 to be on the big picture. GW is asking that
2 they be, for all intents and purposes exempted
3 from meaningful control of their growth.

4 So much of the residential
5 neighborhood, as was within the current campus
6 boundaries in the 1980s is now pretty much
7 gone. The southern tier of apartment houses
8 is under enormous pressure. The historic
9 district is becoming a beleaguered and
10 penetrated, by which I mean lots of students
11 and student-based activities there, although
12 it's not owned by the University. It's
13 becoming an island.

14 The enduring policies the
15 comprehensive plan requiring protection and
16 enhancement of existing residential
17 neighborhoods which find expression in Section
18 210 should have prevented this
19 institutionalization of Foggy Bottom. We call
20 on you to reject the applications or cut them
21 back to the size the regulation has in mind.

22 Once again, Mr. Micone and I thank

1 you for considering this ANC position.

2 CHAIRPERSON MITTEN: Thank you.
3 Anything else, Mr. Hitchcock? Okay.

4 Questions from the Commission for
5 the ANC.

6 Mr. Hood?

7 VICE CHAIRPERSON HOOD: Madam
8 Chair. First of all, let me congratulate all
9 of the Commissioners for being sworn in again
10 yesterday and your continued service.

11 In the exhibit that was dated by
12 the Applicant for December 26th, do you have
13 this in front of you?

14 I wanted to refer to the maps. We
15 have one -- excuse me, we have one that's --

16 CHAIRPERSON MITTEN: This is at
17 Exhibit B.

18 VICE CHAIRPERSON HOOD: Exhibit B.
19 But we have one in Exhibit B that is existing
20 conditions and proposed. And help me with my
21 orientation.

22 I Street runs north and south,

1 east-west?

2 MR. THOMAS: It runs east-west.

3 VICE CHAIRPERSON HOOD: Okay, I
4 Street runs east-west. You would think I
5 didn't live here. Okay, I Street runs east-
6 west.

7 What I'm interested in on I
8 Street, I guess it's on the southeast side, on
9 the existing conditions, there's a building
10 that's 35 feet. What is that and what is that
11 use?

12 MR. MICONE: That is a townhouse
13 that the University owns, I believe that they
14 use, I'm not certain what the use is for, but
15 that is University-owned property.

16 VICE CHAIRPERSON HOOD: So that's
17 not a residential home or anything?

18 MR. MICONE: No.

19 VICE CHAIRPERSON HOOD: And let me
20 just get to the bottom line. I've looked at
21 the submittal on November 10th and the other
22 issues and I know you have some other issues

1 with level of service, traffic and as you
2 mentioned in your testimony, one of the major
3 issues, the way I understand it, the way I'm
4 understanding it, is the 90 feet. We're going
5 over 90 feet.

6 MR. MICONE: Well, certainly, I
7 would offer that that was one of the issues
8 that residents brought up during the process
9 that OP, ANC-2A and the University jointly
10 sponsored. This was community feedback on a
11 variety of development issues. And I know at
12 least at every meeting that I attended, 90
13 feet was discussed as a height for the
14 property on Square 54. The grocery store was
15 discussed. There were many, many other issues
16 which have been catalogued. But that was a
17 very significant issue to many people.

18 VICE CHAIRPERSON HOOD: Okay, so
19 it's a little more in depth. If I was just to
20 say we would not approve anything over a
21 height, I'm just talking hypothetically,
22 because I never know what's going to happen up

1 here. But 90 feet, those other issues are
2 still major, about the grocery store. I'm
3 just trying to get a feel if there's any
4 consensus that we can make some kind of
5 consensus.

6 MR. MICONE: Well, certainly I
7 think a building that is 90 feet would be more
8 acceptable to the neighborhood and fit more
9 into the fabric of that area. I mean,
10 frankly, I look right out my living room
11 window at this area and there will be an
12 extremely tall building that will be going in
13 that even was taller as we saw in this
14 description than we may have really realized.
15 And frankly, I very much appreciate the
16 requested additional renderings because it
17 really put in context what it is going to look
18 like around Washington Circle.

19 I believe that smaller development
20 would be better at that site. I mean, I think
21 you would ask every Commissioner, every
22 neighbor who came to these meetings and they

1 would have a different opinion of what should
2 go there from a park to something even more
3 dramatic than what's being proposed. But
4 again, the one thing I remember that it was
5 brought up at every single listening session
6 was the 90-foot height.

7 CHAIRPERSON MITTEN: Could I just
8 piggyback on this, which is there is a
9 combination of things going on here and the
10 height issue comes up in part because the
11 proposal doesn't include 100 percent lot
12 occupancy. So is it if the Applicant were to,
13 I'm just trying to test out what is really at
14 issue.

15 Is it the visual impact of a
16 taller building and the same density mashed
17 down and spread out more so there's less, so
18 there's not the park and so on. Would that be
19 more acceptable?

20 MR. MICONE: Well, the height is
21 one issue. Obviously, the density of the
22 Square 54 development in and of itself is

1 another concern. How many vehicles will be
2 coming to the development? What will be the
3 impact of the housing? What percentage of the
4 folks in the residential portion will have
5 vehicles versus others who might simply be
6 using Metro? There are a lot of questions
7 that arise in that, and frankly our problem
8 really with this is if we would have been
9 looking just at Square 54 alone without the
10 campus plan proposal, it may have provided a
11 different scenario for the ANC to consider.

12 We couldn't just look at this
13 development without considering the fact that
14 across the street, where that 35-foot building
15 is, there's a proposal, if you turn the next
16 page, to go to 110 feet. And so you look at
17 Square 54 and you can't take that out of
18 context without turning the page, because
19 that's the reality of what we're going to have
20 to look at and live with in our community.

21 CHAIRPERSON MITTEN: I'm going to
22 ask a more direct question, which is does the

1 community, for instance, do you care about the
2 public plaza that's been proffered?

3 MR. MICONE: I believe many
4 believe it is attractive, but I don't think
5 it's viewed as an amenity.

6 CHAIRPERSON MITTEN: Okay.

7 MR. MICONE: To others than those
8 on Square 54.

9 CHAIRPERSON MITTEN: Okay. All
10 right, Mr. Hood. Did you have anything else?

11 VICE CHAIRPERSON HOOD: I'm
12 finished. Thank you.

13 CHAIRPERSON MITTEN: Anybody else?
14 Mr. Parsons.

15 COMMISSIONER PARSONS: On the same
16 line of thinking.

17 Mr Thomas, your last sentence, "we
18 call on you to reject these applications or
19 cut them back to size." I'm not sure what you
20 mean by cut them back to size. Do you have
21 any specifics?

22 MR. THOMAS: We think that it is a

1 dangerous precedent to, first of all, to
2 divide these applications up the way they have
3 been. Each of them has been presented to make
4 it possible to make the most attractive
5 argument for each of them. But you really
6 have to look at them together, and what Square
7 54 was and I think it was reasonably clear
8 from Mr. Parker's statements, there was a quid
9 pro quo. They could have in OP's view this
10 very large complex here and that would finance
11 development, as Mr. Micone just pointed out,
12 that would start right across the street and
13 go from 35 to 110, and in the process would
14 set the precedent of not any longer enforcing
15 the FAR limits on University uses in
16 residential areas. I mean, that's the total
17 package that OP and the University agreed to
18 and that the community didn't.

19 CHAIRPERSON MITTEN: But do you
20 have anything helpful to say along the lines
21 of what Mr. Parsons is asking, which is okay,
22 what would you like us to consider for Square

1 54 height-wise, density-wise?

2 MR. THOMAS: I find it difficult
3 to completely segregate that. If we were
4 looking at Square 54 not as part of the
5 package with the Campus Plan. If we were not
6 using Chapter 24 instead of the Section 210 in
7 terms of dealing with massing and density and
8 height issues throughout the campus. Then I
9 think it might be very reasonable to talk
10 about well, let's make it a little smaller, a
11 little more like 90 feet and make sure that we
12 get the amenities that are associated with it.

13 COMMISSIONER PARSONS: That was
14 the point I was going after. In other words,
15 you're not willing to -- I'm putting words in
16 your mouth, so watch out -- eliminate the
17 grocery store and eliminate the plaza,
18 eliminate the amenities to bring it down to a
19 smaller building, because that's what comes
20 with this package is an amenity package for
21 the increase in height. So if we drop it
22 down, presumably, those amenities will have to

1 disappear.

2 MR. MICONE: Mr. Parsons, could I
3 comment on that?

4 You know, one thing I was sort of
5 surprised, we had heard in the community
6 meetings about the grocery store and it was
7 described as being 40,000 square feet plus, a
8 full-service grocery store. And I was
9 surprised at the last hearing to hear that the
10 commitment was to provide a 25,000 square foot
11 grocery store.

12 Now those people who supported
13 this application supported it at least with
14 the understanding that there would be a full
15 service grocery store and that the figures
16 that were cited at every public meeting were
17 somewhere in the range of 40,000 plus square
18 feet. So as far as I'm concerned, even
19 without reducing anything of the scope of the
20 current plan and seeing the actual heights of
21 being 142 feet, we already hear that the
22 grocery store, if it comes, may only be 25,000

1 square feet when the community heard 40,000
2 square feet in public meetings.

3 So at least in my view, the scope
4 of the amenities are already smaller than they
5 were when the application was submitted.

6 COMMISSIONER PARSONS: So I guess
7 in response to my question, you don't have an
8 answer?

9 MR. THOMAS: I have -- speaking
10 for myself, because I don't have poll data on
11 this kind of detail. I have very, very grave
12 doubts, as I tried to explain in the testimony
13 about there being a grocery store. I think
14 those doubts are there and everybody
15 understands why. But for me then to say would
16 you give up the grocery store is a difficult
17 question because I don't think I'm going to
18 get a grocery store. And again, my last
19 sentence, Mr. Parsons, had to do with cutting
20 things down to size in their totality.

21 When the F Street dormitory was
22 before this Commission three years ago,

1 everybody including the Director of Planning
2 understood that there were several hundred
3 thousand square feet of FAR buildout available
4 to the University. If that was still our
5 understanding, then it would be much easier to
6 say to this Commission let's go with 90 feet
7 or 100 feet. I don't know what the answer
8 would be because the question simply hasn't
9 come to us in that context. It's come to us
10 in the context of this very, very large
11 project with some amenities which seem less
12 than credible and as part of that we
13 understand that they would get a free ride out
14 of Section 210 in the FAR limit.

15 In that context, even if they got
16 the grocery store, that's not much of an
17 amenity for an additional almost two million
18 square feet of constructed space and the
19 impacts that flow from this.

20 COMMISSIONER PARSONS: Thank you.

21 CHAIRPERSON MITTEN: Anyone else,
22 questions?

1 Mr. Turnbull?

2 COMMISSIONER TURNBULL: Yes, Madam
3 Chair. I guess just carrying on what the
4 conversation in the direction of what we're
5 talking about the height limit and I just
6 wanted to clarify with Mr. Thomas, when we
7 talk about a limitation of height as again,
8 and notwithstanding your other arguments
9 regarding FAR and everything, but the
10 direction of this project that there is a
11 variety of heights right now that goes up to
12 130. There's the setback at 90 and then 120,
13 but is the primary concern on I Street, are we
14 really looking at -- would the ANC really look
15 at something better at 90 as it reaches F
16 Street, 90 to 110 feet?

17 MR. THOMAS: I'm going to cite Mr.
18 Feola and say that the ANC didn't vote on
19 that. I don't know how to answer that. Maybe
20 you do.

21 MR. MICONE: I think again on this
22 issue we can go to what we heard through the

1 listening process and 90 along Washington
2 Circle was something that I heard through
3 those various meetings. But I believe the
4 interpretation that many individuals had of
5 what the 90 feet would be would be not just on
6 Washington Circle, but also on the section of
7 Pennsylvania Avenue. I mean when you're
8 walking down that area, the section of
9 Pennsylvania Avenue and the section of
10 Washington Circle, they're interconnected.
11 It's not like there's a lot of distance
12 between those. So I think in people's minds
13 when they were hearing 90 feet or were talking
14 about 90 feet, they were thinking of the
15 context in that whole area being 90 feet.

16 Frankly, I don't recall discussion
17 of what would be an acceptable height at I
18 Street, but really how that area is is that
19 it's sort of -- the location at the circle is
20 sort of on a high point and it gently goes
21 down in either direction. So you can see --
22 well, you can't see, but the Schneider's

1 Triangle that was discussed is at a slightly
2 lower elevation, as are the properties next
3 door or across the street where I live and on
4 I Street. So you really have the height of
5 the development at the top of Washington
6 Circle and then the land levels a little bit
7 further down.

8 So the height has become more
9 important when you also consider that the
10 street gently goes down on either ways and
11 what you're looking at, I believe, at least as
12 a layman, appears to be a bigger development,
13 a bigger building.

14 I think again, this has been so
15 contentious that you could ask several dozen
16 Foggy Bottom and West End neighbors what they
17 would think about cutting it down to size.
18 That would mean something different to every
19 single person who would consider these
20 applications. But I think there has been a
21 common thread that I've heard about that
22 concern.

1 CHAIRPERSON MITTEN: Thank you.

2 Anyone else?

3 Mr. Jeffries?

4 COMMISSIONER JEFFRIES: I just --
5 sort of just making certain that I'm clear
6 about sort of the order, I mean height, and I
7 believe Commissioner Hood -- if we have to
8 rank these things, I mean the most
9 overwhelming issue is the height, as opposed
10 to the amenity of the grocery store being --
11 if I had to order these things, I mean what
12 are the most critical items that you find
13 objectionable to this PUD application?

14 MR. MICONE: Again, I think you
15 could ask many people that, so I'll offer my
16 personal opinion.

17 COMMISSIONER JEFFRIES: I'm asking
18 you.

19 MR. MICONE: As an SMD
20 Commissioner and on behalf of the Commission,
21 my concern is the height and I believe the
22 grocery store, if there is to be one should be

1 at the 40,000 square feet that was discussed
2 with the community. I mean that's not
3 something -- I've been on the record in my ANC
4 saying I didn't think the grocery store was a
5 bad idea, but I questioned the rest of the
6 deal for the neighborhood, because the grocery
7 store just wouldn't pop up there. We also had
8 to have two residential towers and also the
9 office space in front. And so I think there's
10 just a variety of views about this.

11 COMMISSIONER JEFFRIES: The
12 question I have around the grocery store, did
13 the Applicant spend any time with you as
14 related to sort of the realities of
15 negotiating with grocery store chain? I mean
16 sort of the typical process in terms of that,
17 as it relates to our process that those could
18 be very, very disjointed and very different
19 processes?

20 Was there ever any discussion
21 around that?

22 MR. MICONE: I don't recall. I

1 believe there were some questions asked about
2 that, but there were no specifics, other than
3 a grocery store. There were no specific
4 suggestions about negotiations or other
5 issues. I believe the question was asked if
6 there had been any negotiations that were
7 occurring with grocery stores and I do believe
8 that GW represented that yes, there were
9 discussion with several, but there was nothing
10 in writing, formalized.

11 Commissioner Thomas may correct me
12 on that.

13 MR. THOMAS: No, that's
14 essentially right. We did ask a series of
15 questions in meetings and at the ANC hearing
16 and what we got was essentially what was in
17 the OP report which was that they had
18 negotiated with several people and that nobody
19 was willing to sign a meaningful letter of
20 intent until this Commission had spoken.

21 Of course, that leaves us then in
22 limbo. I'll take those who are in that area

1 of business at their word as to how difficult
2 it is, but if this is the primary amenity and
3 we go forward with no real Plan B except to
4 come back and try to cobble something else
5 together that's the equivalent, then is it an
6 amenity?

7 COMMISSIONER JEFFRIES: Thank you.

8 CHAIRPERSON MITTEN: Mr. Hood?

9 VICE CHAIRPERSON HOOD: Mr.
10 Micone, let me ask you question. When you had
11 your ANC meetings and you heard the
12 opposition, and let me reference my question
13 to a submittal and I can't exactly put my
14 hands on it. I never can when I'm up here,
15 but anyway, I don't know whether it was a
16 business or a resident who stated that the
17 opposition was not that great. The only
18 reason that there was so much -- appears to be
19 a lot of opposition because of the lawsuit or
20 some type of lawsuit. I'm not sure exactly.
21 I don't want to expound on that.

22 But is that the rationale or were

1 there people, residents, who actually are
2 affected in that neighborhood, who live there,
3 who showed up at the meeting and were in
4 opposition or -- thank you, Madam Chair -- or
5 is that statement that we received incorrect?

6 Your view, because you're the
7 person who ran the ANC meetings?

8 MR. MICONE: Yes, the great
9 preponderance of the testimony that we heard
10 from residents was in opposition.

11 VICE CHAIRPERSON HOOD: Okay.

12 MR. MICONE: And there was some
13 favorable discussion of the application, but
14 that was limited. The far greater
15 preponderance was in opposition.

16 VICE CHAIRPERSON HOOD: Now the
17 two people -- okay, you were one of the ones.
18 The two people who voted obviously opposite of
19 the motion, where any of them adjacent to your
20 SMD? Or was your SMD in the middle of Square
21 54?

22 MR. MICONE: My SMD includes

1 Square 54 and the new hospital across the
2 street. I'm uncertain what square that number
3 is. One of the Commissioners that voted in
4 opposition represented the Foggy Bottom
5 Historic District. Also that seat has turned.
6 There is a new Commissioner that won election
7 and it was a very contested race. Issues
8 regarding University growth were characterized
9 as being important. And the other
10 Commissioner who voted in opposition is in the
11 south, or excuse me, yes, it is the southeast
12 corner of the campus area. So further from
13 Square 54.

14 VICE CHAIRPERSON HOOD: Southeast
15 corner. Okay.

16 MR. MICONE: Of the entire campus.
17 Not even of Square 54. My Single Member
18 District actually goes down beyond Square 54.
19 If you keep on going south, it goes almost to
20 Virginia Avenue.

21 VICE CHAIRPERSON HOOD: Okay. And
22 I'm sure each Commissioner always represents

1 his constituents' views, so that is kind of
2 why I'm asking that question. I just to
3 reference it.

4 MR. MICONE: At least I can speak
5 to mine. I had significant public comment
6 from my constituents about their thoughts.
7 And again, it was across the board. It wasn't
8 unanimously opposed, wasn't unanimously in
9 favor. There were a lot of concerns.

10 VICE CHAIRPERSON HOOD: Okay.
11 Thank you. Thank you, Madam Chair.

12 CHAIRPERSON MITTEN: Thank you,
13 Mr. Hood. Anybody else?

14 Mr. Feola.

15 MR. FEOLA: Thank you, Madam
16 Chair. Phil Feola for the Applicant. I just
17 had one or two questions, and I guess I'll
18 direct the first to Mr. Thomas.

19 Was the testimony you gave tonight
20 approved by the ANC at a public meeting and a
21 vote taken?

22 MR. THOMAS: The written testimony

1 was not. It was vetted with people who voted
2 for --

3 MR. FEOLA: The answer is no. The
4 testimony was not voted on.

5 MR. THOMAS: Well, this document
6 was not.

7 MR. FEOLA: That was my question.

8 MR. THOMAS: The opposition points
9 were.

10 MR. FEOLA: That was my question.

11 MR. MICONE: May I --

12 MR. FEOLA: I didn't ask you a
13 question.

14 CHAIRPERSON MITTEN: I think it's
15 fine. We get it, we understand. Okay?

16 MR. FEOLA: Thank you. And we
17 would just add, the Applicant would ask that
18 the Commission note that when it gives the ANC
19 great weight.

20 CHAIRPERSON MITTEN: I understand.

21 MR. FEOLA: Thank you.

22 CHAIRPERSON MITTEN: Ms. Kahlow,

1 do you have any questions?

2 MS. KAHLOW: No.

3 CHAIRPERSON MITTEN: Okay, thank
4 you very much.

5 I have a list of witnesses and I
6 don't know, is some of this a carry-over from
7 the 20th?

8 MS. SCHELLIN: Right, no one
9 testified at the last meeting.

10 CHAIRPERSON MITTEN: No, but is
11 the list itself a carry-over?

12 MS. SCHELLIN: Yes, it's all
13 inclusive from the last hearing and tonight.

14 CHAIRPERSON MITTEN: Okay, so I'm
15 not sure if everyone who is on the list is
16 here. So you'll just have to bear with me.
17 I'm going to call folks up in panels of four
18 or so, and please if I call your name take a
19 seat at the table. I think it is Cynthia
20 Jachles, Vivien Kilner, Bill Schecter, Dwan
21 Tai.

22 (Pause.)

1 No, you need to give it to staff,
2 please.

3 Just for the next group, you can
4 give your copies of the testimony to Ms.
5 Schellin and give your little witness cards to
6 the Court Reporter.

7 Okay, Ms. Jachles, why don't you
8 go ahead?

9 MS. JACHLES: Hi, I'm Cynthia
10 Jachles. I live at 2450 Virginia Avenue,
11 Northwest, and I'm here in support of GW's
12 development. My favorable comments are
13 submitted from three points of view. I'm a
14 Foggy Bottom resident, a real estate
15 professional, and an alumna of the University.
16 My opinions are personal and do not represent
17 my employer, WMATA.

18 The plan for Square 54 is a great
19 compromise on the part of GW and is a much
20 needed project for the Foggy Bottom
21 neighborhood. I believe the University
22 accepted some of the recommendations from the

1 ULI panels of May 2005 which included area
2 residents and on which I participated.

3 It is most appropriate that GW
4 revise its campus plan to bring it current
5 with all that is required for the area.
6 Conditions change and needs change. Private
7 entities change, short and long-term business
8 plans without criticism and I think you have
9 agreed, hopefully, that the University, a
10 place of learning, where change of growth are
11 nurtured, should be allowed the same right.

12 The real estate logic for this
13 project, as you know, Square 54 is one of the
14 largest, most desirable pieces of vacant land
15 remaining in the District of Columbia.
16 Because of that, the University is prudent in
17 planning a transit-oriented development
18 project at the Foggy Bottom Metro rail
19 station.

20 Some area residents have favored
21 use of the site for University purposes which
22 to me does not make sense due to its prime

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1 location. I think residents have complained
2 about the loss of market housing due to
3 University projects. This project adds 400
4 units back, last amount that I counted, back
5 into the housing stock and the tax rolls, so
6 I think this would be a great community
7 amenity.

8 The District of Columbia goal, our
9 former Mayor Williams promoted a goal of
10 attracting 100,000 new taxpaying residents to
11 the District. The development will continue
12 market rate workforce and affordable housing
13 towards that goal.

14 And I believe Foggy Bottom needs
15 new amenities. The neighborhood needs a full-
16 service grocery store, retail space, including
17 restaurants. I believe that I'm in the
18 majority of people who desire more commercial
19 businesses in the area.

20 It's a perfect spot because it's
21 surrounded by Washington Circle and University
22 buildings, added pedestrian traffic and

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1 perhaps noise from happy, celebratory
2 residents at the restaurants will not disturb
3 the existing Foggy Bottom residents.

4 New residents will know what
5 commercial and retail use is included in the
6 complex and consciously choose to live in a
7 mixed-use development for the retail and
8 restaurants that will be at their doorstep.

9 And my view as an alumna, I'm
10 proud that my alma mater is in the heart of
11 the nation's capital. As such, it is properly
12 planning the campus buildings and properties
13 to meet its educational needs as well as the
14 needs of the District of Columbia.

15 The University has responded to
16 concerns of residents in Columbia Plaza and
17 committed to removing undergraduates from its
18 224 units by 2008 and replacing them with
19 graduate students who are more mature,
20 responsible adults and this is a really
21 important compromise to me as a Columbia Plaza
22 tenant. So I believe the University has met

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1 a lot of my needs as a community resident and
2 needs of other West End residents as well.

3 So I thank you for consideration
4 of my opinion.

5 CHAIRPERSON MITTEN: Thank you
6 very much.

7 Ms. Kilner? Will you turn on your
8 microphone for me?

9 MS. KILNER: It would help, right?
10 Thank you, Madam Chairman and Council Members.
11 Thank you for having us.

12 This letter is in support as a
13 permanent resident of Potomac Plaza at 2475
14 Virginia Avenue. I've lived here nine years.

15 As I understand the purpose of the
16 campus plan, Square 54 will allow for a mixed-
17 use commercial redevelopment. This mixed use
18 will bring us together as neighbors, when
19 using these services provided in the proposed
20 building.

21 Just as the newly opened Trader
22 Joe's in the former Columbia Women's Hospital

1 has enlivened and enriched the neighborhood,
2 the proposed services for Square 54 will add
3 additionally to that mix of amenities.

4 The proposed campus plan also
5 promises to increase the number of students
6 housed on the campus, improve landscaping and
7 surrounding streetscape and generally enhance
8 the campus environment.

9 I believe all of these add to the
10 quality of life in Foggy Bottom. As the
11 reality unfolds, the neighbors deserve to be
12 updated and to be involved in changes as they
13 have in the past and I really felt the
14 community meetings we had and the number of
15 people present, that it was going to make this
16 change easy. I see no change is easy, and as
17 a change management specialist, I should know
18 that, but hope burns in me eternally.

19 During my career, I lived on six
20 different campuses as part of the academic
21 community, so a little bit biased, but it was
22 never obvious to me that the campus was a

1 detriment to the community. But there was
2 always a town gown relationship that never
3 went smoothly, but indeed, it enriched
4 everyone in the long run.

5 Now I'm not an academic, but a
6 property owner on a block next to a dormitory.
7 In fact, I lived there several months before
8 realizing that building was a dormitory.
9 Because the campus brings activity to Foggy
10 Bottom Metro block, I'm never afraid to walk
11 home late in the evening.

12 While students have been guilty of
13 noise levels and other infringements, GW has
14 made every effort in the past few years to
15 create ways to address these disturbances. It
16 disturbs me that the Foggy Bottom Association
17 and the ANC seem to be negative toward almost
18 any change in our neighborhood. My wonderment
19 is if we did not have the advantage of a large
20 University, what and who would be developing
21 this neighborhood?

22 Former controversy has made GW

1 accountable for planning and I believe it's
2 now time to truly work together to bring
3 additional benefits to the neighborhood. And
4 as I listen to the discussion about the
5 grocery store, I was on a committee that went
6 to the developers of Columbia Hospital and
7 urged them to include a grocery store in their
8 mix of plan that now has been realized as
9 Trader Joe's. I live without a car, as do
10 many people in this area and I do do all my
11 shopping. I brought home \$70 worth of
12 groceries from the Bethesda Trader Joe's
13 before I could walk to this one.

14 CHAIRPERSON MITTEN: I need you to
15 close it out. You're out of time.

16 MS. KILNER: Okay, thank you.

17 CHAIRPERSON MITTEN: Thank you
18 very much.

19 Mr. Schechter.

20 MR. SCHECTER: Good evening. My
21 name is Bill Schechter.

22 CHAIRPERSON MITTEN: Will you turn

1 on your microphone?

2 MR. SCHECTER: My name is Bill
3 Schechter. I'm here on behalf of my wife
4 Claudia and myself. We're residents at 2475
5 Virginia Avenue, N.W. which is Potomac Plaza.

6 We write to support the PUD and
7 the related zoning map amendment proposed by
8 GW and its partners for the redevelopment of
9 Square 54. We have been Foggy Bottom
10 residents since 1993 and have participated in
11 the community planning process for Square 54
12 and the campus plan over the past 18 months.

13 We have been surprised and pleased
14 that the University has been willing to
15 accommodate the diverse concerns and
16 suggestions of the neighbors who participated
17 in that effort.

18 As briefly as possible, here are
19 our reasons for asking the Commission to
20 approve this PUD. They come from our
21 perspectives as D.C. taxpayers, as
22 neighborhood residents and as supporters of

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1 sustainable design, energy efficiency and
2 environmental sensitivity.

3 As taxpayers, this proposed PUD
4 makes economic sense for the District, as well
5 as filling in a vacant space in downtown D.C.
6 on America's main street, Pennsylvania Avenue.
7 The return of a significant property to the
8 city's tax base will mean millions of dollars
9 a year in increased revenue. That this will
10 also provide resources to the University to
11 continue its strategy of growing up, not out,
12 would seem to be a win-win situation for all
13 those involved.

14 As neighborhood residents, we
15 wholeheartedly support the mixed use
16 development envisioned by the PUD that
17 provides significant community amenities for
18 restaurants and shopping, especially a full-
19 size grocery store which is very much needed
20 to serve the burgeoning downtown Foggy Bottom
21 and West End resident populations. Although
22 not as much as we would prefer, we are pleased

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1 to see the commitment for affordable housing.

2 As supporters of sustainable
3 design, we applaud the smart growth and
4 transit-oriented development this PUD
5 exemplifies as an anchor for the western end
6 of downtown. As the Commission considers this
7 PUD, we urge you to require that its buildings
8 meet green building standards as well as LEED
9 certification requirements. We also
10 appreciate that the landscaping and
11 streetscape for Square 54 includes significant
12 tree cover and what we hope will be indigenous
13 plantings. This green streetscape should be
14 required both on-site as well as on the
15 adjacent public property, that is the
16 sidewalks and curb space.

17 The proposed green roof is a
18 responsive and important addition to their
19 original plans.

20 We thank you for considering our
21 thoughts and ideas and hope the Zoning
22 Commission will approve this PUD and zoning

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1 map amendment.

2 Thank you.

3 CHAIRPERSON MITTEN: Thank you,
4 Mr. Schechter.

5 Dr. Tai. Turn on your microphone.
6 There you go.

7 MS. TAI: Good evening, Madam
8 Chair, Members of the Zoning Commission,
9 interested parties. My name is Dwan Tai and
10 I'm a resident at 2020 F Street, N.W., D.C.
11 I'm testifying in support.

12 I'm a property owner and a
13 business owner, working on Pennsylvania
14 Avenue, N.W., opposite of Square 54, right
15 near Washington Circle. I have lived in Foggy
16 Bottom for more than 37 years. I came
17 originally to Washington, D.C. to complete my
18 master's and Ph.D. degrees at GWU.

19 Since then, Washington, D.C. has
20 been my home. I would like to just highlight
21 a couple of points.

22 First, my neighbors and I support

1 the Square 54 plan. We believe it is a win-
2 win-win project that will benefit all the
3 stakeholders, enhancing revenue for the city,
4 George Washington University, as well as
5 providing needed job, housing and retail
6 opportunities for the Foggy Bottom
7 neighborhood.

8 Any issues over height, traffic,
9 parking should be viewed as necessary
10 tradeoffs that make possible the greater
11 benefit that this project will offer. Because
12 Square 54 is opposite the Foggy Bottom GWU
13 Metro Station, most people will be more
14 inclined to take the Metro or live nearby and
15 thus avoiding the expensive parking charges.
16 This will minimize traffic issues, especially
17 since the plan provides for more housing.

18 Number two, as this plan will
19 strengthen GW by providing non-enrollment
20 revenues, it will further GW's ability to
21 provide more neighborhood benefits, including
22 making it -- making available meeting rooms of

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1 various sizes for neighborhood groups on a
2 pre-reservation basis and providing neighbors
3 with free access as they have already done to
4 many GW programs and facilities. Since other
5 possible nearby facilities either charge fees
6 or have very limited access and have many
7 restrictions on refreshments, these are very
8 important and costly benefits that address
9 neighborhood needs.

10 The additional spaces for
11 informal, leisurely, spontaneous conversations
12 and community meetings will help to make
13 Square 54 a vibrant town center.

14 I would like to acknowledge GW,
15 especially the following persons for their
16 outstanding leadership, vision, hard work in
17 creating a world class university in terms of
18 faculty, staff, students, and facilities, the
19 George Washington University Board of
20 Directors, Dr. Louis Katz, Dr. Richard Sawaya,
21 Benard Demczuk, Michael Akin and many others
22 who deserve our appreciation and cooperation.

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1 To realize this vision and plan
2 which offers more benefits than any
3 alternative proposals, they have shouldered
4 heavy responsibilities and have taken on
5 significant risks for the community's benefit.
6 Under their leadership, the superb Square 54
7 development team have worked tirelessly in an
8 open and inclusive manner and they have
9 incorporated extensive community and
10 government input into this project.

11 CHAIRPERSON MITTEN: Thank you and
12 we'll read the rest. Thank you very much.

13 Questions for the panel from the
14 Commission?

15 Any questions for the panel?

16 Mr. Feola? Anything?

17 MR. FEOLA: No questions.

18 CHAIRPERSON MITTEN: Mr.
19 Hitchcock? Ms. Kahlow? The answer is no, you
20 don't want to ask any questions. Okay, great,
21 thank you all.

22 James Morris, Anne Savage, David

1 Lehrman, Lamar Thorp.

2 I think I've got three, Cathy
3 Long.

4 (Pause.)

5 Okay, Mr. Morris, why don't you go
6 ahead?

7 MR. MORRIS: James Morris, 2475
8 Virginia Avenue in Foggy Bottom. As of the
9 last of the public meetings that were held in
10 2005 and 2006 to discuss the development of
11 Square 54, I complimented Rafael Pelli, one of
12 the project's architects on how he and his
13 colleagues had altered the designs for the
14 site in response to criticisms and suggestions
15 from members of the community. One of the
16 several great attractions of the project, not
17 noted often enough, is the participation of a
18 firm as distinguished as Pelli Clark Pelli.
19 The plans they've drawn for Square 54 promise
20 a genuine architectural enhancement of the
21 neighborhood.

22 That's more than can be said for

1 the project nearing completion a few blocks
2 from Square 54 on the site of the old Columbia
3 Hospital for Women. The new building there is
4 a grim, overbearing eyesore, resembling
5 nothing so much as a Soviet-era correctional
6 facility.

7 (Laughter.)

8 And the neighborhood is now stuck
9 with it. And yet, on that project, the
10 leadership of the Foggy Bottom Association
11 signed off, perhaps because George Washington
12 University wasn't involved or perhaps because
13 the FBA got several million dollars from the
14 developer in exchange for its approval.

15 To use Square 54 for academic
16 purposes would be foolish and wasteful when
17 those purposes can be met on other sites
18 interior to the campus of George Washington
19 University. Such use would deprive the
20 District of millions of dollars annually in
21 tax revenue, deprive the University of income
22 that can be used to extend its educational

1 mission and deprive the neighborhood of a
2 potentially spectacular new location for
3 shopping and socializing.

4 If the retail shops offer services
5 the community now lacks, and if the businesses
6 are charged affordable rents, they'll succeed.

7 For the parties now arguing
8 against the mixed-use development of Square
9 54, opposition to the University is second
10 nature. It's rote and monolithic. In the
11 past, they opposed construction of the new
12 University Hospital. More recently, they
13 opposed the project that will renovate and
14 enlarge the neighborhood School Without Walls.

15 The obstructionist describe a
16 neighborhood teetering always on the brink of
17 ruin. The reality to impartial eyes is a
18 neighborhood that's vibrant, evolving and
19 immensely attractive to new residents. And
20 the transformation of Square 54 will make it
21 more attractive still.

22 I have a couple of seconds left I

1 see here. A comment on what was said about
2 the ANC's opposition to this. The ANC-2A
3 voted against the development of Square 54 in
4 November 2005 for the first time. It was not
5 November 2006. There was a resolution
6 introduced and hastily passed in November 2005
7 and had I not resigned from the ANC in
8 October, the vote against -- would have been
9 a tie vote and the opposition resolution would
10 have been defeated.

11 CHAIRPERSON MITTEN: Thank you,
12 Mr. Morris.

13 Mr. Lehrman.

14 MR. LEHRMAN: Members of the
15 Commission, Madam Chair, I'm David Lehrman and
16 I'm guess, this is the opposition ghetto, this
17 table over here.

18 (Laughter.)

19 We are the two Commissioners that
20 voted in opposition to the position of the ANC
21 and Commissioner Hood, when you asked
22 something before about the details, I am one

1 of those who lives at 2020 F Street, basically
2 it's all one community, so I think I can take
3 exception to such a legalistic and simplistic
4 view that it's really a matter of just voting
5 to represent your constituents.

6 My constituents are 75 people who
7 voted for me in a landslide, but on paper,
8 1500 people are represented. So a lot of
9 times what we really try to do is what
10 Commissioner Thomas has referred to as the
11 Edward Burkeian democrats. We essentially
12 look at what the issues are and we try to see
13 what's best for the Foggy Bottom area and
14 what's best for the neighborhood. And then we
15 try to use our best judgment. If we tried to
16 do a tally on day by day or week by week of
17 what the votes are of each of the
18 constituents, I think we might do a disservice
19 to what the logic or the judgment are in a
20 case like this.

21 I have really only three basic
22 requests here. Number one, let's not look at

1 this issue through that modern 21st century
2 invention the retrospectroscope. There are
3 many people who seem to think that Foggy
4 Bottom was some kind of Hausian community
5 before GW arrived. The fact is a lot of it
6 was a dump and when you look at some of the
7 buildings that the University has built in
8 case after case, they're the best looking
9 buildings on the block. They're the ones that
10 I'm the most secure they won't burst into
11 flames as has happened to buildings right in
12 my neighborhood and the quality of what they
13 bring there is really very, very good.

14 Number two, let's not let
15 perfection be the enemy of the good. If you
16 are asking me if this project here is a
17 Utopian Nirvana, it is not. But it is an
18 exemplary project with a lot of additions that
19 have been added to the community and I'll give
20 you just one or two examples, some of which
21 have been brought up here.

22 I used to work for the Federal

1 Highway Administration and then the Federal
2 Trucking Agency in the Government, so I've
3 given a little thought about the trucking
4 industry. Every single major truck bringing
5 commerce now and goods and services to that
6 building will go underground. You will no
7 longer see a 60-foot tractor-trailer with
8 80,000 pounds of goods blocking the highway or
9 the roads there. It will be underground at a
10 loading dock, completely off the traffic
11 routes.

12 Number two, the green issue. This
13 is a 16 rated building, one of the highest
14 ratings of any commercial building. When you
15 look at now not only D.C., but Arlington and
16 other areas looking at requiring big buildings
17 to have a green rating, they will have a
18 virtual Amazonian rainforest atop the building
19 converting carbon dioxide to oxygen. It will
20 make the quality of life inside better as well
21 as outside in terms of those that live in the
22 area.

1 So I'll leave it at that. You can
2 read my testimony.

3 CHAIRPERSON MITTEN: Thank you
4 very much.

5 You must be Ms. Savage, is that
6 right?

7 MS. SAVAGE: I am. Yes. Good
8 evening, Commissioners, and thank you for the
9 opportunity to speak this evening. I am Anne
10 Savage and I live at 953 25th Street in a row
11 house built in 1911 and preserved in the Foggy
12 Bottom Historic District. I am also one of
13 the ANC Commissioners who voted for this
14 project, though tonight I come to you only as
15 a citizen of Foggy Bottom, though I will
16 mention I was the Commissioner most recently
17 unseated in the election in November.

18 I am here to voice my support for
19 the Square 54 PUD plan as outlined by George
20 Washington University. I attended many
21 community meetings regarding this development
22 where the plans were clearly outlined and the

1 comments were encouraged and entertained. I
2 attended many of these meetings with friends
3 and neighbors and we were all welcome to
4 comment and make suggestions.

5 While there are many reasons why I
6 support the Square 54 development, I will
7 outline only five of them tonight. First, I
8 think the development will help Washington
9 Circle grow into a city hub as L'Enfant
10 intended. With the Metro at 23rd and I
11 Street, there is no reason Washington Circle
12 cannot become a thriving community center in
13 the same vein as Dupont Circle. Residential
14 apartments, office space, and small retail
15 will help this happen. The development of
16 these businesses will also bring more
17 activity, more people, and more life to the
18 area, making it safer.

19 Second, the Square 54 plans simply
20 extend the Pennsylvania Avenue corridor that
21 already exists. The height is the same as the
22 other buildings nearby, and the zoning change

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1 is consistent with neighboring structures. I
2 agree with the size, height, and bulk of this
3 structure. Third, the design with both
4 commercial and residential uses balances the
5 load of people coming and going throughout the
6 day. The office space is offset by the
7 apartments, daytime versus evening, and the
8 retail is good for all the inhabitants.

9 Also, with the space developed for
10 both office and residential, if there is ever
11 any need in the future for GW to use this
12 space for University use, the potential for
13 classrooms and dorms will already exist. GW
14 is only giving a 60 year ground lease for this
15 property, a long time for those of us in the
16 room, but a short time for the University and
17 for Foggy Bottom.

18 Fourth, the Square 54 development
19 is a good one as it provides a buffer between
20 the Foggy Bottom Historic District, which I
21 represented, and the surrounding apartments,
22 condos, and co-ops. It keeps the students in

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1 academia just a block further away in a
2 neighborhood where every block counts. And to
3 be buffered by a row of retail that will serve
4 the community with a book store, a grocery,
5 and hopefully a hardware store, will be a
6 treat indeed.

7 Lastly, Square 54 is well used as
8 an investment property for the University. It
9 is their land and the use proposed is legal.
10 Neighbors, friends, and outsiders may
11 disagree, but the University is not required
12 to use this land for any specific use or to
13 use it for academic purposes. As an income-
14 generating property, it will allow the
15 University to focus more on their academic
16 mission, making better programs, and helping
17 more students afford this education while we
18 in the community benefit from the development.
19 Thank you.

20 CHAIRPERSON MITTEN: Thank you
21 very much. Ms. Long.

22 MS. LONG: I am Catherine Long. I

1 live at 2500 Virginia Avenue and I greatly
2 appreciate the amenities I have enjoyed as
3 being part of the University environment.
4 Good evening, Commissioners. Square 54 has
5 been a huge, empty, unproductive lot for three
6 years. Many hours have been devoted by
7 experts and interested residents in planning
8 disposition of Square 54.

9 On November 14, 2006, at our well
10 attended and attentive GW Friends meeting, we
11 viewed a slide presentation outlining the most
12 up-to-date plans. The design element which
13 elicited the greatest applause was the green
14 roof. So my testimony is directed to this
15 aspect, although others have also mentioned
16 it.

17 Green roof is, thank goodness, in
18 vogue. Many builders, architects,
19 landscapers, homeowners, and government
20 agencies are realizing that the time to repair
21 our endangered planet is now or never. The
22 District of Columbia owns almost 85 acres,

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1 that's just the District, which could be
2 green. Sometimes plans are voluntary, as with
3 Square 54, and sometimes mandated by
4 legislation. Currently, six buildings in D.C.
5 are green. If we hurry, we could be the
6 seventh.

7 I believe it is time to decide on
8 the planning and begin construction of what I
9 believe will be a useful and beautiful town
10 center. I thank you, the Zoning
11 Commissioners, for the time and intensive
12 study that is required of you to make these
13 very difficult decisions.

14 CHAIRPERSON MITTEN: Thank you,
15 Ms. Long.

16 Questions for the panel from the
17 Commission? Anyone have questions?

18 Mr. Feola?

19 MR. FEOLA: No questions.

20 CHAIRPERSON MITTEN: Mr.
21 Hitchcock?

22 MR. HITCHCOCK: One or two

1 questions to follow up the earlier colloquy.

2 Ms. Savage, I note that you're the
3 only member of the panel who talked about the
4 grocery store as an amenity. Would you
5 support it if it were only going to be 25,000
6 instead of the 40,000 that was discussed?

7 MS. SAVAGE: I would.

8 MR. HITCHCOCK: Would you support
9 this PUD if the Applicant came back and said
10 a grocery store was not feasible on this site?

11 MS. SAVAGE: I don't think that's
12 an option right now, so --

13 MR. HITCHCOCK: Well, I'm asking a
14 hypothetical.

15 MS. SAVAGE: Hypothetically, I'd
16 have to answer that in the future or I'd have
17 to answer in the future hypothetically.

18 (Laughter.)

19 MR. HITCHCOCK: Did you look at
20 Exhibit G?

21 MS. SAVAGE: I don't have the
22 supplemental with me.

1 MR. HITCHCOCK: Okay. But it is
2 possible, is it not, that Applicants can come
3 back in PUDs and say that certain amenities
4 they proffered are not feasible?

5 MS. SAVAGE: I don't have the G
6 with me.

7 MR. HITCHCOCK: I'm sorry?

8 MS. SAVAGE: I don't have the
9 supplemental with G in it.

10 MR. HITCHCOCK: That wasn't my
11 question. In your experience as an ANC
12 Commissioner or otherwise, have you not seen
13 PUD cases where an Applicant has come in
14 subsequently and sought a change because a
15 certain condition is not feasible?

16 MS. SAVAGE: I have learned in
17 life that everything can change and you have
18 to deal with that. That's exactly what Square
19 54 is. So is that a possibility? Yes, it's
20 a possibility.

21 MR. HITCHCOCK: And you would
22 still support -- you would still urge approval

1 of the PUD, even if there was that kind of a
2 change?

3 MS. SAVAGE: What kind of a
4 change?

5 MR. HITCHCOCK: A change in use.

6 MS. SAVAGE: It would depend on
7 the change in use.

8 CHAIRPERSON MITTEN: He's trying
9 to understand how important is the grocery
10 store to you in offering your support?

11 MS. SAVAGE: I said in the
12 beginning that I would support it as a smaller
13 grocery store and if we lose the grocery
14 store, we get something else, that's good
15 enough, I'll take that. Hardware store. I'm
16 all about a hardware store.

17 MR. HITCHCOCK: Mr. Lehrman, how
18 about you?

19 MR. LEHRMAN: Yes, I'm strongly
20 enough in support of it that none of the
21 issues that you're raising would change my
22 support of the overall design.

1 MR. HITCHCOCK: So if the grocery
2 store drops out, you're still for it?

3 MR. LEHRMAN: I am.

4 MR. HITCHCOCK: Okay. Mr. Morris?

5 MR. MORRIS: Yes.

6 MR. HITCHCOCK: Okay. No matter
7 what new retail use may come in or other use?

8 MR. MORRIS: No porno theaters and
9 no brothels, please.

10 (Laughter.)

11 MR. HITCHCOCK: Okay. That's all
12 I have, thank you.

13 CHAIRPERSON MITTEN: I don't have
14 to have that hearing.

15 (Laughter.)

16 CHAIRPERSON MITTEN: Thank you,
17 Mr. Hitchcock.

18 Ms. Kahlow, any questions? Okay.
19 Thank you all for your testimony.

20 Gina Fernandez, Casey Pond, Bob
21 Thomas, Ryan Davis. None of those people.

22 Okay, Nicole Capp. Mohamed

1 Gehali. Anybody named Mohamed? Okay.

2 Chris Rotella, Steven Skinner.
3 How about anybody else that wants to testify
4 in support? Okay, come on forward.

5 (Pause.)

6 You're going to have company. Mr.
7 Thomas is coming up.

8 Mr. Bailly, rather. Bailly,
9 sorry.

10 Not that Thomas. Just so we know,
11 Mr. Bailly is representing the Smart Growth
12 Alliance, so he'll get five.

13 MS. TIMMERMAN: I'm Danielle
14 Timmerman.

15 CHAIRPERSON MITTEN: You have
16 three minutes. Please go.

17 MS. TIMMERMAN: All right. Thank
18 you. I'm Danielle Timmerman, and I am also
19 representing my roommate and boyfriend Scott
20 Bailey. We are both young professionals who
21 own and live in a condo at 2209 Washington
22 Circle, otherwise referred to as Thomas

1 Franklin Schneider Triangle.

2 We both work inside the District.
3 We have no cars and typically use the Metro to
4 commute for entertainment purposes, for
5 grocery stores, etcetera. We are excited
6 about the plans to develop the retail and
7 residential component of our neighborhood in
8 Square 54 and what it means for our property.

9 As far as concerns about shadows
10 and security, we have never felt unsafe in our
11 community and do not expect the development of
12 residential and retail facilities to affect
13 that sense of security.

14 We already live among tall
15 buildings and have not found them to be a
16 hinderance or inconvenience. On the contrary,
17 we feel that the IFC and the World Bank
18 enhance the Metropolitan feeling of the
19 neighborhood and demonstrate that we are a
20 world class address. We respectfully suggest
21 that this further development will actually
22 increase the security and vitality of our

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1 neighborhood due to the influx of mid to high
2 end consumer activity that will take place in
3 our midst.

4 We see this as an opportunity to
5 enhance our surroundings and enhance the
6 Washington Circle living experience. I would
7 also like to add that we knew when we
8 purchased the condo that GW University was
9 right there and we accepted all the
10 consequences and advantages of living in an
11 academic community. Thank you.

12 CHAIRPERSON MITTEN: Thank you,
13 Ms. Timmerman. Mr. Bailly.

14 MR. BAILLY: Good evening,
15 everyone. My name is John Bailly. I am the
16 Executive Director of the Washington Smart
17 Growth Alliance. The Smart Growth Alliance,
18 the SGA, is a joint effort of some unlikely
19 stakeholders, the greater Washington Board of
20 Trade, the Chesapeake Bay Foundation,
21 Enterprise Community Partners, which is
22 formally the Enterprise Foundation, the

1 Metropolitan Washington Builders Council, the
2 Coalition for Smarter Growth, and finally the
3 Urban Land Institutes Washington District
4 Council.

5 The SGA's mission is to research,
6 identify, and encourage land use, development,
7 and transportation policies and practices that
8 protect environmental aspects and enhance our
9 region's quality of life. The SGA's
10 recognition program distinguishes specific
11 development proposals that exemplify smart
12 growth characteristics.

13 I think the frame for all our work
14 is important to realize, that the frame is
15 really the two million more people, the 1.6
16 million new jobs, coming to our region by
17 2030. The SGA was really formed in 2002 to
18 figure out where and how we're going to grow
19 to accommodate that amount of population and
20 job growth.

21 The recognition program uses
22 criteria, including project location,

1 mobility, and accessibility, density, design,
2 mix of uses, affordable housing, environmental
3 criteria, community assets, and public
4 participation to evaluate project proposals.
5 The jury met on July 13, 2006 to review a
6 number of projects, including Square 54.

7 The jury included a careful
8 analysis of each project based on specific
9 information submitted with the application and
10 independent research and review by staff.
11 Applying all the criteria, we agreed to
12 recognize Square 54 as a Smart Growth Project
13 proposal.

14 Specifically, the jury believed
15 that the redevelopment of this parcel directly
16 across from a Metro station and along one of
17 the city's main gateway corridors is a
18 significant opportunity for the West End Foggy
19 Bottom neighborhood, and the District as a
20 whole.

21 The jury believes that the density
22 and design of the proposal are appropriate for

1 the location. Specifically, the addition of
2 both neighborhood serving retail and a full
3 service grocery store will provide new tenants
4 and existing residents with new opportunities
5 to get day to day needs while mitigating
6 traffic.

7 The project also incorporates, and
8 we were impressed by this, an interior
9 courtyard that will provide better and more
10 direct pedestrian connections across the site
11 and an inviting open, public space. Finally,
12 the addition of affordable housing
13 opportunities on site and a transit accessible
14 location is a critical Smart Growth strategy
15 and one in short supply in the District of
16 Columbia. And that concludes my testimony.
17 Thank you.

18 CHAIRPERSON MITTEN: Thank you
19 very much. Questions for this panel from the
20 Commission? Any questions?

21 Mr. Feola?

22 MR. FEOLA: No questions.

1 CHAIRPERSON MITTEN: Mr.
2 Hitchcock?

3 MR. HITCHCOCK: No questions.

4 CHAIRPERSON MITTEN: Ms. Kahlow?
5 Thank you both for your testimony. What I
6 would like to do if neither of the parties
7 objects is to take the organizations and
8 persons in opposition, just so I'm sure we get
9 through the individuals who are here and then
10 we can have the presentation of your cases.
11 Is that all right?

12 Do you have any objection to that?

13 MS. KAHLOW: I'm not through.

14 CHAIRPERSON MITTEN: Well, I'm
15 sure your neighbors appreciate the position.
16 There's only a few.

17 MS. KAHLOW: Okay.

18 CHAIRPERSON MITTEN: How about if
19 we have Elizabeth Elliott, Kevin Carnahan,
20 Donald Kreuzer. Just so I'm clear, Joy Howell
21 is on the list. Is she going to be part of
22 the FBA presentation? Okay.

1 Sara Maddino. Mr. Kimmel. Any
2 other individuals who want to testify in
3 opposition? Okay.

4 Fewer than I thought. Ms.
5 Elliott.

6 MS. ELLIOTT: Thank you. Good
7 evening, Chairman and Commissioners. I'm
8 Elizabeth Elliott and I'm a long-term Foggy
9 Bottom Association member and I actually -- of
10 many people involved with this particular
11 project, I have a particular connection to
12 this project. My mother passed away at Square
13 54 in June of 1980 as a result of an emergency
14 surgery. She was visiting me here in
15 Washington, D.C. So I have a long-term
16 connection to the neighborhood and I have sort
17 of a personal mission to see that this
18 property is considered the highest and best
19 use of what's occurring here.

20 And although I'm not a practicing
21 architect, I do have about six years of
22 architectural education from the Pratt

1 Institute and Syracuse University and I'm very
2 concerned personally and I'm opposed, as many
3 people have talked here tonight about the bulk
4 of the project and the configuration of it.
5 I just think it's too much. It's part and
6 parcel with my experience with the University
7 that there seems to be no FAR left behind here
8 in Foggy Bottom. I'm just very concerned
9 about the amount of building that's being
10 proposed with this project and with the
11 overall campus plan project.

12 I was quite involved in just to
13 assure Commissioner Savage, there is a
14 hardware store going to the gulag of the
15 Columbia Hospital that has been secured and it
16 was a project that I was quite involved with
17 as chair of the ANC at the time. And we're
18 very proud of that project and it's bringing
19 in a considerable amount of money into the
20 District.

21 So that's basically my comment. I
22 would also remind the Commission of the

1 Elliott School of which there was a lot of
2 promise with the PUD and amenities there and
3 they never materialized. The amenities with
4 the IMF building at 1900 Pennsylvania Avenue
5 which was supposed to be superior
6 architecture, in my opinion is a very freakish
7 project that kind of torques out over
8 Pennsylvania Avenue and I think we deserve
9 better.

10 I thank you very much for your
11 time.

12 CHAIRPERSON MITTEN: Thank you.
13 Mr. Kimmel? Would you turn on your
14 microphone, please? Thank you.

15 MR. KIMMEL: Thank you for hearing
16 this testimony. My name is Michael Kimmel.
17 I'm a resident of 2030 F Street, Northwest,
18 Apartment 1004.

19 COMMISSIONER JEFFRIES: Excuse me,
20 can you pull into the mic a little bit more,
21 because I'm having difficulty hearing you.

22 MR. KIMMEL: The facts I wish to

1 bring to the attention of the Commission
2 concern of the Square 54 buildings. My
3 personal interest in the height issue stems
4 from the fact that my residence has a view of
5 the northwest city skyline, including the
6 wooded uplands around Massachusetts and
7 Wisconsin Avenues and most particularly an
8 unobstructed view of the Washington National
9 Cathedral. I'd like to refer the panel or the
10 Commission to exhibits that I have submitted
11 and in particular, Exhibits 1 and 2 that show
12 this particular view which is shared not only
13 by, of course, myself, but also other
14 residents on the tenth floor of Letterman
15 House Condominium.

16 The first one shows basically the
17 view as I see it out of my window and the
18 second one actually is a telephoto lens of the
19 cathedral. It's a very impressive view.
20 Other neighbors, as I said, have the same
21 view.

22 Now on the merits, it's not only

1 our view that's being involved here, but I
2 wanted to bring to the attention to the fact
3 that there are going to be a lot of lessening
4 of sunlight as a result of the height of these
5 buildings. The requested heights will block
6 much sunlight within the Washington Circle
7 National Park Service Grounds during morning
8 hours, from October through February and early
9 March.

10 On this particular matter, I would
11 like to refer the Court to Exhibits K9 through
12 K14 of the package of exhibits, which
13 basically shows as the morning goes on, the
14 blockage of sunlight in that park and of
15 course it builds up into November, December,
16 January, and tapers off then of course by the
17 end of March. And I don't think it makes the
18 park a very or those grounds a very pleasant
19 place to be if it is going to be filled with
20 shadow in the morning.

21 I also would like to -- by the
22 way, these are based on tables of the U.S.

1 Naval Observatory showing the altitude of sun
2 and azimuth which basically means the height
3 of the sun at various times of day and
4 seasonal and its direction. But they can also
5 be calculated to determine shadow, direction,
6 and shadow length.

7 Now the shadows of the proposed
8 buildings will also substantially reduce
9 afternoon sunlight on 22nd Street and east
10 side buildings on the afternoon as the sun
11 comes around. And I would like to -- the
12 height of these buildings, they are
13 illustrated in Exhibit 15 --

14 CHAIRPERSON MITTEN: We're going
15 to have to read the rest of your submission,
16 because you're out of time, Mr. Kimmel.

17 MR. KIMMEL: Exhibit 15, then.

18 CHAIRPERSON MITTEN: Okay. Thank
19 you. Any questions for Ms. Elliott or Mr.
20 Kimmel?

21 VICE CHAIRPERSON HOOD: Yes, Madam
22 Chair, I wanted to ask Ms. Elliott. You

1 mentioned about the -- I'm going to ask the
2 question, I know this is not the case, but you
3 mentioned about the IMF amenities would not
4 follow up on it. Is that what you said?

5 MS. ELLIOTT: There is a
6 restaurant space that has been sitting vacant
7 since the building opened, probably two years
8 ago at the completion of the project. There's
9 also an empty newsstand space that both were
10 proffered as amenities in the PUD.

11 In addition, there was a sum of
12 money that was to beautify -- well, no, that
13 was actually proffered and taken up by the
14 District and, in fact, was a million dollar
15 donation was given to the Housing Production
16 Trust Fund. But that doesn't affect Foggy
17 Bottom. That went into the trust fund and is
18 taken advantage of somewhere else in the
19 District of Columbia, not in Foggy Bottom.

20 But there was a substantial
21 amenity, which still hasn't been realized in
22 terms of tree plantings and there was a

1 nonprofit, something like half a million
2 dollars was given to and that's very little --

3 VICE CHAIRPERSON HOOD: Has it
4 been followed up on with the Zoning
5 Administration? I'm asking this question now,
6 Madam Chair, because I participate along with
7 others on this.

8 MS. ELLIOTT: We also
9 participated.

10 VICE CHAIRPERSON HOOD: Still we
11 don't necessarily have a forum, so you
12 mentioned it and I wanted to follow up on it.
13 Has anything been done, I guess with the
14 Zoning Administration, about compliance?

15 MS. ELLIOTT: Well, no. We've
16 tried every other method and the ANC actually
17 has taken up the charge and tried to deal with
18 it. And then Green Spaces D.C. was this
19 nonprofit that the money was given to, and
20 they've gone out of business and so we're
21 going to have to follow up in the next steps.

22 VICE CHAIRPERSON HOOD: My issue

1 with that is, Madam Chair, we sit down here
2 two and three nights a week, but I don't want
3 to go on a soap box. Thank you, Ms. Elliott,
4 for that information.

5 MS. ELLIOTT: Thank you.

6 VICE CHAIRPERSON HOOD: I guess
7 the best forum would be to deal with that at
8 our meeting. Thank you.

9 CHAIRPERSON MITTEN: Anyone else?
10 Questions?

11 Mr. Parsons?

12 MR. PARSONS: Mr. Kimmel, I'm
13 looking at your Exhibits, your shadow studies.
14 And they go from October to March. Is that
15 correct?

16 MR. KIMMEL: The other view, yes.
17 October through March, for those in Washington
18 Circle.

19 MR. PARSONS: So you found that
20 when you got to April, May, June, July and
21 August, there wasn't any shadow?

22 MR. KIMMEL: Well, April and May,

1 the sun is so much higher that the shadows
2 pretty much miss Washington Circle, until you
3 get down back into October.

4 MR. PARSONS: Thank you very much.

5 MR. KIMMEL: So those winter
6 months, of course that's when it is colder and
7 people would appreciate the sun light then.

8 MR. PARSONS: I understand. Thank
9 you.

10 CHAIRPERSON MITTEN: Any other
11 questions from the Commission?

12 Mr. Feola?

13 MR. FEOLA: No questions.

14 CHAIRPERSON MITTEN: Mr.
15 Hitchcock?

16 MR. HITCHCOCK: No questions.

17 CHAIRPERSON MITTEN: Ms. Kahlow?

18 MS. KAHLOW: No.

19 CHAIRPERSON MITTEN: Okay, thank
20 you all for your testimony. Now we're ready
21 for the parties in opposition.

22 Mr. Hitchcock?

1 MR. HITCHCOCK: May we go off the
2 record for a moment to talk about logistics?

3 CHAIRPERSON MITTEN: Sure.

4 (Whereupon, the proceedings in the
5 foregoing matter went off the
6 record at 9:16 p.m. and went back
7 on the record at 9:24 p.m.)

8 CHAIRPERSON MITTEN: Mr.
9 Hitchcock, go ahead whenever you're ready.

10 MR. HITCHCOCK: Thank you, Madam
11 Chair.

12 CHAIRPERSON MITTEN: Turn on your
13 microphone.

14 MR. HITCHCOCK: My microphone
15 isn't working --

16 CHAIRPERSON MITTEN: Ahh.

17 MR. HITCHCOCK: -- but I'm pleased
18 to report the computer is up and running.
19 Part of our ongoing cooperative effort with
20 the applicants.

21 CHAIRPERSON MITTEN: How about
22 that.

1 (Laughter.)

2 Now you know why the microphone is
3 not working.

4 (Laughter.)

5 MR. HITCHCOCK: It's working at
6 their table. As a prefatory matter, Madam
7 Chair -- well, for the record, I'm Con
8 Hitchcock on behalf of Foggy Bottom
9 Association.

10 Joy Howell, who is the president
11 of the association, had hoped to be here
12 tonight. She had about a five-minute
13 statement. She has been unavoidably detained
14 and was hoping that Ms. Elliott could read her
15 statement, which we have here.

16 CHAIRPERSON MITTEN: I don't know.
17 You know, this whole thing of reading
18 statements into the record is really -- I
19 mean, if --

20 MR. HITCHCOCK: Right.

21 CHAIRPERSON MITTEN: -- it's not
22 necessary.

1 MR. HITCHCOCK: Okay.

2 CHAIRPERSON MITTEN: And I'd
3 rather not take the time. If you'd just
4 submit it in writing. I mean, I don't want to
5 discourage these things, but unless Ms.
6 Elliott is going to be -- care to be cross
7 examined on the testimony.

8 MR. HITCHCOCK: I think Ms.
9 Elliott could be cross examined. It would be
10 -- it is about five minutes. It would help to
11 set the stage for the expert testimony we will
12 then present from George Oberlander and Joe
13 Mehra.

14 As another prefatory matter, I
15 don't believe they have yet been qualified as
16 experts. They have both -- on planning and
17 transportation issues, they have both been so
18 qualified in the past.

19 CHAIRPERSON MITTEN: And in the
20 campus plan case in the PUD. So is there any
21 objection to these gentlemen being qualified
22 as experts in their proffered fields?

1 (No response.)

2 Then, without objection, Mr.
3 Hitchcock, they have been accepted --

4 MR. HITCHCOCK: Great.

5 CHAIRPERSON MITTEN: -- as
6 experts.

7 MR. HITCHCOCK: And I would note,
8 too, for the record that we did submit their
9 prepared statements and the Powerpoint at the
10 conclusion of the last testimony. So if there
11 are extra copies the Commission needs, we
12 could provide those as well.

13 CHAIRPERSON MITTEN: Does anybody
14 need a copy, or does everybody have their
15 copy? No one is saying they need a copy, so
16 --

17 MR. HITCHCOCK: Okay.

18 CHAIRPERSON MITTEN: -- plow
19 ahead.

20 MR. HITCHCOCK: Okay. Ms.
21 Elliott?

22 MS. ELLIOTT: Good evening again,

1 Chair Mitten, and Commissioners. I am not Joy
2 Howell. I am Elizabeth Elliott, and I am here
3 tonight representing the Foggy Bottom
4 Association.

5 First, this PUD application
6 presents a paradox. Square 54 lies firmly
7 within and wholly within the boundary of the
8 GWU campus and is the northwestern entrance to
9 its campus area, yet nothing about this PUD
10 involves new classroom buildings, student
11 housing, or other university activities.

12 The PUD proposal being presented
13 here has nothing to do with advancing GWU's
14 educational mission. It has everything to do
15 with adding density to the site in a way that
16 goes well beyond the limits of current zoning
17 restrictions. GWU is proposing a huge
18 commercial project on the site, with more than
19 twice the allowable density and significantly
20 added height and an unknown increase in
21 intensity of use.

22 Second, there is also an irony

1 here. Square 54 was previously the site of
2 the GWU hospital, which played an important
3 role in teaching future doctors and serving
4 the community. In the 2000 campus plan, the
5 BZA said that GWU could solve its student
6 housing and academic needs by using Square 54
7 for university uses.

8 This is a result that many people
9 in the neighborhood supported when the 2000
10 campus plan was adopted. We see no reason to
11 put another use here. Rather than try to use
12 this property as part of integrated campus
13 plan, GWU has proposed a commercial project
14 that is more than twice the size of the gross
15 floor area permitted under the current zoning.

16 The floor area ratio would jump
17 from 3.5 to 7.5, more than double. Instead of
18 functions directly related to GWU's
19 educational mission, the project will be a
20 mixture of downtown office space of the sort
21 one could find anywhere on K Street, a retail
22 complex compatible with downtown office use,

1 and market rate housing with a modest
2 affordable housing component.

3 This project, if approved, will
4 prove to be a cash cow for GWU, but is zoning
5 for dollars really a policy that the District
6 should embrace? Should the District's zoning
7 laws be used to help GW build up its endowment
8 on the backs of neighborhood residents, or to
9 fund GW's capital campaign for years to come?
10 Is a project of this density -- four times the
11 average size of a K Street office building --
12 the type of project that should be constructed
13 within GWU's campus boundaries?

14 This is not a case of grow up, not
15 out. This is not a case of smart growth.
16 This is a case of GWU saying, "Show me the
17 money." And "show me the money" is not good
18 public policy.

19 There are a number of reasons for
20 the Zoning Commission to say no to this
21 proposal. From the standpoint of basic zoning
22 principles and neighborhood preservation, this

1 case is a perversion of the PUD process. As
2 the FBA and the ANC testified during the
3 campus plan case, and the ANC testified during
4 the Grant School case, the Zoning Commission
5 should not be considering a PUD within the
6 context of a campus plan development.

7 Development on a college campus
8 are specifically subject to Section 210 of the
9 zoning regulations, which contain stringent
10 requirements which you've heard tonight, as to
11 density and development-related issues not
12 present in the PUD regulations.

13 Even if the Commission thought
14 that a PUD should go on this site, then GW
15 could sell this property, as it did in the
16 case of Square 119, the IMF property, which
17 was promised by the community that it was
18 going to be used for university use, the new
19 IMF headquarters project.

20 GW should not be allowed to use
21 zoning as a substitute for solving its
22 admitted financial problems and needs, nor for

1 ignoring the best practices, planning, and
2 development, and for the lack of an endowment
3 and the need to run a capital campaign.

4 I would add that we could easy end
5 up with empty space retail, such as we now
6 have at the Ritz Carlton and 2000 Pennsylvania
7 Avenue, and the so-called restaurant amenity
8 at 1900 Pennsylvania Avenue that I just spoke
9 about that has stood vacant for the past two
10 years.

11 Further, the amenities package
12 commercializes and transforms, not enhances,
13 our residential neighborhood, and the D.C.
14 Council is already proposing that green,
15 sustainable elements should not be considered
16 amenities, but requirements for any future
17 development.

18 Square 54 is an important parcel
19 and a university campus that should be used to
20 help make GW a world-class university that it
21 contends that its goal is. Square 54 should
22 be developed as part of a campus under campus

1 plan regulations, rather than PUD regulations,
2 while protecting and enhancing its host
3 community. Subsidizing commercial expansion
4 of a private nonprofit through the back door
5 of zoning approval is not legitimate public
6 policy.

7 Madam Chair, as my neighbors and I
8 have sat through the past few months of
9 hearings, we have heard a lot of discussion
10 about GW's future and where GW wants to be in
11 the year 2025. has anyone in the District
12 government stopped to ask, what do we want the
13 Foggy Bottom neighborhood to look like in the
14 year 2025? Does the city even want our
15 residential neighborhood and Foggy Bottom 20
16 years down the road?

17 The added density and the increase
18 in commercial and retail uses of this project
19 will clearly have one major effect -- further
20 transforming the character of the Foggy Bottom
21 -- of Foggy Bottom in ways that will make this
22 neighborhood unrecognizable as a distinct

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1 residential community.

2 GW should not be saddling Foggy
3 Bottom with enormous projects that simply do
4 not fit within our residential neighborhood
5 context. Our members would welcome a
6 university that wants to be a good neighbor
7 and that wants to be a part of the community,
8 not dominate it.

9 I thank you for your time.

10 MR. HITCHCOCK: Mr. Oberlander
11 will be the next witness.

12 MR. OBERLANDER: Madam Chairman,
13 members of the Commission --

14 CHAIRPERSON MITTEN: I need you to
15 turn on your microphone.

16 MR. OBERLANDER: Thank you for
17 reminding me. I appear here on behalf of the
18 Foggy Bottom Association in opposition of this
19 PUD and the related map amendment, and it
20 should not be granted.

21 Due to the time limitations, I
22 will only highlight my statement. It's a six-

1 page statement which you have, and the slides
2 on the screen highlight some of the
3 highlights.

4 The proposal involves Square 54, a
5 square within the boundaries of the George
6 Washington University campus plan, that is
7 indicated as "institutional" on the general
8 land use map. And I have maps here if you're
9 not familiar with them. I believe they're in
10 the records, but there are two maps that need
11 to be -- there are two general land use maps
12 which need to be referred to.

13 The definition of "institution" is
14 -- on the map is land and facilities occupied
15 by colleges, universities, hospitals,
16 religious institutions, and similar facilities
17 as predominant uses. A mixed use PUD on
18 Square 54 is incompatible for such a
19 comprehensive plan designation.

20 As long as it -- the square
21 remains within the established campus
22 boundaries, the predominant usage needs to be

1 institutional. That is the guidance that
2 members of the Commission asked for earlier.
3 The guidance is institutional uses.

4 The PUD proposed in this project
5 has Sections 1342.1(b) and 1358.1 on the Ward
6 2 portion of the comprehensive plan
7 specifically deal with the need for the
8 university to provide for student dormitories
9 on the campus, not commercial mixed use to
10 development. The PUD does not provide for any
11 student housing or any other needed academic
12 uses on Square 54.

13 The PUD proposed is the result of
14 a study funded by the university and conducted
15 by the Urban Land Institute Advisory Services.
16 The underlying approach of the three-day study
17 was to help the university fund future
18 academic and housing needs on this Foggy
19 Bottom campus by increasing the allowable
20 floor area ratio on Square 54.

21 This is a commercial real estate
22 approach. In my opinion, a proper planning

1 approach would examine options which would be
2 ideal for Square 54, given its context within
3 the comprehensive plan and the university's
4 campus academic needs.

5 In my professional opinion, the
6 proposal is too intense to be included as part
7 of the campus and not of institutional or
8 related activities. The PUD tries to take
9 advantage of the square's northern frontage
10 along Pennsylvania Avenue at Washington Circle
11 in order to capitalize on the commercial
12 development.

13 The application clearly states
14 that the project is "trying to create a
15 preeminent office address." Preeminent
16 commercial office locations should not be
17 created within official campus boundaries.
18 There is no campus plan rationale for it.

19 The application also clearly
20 states that the proposed development is a "key
21 source of non-enrollment driven revenues to
22 support university core academic missions."

1 Should a rezoning to C-3-C be granted
2 primarily for economic benefits? Economic
3 benefits for a private landowner's benefit are
4 not a basis for rezoning.

5 The applicant's claim that the
6 square is designated for high-density
7 commercial institution categories is
8 incorrect. If you look at the application,
9 page 33, item number 8, the general land use
10 map, as I've pointed out, the map only shows
11 a sliver of Pennsylvania Avenue frontage as
12 "high-density commercial."

13 However, the generalized land use
14 policy map number 2 -- this is the one without
15 the colors -- show in gray the entire extent
16 of the intended campus, including the
17 Pennsylvania Avenue frontage. The campus is
18 not near the red downtown plan area. The
19 square is not included in the central
20 employment area designated on the
21 comprehensive plan. The square is not in a
22 comprehensive plan special treatment area, nor

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1 is it specifically designated for transit-
2 oriented development.

3 The PUD development requests -- 7-
4 1/2 FAR -- is over double the amount of
5 development that the current R-5-D, which is
6 3-1/2 FAR, permits. Even if this were a
7 proper application of the PUD tool, in my
8 opinion that is stretching the PUD flexibility
9 provisions too far beyond the maximum
10 established in Section 2405.1 and 2405.2 of
11 the regulations. These sections limit the
12 height in the R-5-D to 90 feet, and the FAR to
13 4-1/2. A minor deviation of five percent is
14 authorized in Section 2405.3.

15 In the new proposed campus plan
16 zoning case, we and the ANCs testify that the
17 application should not be using PUDs in the
18 campus special exception Section 210 matter.
19 That testimony applies to this case as well.

20 The proposed C-3-C zoning is
21 requested because it can provide higher height
22 and density. The neighborhood retail and

1 office development could be built in the C-1
2 zoning classification. In fact, the
3 application requests less square footage than
4 the C-3-C allows -- 59,000 square feet less --
5 but 40 feet more in height.

6 No justification is provided which
7 might indicate changed circumstances in the
8 area since the current zoning was put in place
9 in 1958, or that a mistake was made when the
10 square was classified R-5-D, which could
11 warrant a change to C-3-C.

12 If you examine the existing zoning
13 around Washington Circle, you will find that
14 any commercial zone ends one block east and/or
15 west of the unzoned government-owned original
16 L'Enfant Circle Reservation 40N. Placing
17 Square 54 into the C-3-C would violate the
18 protection the circle has had from commercial
19 uses since 1958. Several other L'Enfant
20 circles have similar protection from
21 commercial uses around the city.

22 Although the proposed building

1 height opposite Washington Circle is 90 feet,
2 the entire square and the 110-, 130-foot
3 building height of the other portion of the
4 PUD, as seen from the historic circle, will be
5 viewed as a very bulky and an unbalanced mass
6 of building east of 23rd Street, which is a
7 special L'Enfant street.

8 The 20-foot setback at the upper
9 level does not reduce the massiveness of the
10 project, nor does it respect the circle. I'd
11 like to cite two additional policies contained
12 in the D.C. elements of the comprehensive plan
13 -- Section 807.9 and 10, which deal with the
14 streetscape and treatment of buildings
15 fronting on special streets and the
16 architectural prominent buildings on -- along
17 special streets.

18 The building height measuring
19 point for the entire square is taken from the
20 highest street elevation on Pennsylvania
21 Avenue. The site slopes south to I Street.
22 The building frontage on I Street will be 10

1 feet higher than the zoning allows, is
2 measured on I Street. The three proposed
3 buildings are being considered, one, for
4 measuring point purposes.

5 This is a further instance of
6 trying to circumvent the intent and purpose of
7 the height limit provisions of the
8 regulations, and the Height Act of 1910. The
9 height of the buildings, if measured on I
10 Street, depending on its interpretation, would
11 exceed the maximum 130 feet allowed in the
12 city. The Height Act -- the Congress gave the
13 direction that no building should be taller
14 than 130 feet, except on Pennsylvania Avenue
15 where they can go to 160 feet.

16 The residential building proposed
17 opposite the new hospital does not respect the
18 height of the new hospital and may cause
19 morning shadows on hospital rooms.

20 Now, dealing with the OP and the
21 November 10th final report, the OP report
22 indicates that the proposed project will

1 exceed the matter of right C-3 density and
2 height due to PUD bonuses. OP provides no
3 planning basis or rationale for such extra
4 development potential.

5 The OP report mentions that rental
6 housing may encourage more students to live on
7 campus. There is no indication in the
8 application that the eight percent affordable
9 housing units will be set aside for GW
10 students.

11 OP indicates the advantages of the
12 proposed public benefits provided by the
13 project design. The public benefits offered
14 included the green roof and the LEED elements.
15 These benefits can also be provided in the
16 square under a lower density development --
17 for institutional-academic purposes -- and
18 will soon be required by law, since the
19 Council passed this legislation and it is now
20 pending before the Congress.

21 So you can get these environmental
22 benefits by applying it to a lower density.

1 It doesn't only apply to higher density.

2 Page 5 of the OP report states
3 that this PUD will require further definition
4 of proposed amenities at the public hearing.
5 Among other issues, the report mentions that
6 the grocery store size and type should be
7 further defined.

8 Since this is a consolidated PUD
9 application, such questions should have been
10 resolved in the application as it was
11 submitted, not to have to take your time to
12 sort out what kind and what size grocery store
13 this is going to be.

14 OP recommends significant monetary
15 contributions toward the design and
16 engineering of a second Metro entrance. Why
17 only design and engineering? There is no
18 specific amount mentioned, nor a definition of
19 what is significant. There are examples in
20 the city where the developers have contributed
21 to actual construction of the additional Metro
22 entrances.

1 The OP report mentions the
2 proposed massive glass atrium facing
3 Washington Circle. No analysis was provided
4 as to what amount of sun reflection may occur
5 onto the historic circle from the glass atrium
6 or from the glass and the metal curtain walls.

7 The report states in general the
8 project is of a very high-quality design.
9 What guidelines or criteria did OP use to make
10 this kind of a finding or statement? OP
11 believes that the public benefits discussed
12 with the applicant and listed in the report
13 are generally commensurate with the requested
14 density, subject to finalization of
15 commitments of the grocery store, Metro
16 entrance, and green roof. What criteria were
17 used to make these findings?

18 The OP report, on page 7, admits
19 that the remainder of the square is designated
20 in institutional. And while there is no
21 university use, aside from parking, proposed
22 for the square the commercial use of the

1 property as part of the overall campus plan
2 currently being considered will be consistent
3 with land use policies of the comprehensive
4 plan. This statement, in my opinion, is a
5 gross rationalization of the facts.

6 OP's finding that in general the
7 proposed development is not inconsistent with
8 the policies of any -- and furthers the
9 objectives of D.C. comprehensive plan -- is
10 too generalized and does not apply adequately
11 to the comprehensive plan specific policies as
12 stated for Square 54.

13 Placing student dormitories or
14 other housing on Square 54 may not be as
15 financially lucrative for GW as other uses,
16 but it would effectively implement the student
17 housing Section 1342.1(b) and 1358.1 of the
18 comprehensive plan.

19 What makes sense? Development
20 within the boundaries of the official campus
21 plan should be consistent with the
22 institutional designation set forth in the

1 comprehensive plan and within the limits of
2 Section 210 of the regulations.

3 A compatible alternative to office
4 use or student housing would be to place a
5 proposed science center on part of or on all
6 of the prominent site.

7 I'd be happy to answer any
8 questions on my testimony that I have
9 provided.

10 Thank you.

11 MR. HITCHCOCK: Our final witness,
12 Joe Mehra, will discuss the traffic and
13 transportation issues.

14 MR. MEHRA: Good evening. I'm Joe
15 Mehra. Before we get into the slide
16 presentation, I just want to mention that a
17 total of five traffic studies was submitted --
18 two for Square 54 and three for the companion
19 GWU applications.

20 There are significant differences
21 and discrepancies between these reports,
22 although they are supposed to be projecting

1 traffic for the same intersections in all five
2 studies. And I want to point out the
3 significant differences and discrepancies and
4 their impacts.

5 The first one is the existing
6 conditions. In the peak hour determination,
7 the original May 24th report that was prepared
8 for the Square 54 study showed that the street
9 peak hours are 8:00 a.m. to 9:00 a.m. and 5:15
10 to 6:15 p.m. And, incidentally, the GW campus
11 plan peak hour is also 8:00 a.m. to 9:00 a.m.

12 The October 2006 revision states
13 that the peak hours are now 8:30 to 9:30 and
14 5:30 to 6:30 p.m. The selection of the peak
15 hours is critical to the study, as well as the
16 companion GWU campus traffic study. No
17 reasons are presented for the change in the
18 peak hour determination.

19 The peak hour is supposed to
20 represent the worst hour of the morning or
21 afternoon peak periods. Selection of the
22 hour, other than the peak, will result in

1 better levels of service than the actual peak
2 hour.

3 Another discrepancy -- the October
4 report shows the existing traffic volumes are
5 almost half of the May 24th report, which
6 means 50 percent less at some of the
7 intersections. Again, no reasons are provided
8 for the significant decrease in traffic in the
9 Foggy Bottom area between May and October of
10 last year.

11 Next one is background conditions.
12 The future conditions are calculated for the
13 year 2010. I believe just half an hour ago
14 there was a long discussion on the time when
15 this project will be completed and occupied.
16 The traffic study assumed that it would be
17 done in four years, by 2010.

18 The longer the period for
19 occupancy and completion, the higher the
20 traffic growth. What you are doing is adding
21 more background traffic. So the traffic
22 study, based on 2010, presents more optimistic

1 conditions than if the project was completed,
2 say, in 2015.

3 We also applied an assumption of
4 half a percent per year growth to the existing
5 traffic, excluding the George Washington
6 University traffic, to obtain background
7 conditions. The District Department of
8 Transportation study for the lower west end
9 included -- that included part of the study
10 area was released in July of last year.

11 The DDOT study assumed a one
12 percent per year growth for background
13 conditions and included the GWU traffic also
14 in that one percent per year growth. Due to
15 the differences in growth rates, half a
16 percent versus the one percent, and the
17 exclusion of GWU traffic, the total trips
18 forecasted for the background conditions are
19 significantly less in the Wells report than
20 the use of the DDOT study growth rate.

21 For example, the northbound
22 traffic on Washington Circle at Pennsylvania

1 Avenue is estimated to increase by 46 vehicles
2 during the a.m. peak hour by Wells. If you
3 use the data from DDOT, and still sticking
4 with the 2010 forecast year, this will be 93
5 vehicles rather than 46 vehicles. This, in
6 turn, will worsen the levels of service.

7 The 2010 background conditions --
8 without the site developed, without the Square
9 54 developed, includes vehicle trips generated
10 by other developments, including the GWU
11 campus plan.

12 There is significant discrepancy
13 in vehicle trip rates for the GWU expansion.
14 The August 24, 2006, GWU traffic study used
15 the falling trip rates and trips for the
16 students and staff during the a.m. peak hour.
17 These are shown on the slide here. The
18 students are .023 trips per student, or 28
19 trips for approximately 1,200 students. The
20 staff is about .178 trips per staff or 178 for
21 1,000 staff.

22 The October 2006 Square 54 traffic

1 study assumed the student trip rate as 0.013
2 or 16 trips for 1,200 students, and staff as
3 being 0.013 or 131 trips for 1,000 staff. And
4 similar discrepancies are also in the p.m.
5 peak hour trip data.

6 These discrepancies need to be
7 explained. Lower trip rates result in less
8 vehicle trip generation and subsequently a
9 better level of service. It should be noted
10 that this is a critical discrepancy, because
11 the Commission has requested the applicant to
12 conduct the traffic analysis assuming the
13 faculty and staff population as being 12,529,
14 or an increase of 6,475 over the current
15 levels.

16 The vehicle trip generation for
17 this increase of 6,475 faculty and staff using
18 the two-study results is shown in this
19 graphic. As can be seen in August 2006 study,
20 the a.m. peak hours are 1,166, whereas the
21 October 2006 study shows 851, which basically
22 means that the new study has 315 less trips

1 just during the a.m. peak hour.

2 This difference of 315 vehicles
3 will have a significant impact on the
4 projected levels of service. In terms of the
5 level of service, the existing conditions
6 analysis based on the Wells report dated
7 October 2006 showed that five out of the 20
8 intersections analyzed have some approaches
9 failing, which means that they are currently
10 operating at LOS-E or LOS-F.

11 With the background traffic, which
12 is half a percent per year, and Square 54
13 traffic, the future conditions analysis showed
14 that seven out of the 20 intersections will
15 have some approaches that will be failing, and
16 these are based on the Wells report.

17 After mitigation proposed by
18 Wells, six out of 20 intersections will still
19 be failing, and these intersections include
20 Washington Circle and K Street eastbound, 23rd
21 and I Street, 23rd, F, and Virginia Avenue.

22 The proposed mitigation will

1 result in only one intersection improving from
2 failing level of service to acceptable
3 conditions. If the DDOT study growth rates
4 were used, then it is conceivable that three
5 more intersections may fail, since they are
6 currently projecting to be operated at
7 marginal level of service D.

8 In view of the traffic analysis
9 that has been conducted, and the fact that six
10 out of 20 intersections still fail after the
11 mitigation proposed in the study, the project
12 should be scaled down or additional mitigation
13 measures should be proposed to mitigate six
14 out of the 20 intersections.

15 Thank you.

16 MR. HITCHCOCK: That concludes our
17 presentation.

18 CHAIRPERSON MITTEN: Thank you,
19 Mr. Hitchcock.

20 Can we have the lights up, please?

21 Questions from the Commission?

22 VICE CHAIRPERSON HOOD: Madam

1 Chair, I just have two quick questions for Mr.
2 Oberlander.

3 Mr. Oberlander, I probably have
4 asked you this previously in other cases, but
5 from your experience, what is the
6 comprehensive plan? A short version, so
7 hopefully I can remember. What is the
8 comprehensive plan? I know it's a guidance
9 document. What else is it? Is it something
10 that I look at it and I'm supposed to
11 mandatory go by, or -- I know we've had this
12 discussion before, but refresh my memory.

13 MR. OBERLANDER: The comprehensive
14 plan is a policy statement of the future
15 growth and development of the nation's
16 capital. Now, the specific --

17 VICE CHAIRPERSON HOOD: Is that
18 the short version?

19 MR. OBERLANDER: That's the short
20 --

21 VICE CHAIRPERSON HOOD: Okay.

22 MR. OBERLANDER: -- version. The

1 specific reference to whether you need to go
2 by it or not --

3 VICE CHAIRPERSON HOOD: Okay.

4 MR. OBERLANDER: -- the Home Rule
5 Act establishes that zoning shall not be
6 inconsistent with the comprehensive plan, and
7 that is an issue that this Commission has to
8 address in each and every case. And that's my
9 opinion, as stated in the testimony, is that
10 there are various policies that are violated
11 by this PUD proposal.

12 VICE CHAIRPERSON HOOD: And I know
13 you worked very hard with the task force on
14 the comprehensive plan. You heard a
15 discussion I had with Mr. Parker earlier about
16 whether we should I guess be referring to Mr.
17 Parker -- you can shake your head if I
18 misquote you, because that was probably an
19 hour and a half ago, so I may have it wrong by
20 now.

21 But earlier you heard me and Mr.
22 Parker having a discussion about the

1 comprehensive plan, and that it was the one by
2 the Council which was just approved and signed
3 by the Mayor. I believe by now it has been
4 done.

5 MR. OBERLANDER: But it is not yet
6 in effect.

7 VICE CHAIRPERSON HOOD: It is not
8 in effect now. So my question to you is --
9 and I think my question -- I've got to
10 remember -- it was whether the new one pretty
11 much said the same language as the old one,
12 and I think, Mr. Parker, you said that it had
13 the same language. Ms. Kahlow I think didn't
14 agree with that.

15 What is your take on it?

16 MR. OBERLANDER: Well, I can't
17 testify to the specific policies that -- the
18 current plan which is in effect. Those I have
19 cited in the testimony. I do not know whether
20 in the new plan there are identical policies.
21 What Mr. Parker testified to is the land use
22 policy, which is the map, and that shows

1 basically the same. But it's the language, in
2 terms of the dormitory requirement and in
3 terms of institutional uses, which in my
4 opinion is being violated.

5 VICE CHAIRPERSON HOOD: Okay.
6 And, Madam Chair, I'm not sure -- Mr. Mehra's
7 report, I don't know if this was the case,
8 because right now it is all running together
9 for me. But I'm -- didn't we -- when is this
10 report supposed to go over to DDOT?

11 CHAIRPERSON MITTEN: We had this
12 same sort of testimony, and I was going to ask
13 that when -- if someone didn't ask before me.
14 When Mr. Mehra testified in the campus plan
15 case with the PUD, we asked him to talk to
16 DDOT, because in that case, if I recall
17 correctly, you hadn't talked to DDOT about
18 your conclusions. Is that right?

19 MR. MEHRA: Right. But we did
20 meet with DDOT after that.

21 CHAIRPERSON MITTEN: On this or
22 the other?

1 MR. MEHRA: Well, basically, both
2 projects together, and all three reports that
3 I prepared were submitted to them.

4 CHAIRPERSON MITTEN: Okay.

5 MR. MEHRA: To DDOT.

6 CHAIRPERSON MITTEN: And did you
7 ever get a response from DDOT?

8 MR. MEHRA: I believe there was
9 some response today at 5:30 or so. I didn't
10 really have enough time to go through it and
11 see what the response was.

12 CHAIRPERSON MITTEN: That's on the
13 campus -- that's on the other case.

14 MR. MEHRA: Right.

15 CHAIRPERSON MITTEN: Oh, okay.

16 VICE CHAIRPERSON HOOD: So we
17 never -- I wonder if we could do this --

18 CHAIRPERSON MITTEN: Absolutely.

19 VICE CHAIRPERSON HOOD: Would it
20 be feasible to do the same thing?

21 CHAIRPERSON MITTEN: We have to do
22 it. We have to do it.

1 VICE CHAIRPERSON HOOD: Can we do
2 that? I don't know who can set that up or how
3 we can, but it would be good if we can do
4 that.

5 Thank you.

6 CHAIRPERSON MITTEN: So just so
7 we're clear, if you -- I guess you have
8 already shared your conclusions with DDOT.
9 We're going to have to ask the intervention of
10 the Office of Planning to get a detailed
11 response from DDOT, and we know that that's a
12 struggle, but we ask you to do it anybody and
13 fight the good fight to help us get informed.

14 MR. HITCHCOCK: Madam Chair, a
15 question on procedure. Are you contemplating
16 that DDOT would come back for additional
17 testimony?

18 CHAIRPERSON MITTEN: I've learned
19 not to contemplate that. But I would like --
20 I would like a written response from DDOT, if
21 we can get it.

22 MR. HITCHCOCK: Okay. I would

1 note the objection that we raised in the
2 campus plan case as well. It's easy for
3 someone to sit in their office and draft
4 responses knowing that they're not going to be
5 questioned on it. But this is a contested
6 case. And if there is going to be additional
7 material coming in, we should have a right to
8 ask questions, not just in writing but in a
9 proceeding of this sort.

10 CHAIRPERSON MITTEN: I understand.
11 And I don't know if my -- if I respond to you
12 or this was another case. As I said, you have
13 to trust the Commission. If we find the
14 response lacking, then we'll need to convene
15 another hearing at that point.

16 But at this juncture, I mean, I
17 think, you know, we struggle with getting DDOT
18 here. So let's see what we get back.

19 MR. HITCHCOCK: I understand the
20 Commission's point. I mean, our concern is
21 just from the standpoint of procedural due
22 process.

1 CHAIRPERSON MITTEN: I understand.

2 MR. HITCHCOCK: I mean, there is a
3 statute. The statute creates certain rights.
4 And these are, you know, contested issues.
5 And if the Commission is going to be making
6 findings on testimony that comes in without a
7 chance to question, that raises questions.

8 CHAIRPERSON MITTEN: Okay.

9 MR. HITCHCOCK: And I'll leave it
10 there.

11 CHAIRPERSON MITTEN: Thanks.

12 Any other questions? Mr.
13 Turnbull?

14 COMMISSIONER TURNBULL: Thank you,
15 Madam Chair.

16 I just wanted to clarify with Mr.
17 Oberlander. In your testimony, at one point
18 you were -- in your estimation, you were
19 talking about Square 54 following
20 institutional uses. But then, I think later
21 on in your testimony you were referencing to
22 going -- an option of C-1-C zoning for retail

1 and office. Were you -- which gets away from
2 the institutional use, so I just want to
3 clarify your position on how you were mixing
4 the two.

5 MR. OBERLANDER: My position is --
6 should be clear. I apologize for the language
7 not being as clear as it should be.
8 Institutional use is a predominant use. There
9 could be, in a square that is this big, a
10 commercial -- a small commercial facility.
11 But the language in this document, in this
12 map, is predominant use.

13 What is meant by "predominant"?
14 There have been zoning cases, or, rather,
15 court cases over the years. The one I recall
16 most particularly is the Georgetown Waterfront
17 case where I had to testify in court as to
18 what is meant by the Planning Commission's
19 definition of "predominant."

20 And the best that I could come up
21 with is the staff, at that time, had a feeling
22 of 75 percent of the use on the particular

1 square as predominant land use -- housing or
2 commercial or whatever the plan calls for.
3 But in the true sense, "predominant"
4 mathematically is a little bit more than 50
5 percent.

6 So the court never concluded in
7 the Georgetown Waterfront case what really
8 "predominant" meant. But that's the language
9 still maintained, and that was in the previous
10 comprehensive plans, and that is still in the
11 current and the new comprehensive plan.

12 CHAIRPERSON MITTEN: Anyone else?
13 Questions?

14 (No response.)

15 I think I might have, in listening
16 to the testimony, figured out a way to get a
17 more direct answer to Commissioner Parsons'
18 question from before, which is the testimony
19 focused on a couple of things that can be
20 considered artificial. One is that this
21 property is owned by the university.

22 It doesn't need to be owned by the

1 university, and the testimony that Ms. Elliott
2 read that would have otherwise been presented
3 by Ms. Howell, who is now here -- welcome --
4 you talk about the fact that, like Square 119,
5 GW could sell the site.

6 Okay. So, then, that would remove
7 the GW relationship from the equation. And if
8 they did that, presumably the campus plan
9 boundary line would be redrawn. So if that
10 were the situation, what would be the
11 appropriate -- from your perspective, what
12 would be the appropriate zoning for this site?

13 MR. OBERLANDER: Well, again, the
14 land use designation, no matter who owns the
15 land, is -- the predominant use is
16 institutional. If you're assuming that once
17 the university sells the land, the change in
18 land use would take place. Then, a specific
19 analysis should be done as to what is really
20 the best usage of that land.

21 But the campus planning, which --
22 you know, you can't just take Square 54 and

1 think of it by itself. The university has
2 presented a campus plan. There have been
3 several campus plans. This square, by the
4 way, if you'll remember, is not in the current
5 campus plan.

6 I never could understand why the
7 university took that approach, but they
8 decided to go the PUD route. In other words,
9 as we've testified to, try to take it away
10 from the Section 210 provisions of the
11 regulations in order to get greater density.

12 So to answer your question more
13 specifically, what would be appropriate? Some
14 other religious institution under the
15 institutional uses?

16 CHAIRPERSON MITTEN: But you can't
17 possibly be suggesting that the university is
18 in some way constrained because of the blue
19 color on the land use map as to who they would
20 sell the property to.

21 MR. OBERLANDER: No, I'm not
22 suggesting that at all. I'm saying that the

1 comprehensive plan's land use designation, as
2 it stands, if the university sells the land,
3 is still institutional unless that particular
4 piece of land were taken out of the
5 institutional use.

6 CHAIRPERSON MITTEN: Well, and
7 that's why it's no good. That's why it's not
8 helpful. That's why I wish you guys had
9 changed that. It doesn't make any difference.
10 I mean, that's a -- to me that's a non-
11 argument. That's not helpful. That is not
12 helpful. But anyway, and I can see we're not
13 going to get a straight answer to the
14 question, but I gave it another shot, Mr.
15 Parsons.

16 (Laughter.)

17 Okay. If we can get the followup
18 on, you know, the traffic, that would be
19 extremely helpful, because, you know, we do
20 appreciate the different perspective that you
21 bring, Mr. Mehra, and we try and get all of
22 the experts to at least reconcile the what

1 seem to be factual differences.

2 So, anybody else on followup?

3 (No response.)

4 Okay. Mr. Feola?

5 MR. FEOLA: Thank you, Madam
6 Chair. I just really have one question for
7 Mr. Oberlander.

8 Mr. Oberlander, your testimony
9 focuses on the color on the map, the land use
10 map, as to why this project is not consistent
11 with the comprehensive plan. You are aware,
12 I take it, that there are other elements of
13 the comprehensive plan, correct?

14 MR. OBERLANDER: Yes, and I have
15 cited those in the testimony.

16 MR. FEOLA: The housing element?

17 MR. OBERLANDER: Yes.

18 MR. FEOLA: Did you cite the
19 housing element?

20 MR. OBERLANDER: Yes. But there
21 are other provisions --

22 MR. FEOLA: Did you --

1 MR. OBERLANDER: -- for the
2 student housing that --

3 MR. FEOLA: I'm not talking about
4 student housing. I'm talking about the
5 housing element in the comprehensive plan.
6 Are you aware of that?

7 MR. OBERLANDER: Yes.

8 MR. FEOLA: Are you aware that
9 there's an economic development element of the
10 comprehensive plan?

11 MR. OBERLANDER: Yes.

12 MR. FEOLA: Are you aware that
13 there is an environmental element of the
14 comprehensive plan?

15 MR. OBERLANDER: Yes.

16 MR. FEOLA: Are you aware that
17 there's an urban design element of the
18 comprehensive plan?

19 MR. OBERLANDER: Yes.

20 MR. FEOLA: So the plan is more
21 than the two maps you have in front of you, is
22 that correct?

1 MR. OBERLANDER: Absolutely.

2 MR. FEOLA: Thank you.

3 CHAIRPERSON MITTEN: Ms. Kahlow,
4 did you have any questions?

5 MS. KAHLOW: No, I do not.

6 CHAIRPERSON MITTEN: Okay. Thank
7 you all for your testimony.

8 Ms. Kahlow, it's your turn.

9 MS. KAHLOW: I found one working.

10 CHAIRPERSON MITTEN: Please go
11 ahead whenever you're ready.

12 MS. KAHLOW: Yes, I had to find
13 one that was working.

14 I, Barbara Kahlow, live at 800
15 25th Street, N.W. I am testifying on behalf
16 of the West End Citizens Association, the
17 oldest citizens organization in the Foggy
18 Bottom/West End area.

19 The WECA is primarily interested
20 in maintaining the quality of life for the
21 existing residential community in Foggy
22 Bottom/West End. Regarding GW's application

1 for Square 54, the WECA has consistently
2 maintained in previous official D.C. hearings
3 and other public meetings that for various
4 reasons, including safety, the frontage on
5 Washington Circle should be no higher than the
6 current zoning allows, i.e. 90 feet for short
7 distance, and then rising to 110, 130, or 142
8 feet as proposed, and restricted to
9 residential use, which would be consistent
10 with both sides of Pennsylvania Avenue in the
11 Foggy Bottom/West End area west of the circle
12 and around the circle.

13 Today I have four areas to cover.
14 One, is the requested map amendment justified?
15 The answer is no. GW wants to upzone the site
16 from R-5-D to C-3-C and via PUD. The
17 requested upzoning is clearly unjustified. GW
18 has several rationales for this upzoning, but
19 the principal one is GW's desire to exempt
20 this site from the aggregate floor area ratio
21 -- FAR -- cap of 3.5 in Section 210 for
22 residentially zoned properties, i.e. to

1 obviate the entire purpose of the Commission's
2 regulations for colleges and universities.

3 Square 54 is zoned R-5-D and is
4 surrounded, with one small exception of a
5 medical office building, by only R-5-D and R-
6 5-E zoned properties. R-5-D limits FAR to
7 3.5. R-5-E limits FAR to 6.0.

8 Similarly, C-2-C with a PUD limits
9 FAR to 6.0, while C-3-A and C-3-B zoning with
10 PUDs is even more restrictive. GW's request
11 is to upzone C-3-C, which is what the PUD
12 allows, FAR to 8.0. I earlier referred in
13 questioning the Office of Planning why they
14 didn't consider CR. CR zoning with a PUD also
15 allows FAR to 8.0. The difference is height.

16 The application before you
17 requests 7.5 FAR. This request -- 144 percent
18 increase in density -- 114 percent increase in
19 density from 3.5 to 7.5 is truly excessive.
20 Further, R-5-D limits height to 90 feet, while
21 C-3-C of a PUD allows height to 130 feet. The
22 application requests 130 feet. Thus, GW's

1 request is for a 44 percent increase in height
2 from 90 to 130 feet.

3 In the supplemental filing GW
4 filed on December 26th, it revealed that part
5 of the site is really 142 feet, which would
6 mean an increase of 58 percent. This is truly
7 excessive, and, as I've indicated, perhaps
8 inconsistent with the current law on the
9 Height Act, which has been litigated recently
10 in a GW case by the community for the proposed
11 site of WECA two blocks away, and the
12 community prevailed.

13 On April 14, '06, then Office of
14 Planning Director, in an OP-convened meeting,
15 committed to the West End -- Foggy Bottom/West
16 End community in the library that the height
17 around Washington Circle would not exceed 90
18 feet.

19 Except for the International
20 Finance Corporation building, which used
21 transferrable development rights, which came
22 from another area of D.C., to increase its

1 height to 130 feet, the buildings around
2 Washington Circle and to its west in the Foggy
3 Bottom/West End residential neighborhood area
4 are no higher than 90 feet.

5 These include the low-scale
6 landmark Schneider's Triangle Townhouses, to
7 which I previously referred, to the north, the
8 90-foot GW hospital to the west, and the two
9 85-foot GW dorms to the south. The chart I
10 have in my testimony should be -- there should
11 be a change to it -- the height limit being
12 130 feet. GW is requesting actually for the
13 site up to 142 feet.

14 Lastly, the current comprehensive
15 plan's existing land use map shows Square 54
16 is 100 percent institutional, and the planned
17 land use map shows all but a tiny sliver is
18 institutional.

19 Mr. Oberlander asked if these were
20 already in the record. If they are not, I
21 would like to have the opportunity to present
22 them. They are part of the records of the

1 Office of Planning. Or, if he has an extra
2 copy with him, he could submit them. I think
3 you need to look at the whole context to see
4 that this really is institutional.

5 Two, does the application have the
6 right mix and location for the various uses?
7 The answer is no. Since the building around
8 Washington Circle, with the noted exception of
9 the IFC to its west -- and to the west in the
10 West End north of Pennsylvania Avenue, and
11 Foggy Bottom south of Pennsylvania Avenue are
12 largely residential, the WECA strongly
13 believes that the residential uses in this
14 project need to be located around Washington
15 Circle.

16 Placing commercial uses around the
17 circle would lead to a dead area at night,
18 thus posing a significant safety problem for
19 our neighborhood. Additionally, the proposed
20 130-foot 14-story building to the best of the
21 2141 President Condominium could significantly
22 block light and air for these residents, those

1 south of Schneider's Triangle, and in
2 Washington Circle, and other buildings, as has
3 been testified, such as The Letterman House
4 and any other residential building actually
5 anywhere in the line of sight.

6 The WECA requests that the
7 Commission require the applicant to present
8 shadow studies, not just have witnesses
9 present partial information, as has been
10 traditionally required by both the BZA and the
11 Zoning Commission in cases impacting issues of
12 residential safety or sufficient air and
13 light.

14 Three, is the application complete
15 for Commission action? I am repeating my
16 statement of many times with a little
17 deviation. The answer is no. Current D.C.
18 law and codified rules require full compliance
19 with the D.C. Environmental Policy Act for
20 projects which exceed the million dollar
21 threshold before the Commission can approve
22 this application.

1 D.C. rules provide agencies,
2 boards, and Commissions to integrate the
3 environmental impact statement EIS process
4 with other planning processes at the earliest
5 stages they are planning for major actions
6 when the widest range of feasible alternatives
7 is open for consideration.

8 In addition, on November 1st of
9 '06, in its post-hearing submission for the
10 School Without Walls site, GW quoted Chair
11 Mitten's September 14, '06, statements
12 relating to the Foggy Bottom Association's
13 motion for the campus plan cases, Number 06-11
14 and 06-12, "This is a first stage PUD, and
15 there is no permission being granted. These
16 are not permissions to even build specific
17 buildings."

18 GW's September 11, '06, opposition
19 to the FBA motion "to postpone case pending
20 preparation of a consolidated environmental
21 review" stated, "with campus plans and first
22 stage PUDs, buildings presented only in

1 concept and the plans failed to present enough
2 information about each specific structure for
3 full and proper environmental assessment."

4 The instant application is neither
5 a campus plan nor a first state PUD, and there
6 are no specifics for a full and proper
7 environmental assessment at this point. We
8 believe that a full and proper environmental
9 assessment is especially needed in this case
10 due to the D.C. Department of Health's
11 December 9, 1999, finding "that there is
12 essentially no remaining air resource margin
13 in the 23rd Street corridor just south of
14 Washington Circle."

15 The Department of Health's 1999
16 memorandum further advised the city, "We have
17 also concluded that it is important for both
18 of our agencies" -- in that case it was DCRA
19 -- "to pay close attention to future permit
20 applications for the use of either the
21 existing building or the land at the site of
22 the current GW hospital," Square 54.

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1 The university hospital system did
2 not ask its contractor to take into account
3 traffic that might be generated in the future
4 by or at the existing site.

5 Insofar as the technical analysis
6 that is being used to support the permit
7 application for the replacement hospital
8 project does not take into account air
9 pollution that might be generated by such
10 future use, please be advised that future uses
11 at this site, Square 54, may be found to be
12 highly constrained. Future uses at this site,
13 Square 54, may be found to be highly
14 constrained.

15 Since we heard from the Office of
16 Planning today that they have not yet asked
17 the D.C. Department of Health, despite this
18 analysis, for their input, the WECA requests
19 the Commission to seek the D.C. Department of
20 Health input before taking action on this
21 application.

22 The environmental analysis, on

1 pages 16 through 7 of the applicant's
2 presentation, is woefully incomplete. For
3 example, it includes no mention whatsoever of
4 air quality. And as of the Office of Planning
5 testified today, they are very concerned about
6 air quality.

7 As we have repeatedly stated, D.C.
8 is below -- or above the national standard for
9 ambient air. And as a consequence, it is out
10 of compliance. This makes it only worse.

11 The conclusion on page 18 of the
12 applicant's presentation is clearly inaccurate
13 and incomplete stating "design that minimizes
14 visual -- adverse visual and physical impact
15 on the Foggy Bottom and West End
16 neighborhoods."

17 An even more significant question
18 is how it is possible for the project to have
19 four levels of below grade parking due to the
20 rock formation and underground waterflows in
21 the area. Didn't WMATA have great difficulty
22 during construction of its Foggy Bottom Metro

1 stop?

2 I neglected to ask the Office of
3 Planning about that, since WMATA is a federal
4 agency. However, that needs to be -- that
5 analysis needs to be done about the rock and
6 the water. If you recall in other zoning
7 cases, such as at 2501 Penn, they could not go
8 down more than two levels because of the rock
9 formation, and in other cases because of the
10 water as well. This is a serious issue that
11 would completely change the entire
12 application.

13 Further, OP set down in final
14 reports for Square 54 -- both state, "The
15 community has expressed concern regarding the
16 environmental impact to the project," and OP
17 shares these concerns, as I have cross
18 examined OP today.

19 In addition, OP's final report
20 shows no referral yet to the D.C. Department
21 of Health, which it has not yet done. As
22 required in the PUD process, were the dollars

1 estimated for proffered amenities including
2 for streetscape improvements? Yes, there has
3 been a supplemental filing since I prepared
4 this for the first hearing, but it is
5 incomplete.

6 And they are "up to" numbers
7 instead of actual numbers, and I think you
8 need an actual total numbers, and see if they
9 are commensurate with the increased FAR, this
10 huge increase that is being requested. I
11 think in no way -- and the Foggy Bottom
12 community has multiple times submitted
13 economic analysis. In no way did the
14 proffered amenities balance the complete
15 increase that they are proposing of a 114
16 percent increase in density and a 58 percent
17 increase in height. I think I have that
18 number right.

19 Four, will the increase in traffic
20 around Washington Circle be workable? The
21 answer is no. As Vice Chairman Hood has
22 repeatedly questioned, the WECA believes that

1 the applicant's traffic impact data are not
2 completely credible. Washington Circle
3 currently operates at level of service F
4 during the afternoon rush.

5 The applicant's requested 7.5 FAR
6 with 1,026 parking spaces will only exacerbate
7 an already untenable situation. This is not
8 just replacement traffic. Since there is
9 going to be new retail, new residences, those
10 are new people, new cars, into the
11 neighborhood. In fact, the applicant's
12 transportation impact study admits that under
13 existing conditions Washington Circle, K
14 Street eastbound, currently operates at level
15 of service F both in the a.m. and p.m. peak
16 periods.

17 The applicant's transportation
18 impact study also admits adverse impacts at
19 the following intersections: 22nd and Penn,
20 23rd and I, and 24th and K. The updated
21 version of the study admits adverse impacts at
22 the following additional intersections: 23rd,

1 F, and Virginia; 24th and Penn.

2 Lastly, traffic counts during the
3 summer, on July 12, '05, are clearly not
4 representative of year-round traffic,
5 particularly when the normal flow period for
6 traffic is from September through May when GW
7 is holding classes and they are performances
8 and games in various buildings.

9 On December 7th, at the Zoning
10 Commission's request, in the related case of
11 the campus plan, Case Numbers 06-11 and -12,
12 the WECA asked DDOT in writing for an
13 independent analysis of the 16 failing E or F
14 level of service intersections in the area,
15 including many around Washington Circle, since
16 11 of the 16 increase in grade despite
17 mitigation.

18 DDOT never responded. In fact,
19 its submission late this afternoon after 5:00
20 only partially answered those of the Foggy
21 Bottom Association witness, answered none of
22 our questions. We have already filed findings

1 of fact. Anything would be obviously --
2 should be excluded from the record, since we
3 haven't had a chance to cross examine it.

4 The fact is we have not had the
5 analysis we need, not just of Mr. Mehra, but
6 of what we asked for, and you asked us to ask
7 for in writing on December 7th. We submitted
8 the matrix of all the detailed questions and
9 got no response whatsoever. They haven't
10 taken a moment to look at it.

11 In addition, the Commission should
12 know that the application includes several
13 misstatements which are noted at the end of my
14 testimony. I'd like to add one more to those
15 before I -- I'm not going to read them all,
16 but in this latest filing, as I asked the --
17 and the Office of Planning concurred, the --
18 it says Square 54 is in the central business
19 district. It is not. It is not in the CEA,
20 it is not in the central business district, it
21 is in none of those.

22 In sum, the WECA objects to the

1 magnitude of this proposal and believes that
2 it would impose multiple adverse impacts on
3 the entire Foggy Bottom/West End residential
4 neighborhood.

5 Thank you for consideration of our
6 views. I would like to say that, of the
7 questions you've asked other witnesses, I am
8 prepared to answer those, and would be
9 delighted to do so, if you will ask me those
10 questions.

11 Thank you.

12 CHAIRPERSON MITTEN: Thank you.
13 Questions for Ms. Kahlow?

14 (No response.)

15 You commented in your testimony
16 about -- and you had asked Mr. Parker about C-
17 R.

18 MS. KAHLOW: Yes.

19 CHAIRPERSON MITTEN: Is that a
20 zone that you would advocate for Square 54?

21 MS. KAHLOW: I was saying that it
22 is a more -- something that they should have

1 considered in the alternative as we were
2 successful when we presented it to another
3 applicant in the -- two blocks away, since it
4 allows more FAR but less height -- 110 feet.

5 One hundred thirty feet is clearly
6 excessive, with shadows, quality of life, with
7 the entire neighborhood, when we looked at all
8 these maps, with the 36-foot buildings,
9 etcetera. It's just completely out of scale.
10 So it's something they should have considered
11 an alternative, and I was surprised that they
12 did not consider it.

13 CHAIRPERSON MITTEN: No. But I'm
14 asking you a different question. I'm asking:
15 are you advocating that for Square 54?

16 MS. KAHLOW: I am saying that it
17 is better, but still inappropriate.

18 CHAIRPERSON MITTEN: Okay.

19 MS. KAHLOW: But it is definitely
20 better.

21 CHAIRPERSON MITTEN: Okay.
22 Anybody else have any questions for Ms.

1 Kahlow?

2 (No response.)

3 Okay. Mr. Feola, did you have any
4 questions?

5 MR. FEOLA: I just have one
6 question. Ms. Kahlow, you just said in your
7 oral statement that the traffic counts in the
8 Wells report were taken in July. My report
9 says October and May, those two days. Could
10 you cite --

11 MS. KAHLOW: The July 12, '05, was
12 the initial one. And if you looked at Mr.
13 Mehra's charts, he showed the July '05 --

14 MR. FEOLA: But not in the Square
15 54 case.

16 MS. KAHLOW: In the Square 54
17 case.

18 MR. FEOLA: Can you point to a
19 page in that traffic analysis that says that?

20 MS. KAHLOW: I could, except for I
21 don't have it with me. That's the problem.
22 I could provide that for the record.

1 MR. FEOLA: Okay.

2 MS. KAHLOW: I definitely could,
3 because it does exist. Would you like me to
4 provide it for the record? I just didn't
5 bring it today.

6 CHAIRPERSON MITTEN: Did you want
7 her to highlight that page for the record?

8 MR. FEOLA: If she could find it,
9 I'd like to see it, because --

10 CHAIRPERSON MITTEN: Okay.

11 MR. FEOLA: -- my report says
12 October and May.

13 CHAIRPERSON MITTEN: Okay. So
14 that would be a yes, Ms. Kahlow.

15 MS. KAHLOW: Okay.

16 CHAIRPERSON MITTEN: Mr.
17 Hitchcock, did you have any questions for Ms.
18 Kahlow?

19 MR. HITCHCOCK: No questions.

20 CHAIRPERSON MITTEN: Okay. Thank
21 you very much. Thank you, Ms. Kahlow.

22 MS. KAHLOW: Thank you.

1 CHAIRPERSON MITTEN: Mr. Feola?

2 MR. FEOLA: Thank you, Madam
3 Chair. For the record, Phil Feola.

4 We only really have two rebuttal
5 witnesses, one of which we would like to
6 submit in writing to save some time.

7 CHAIRPERSON MITTEN: Which one
8 would that be?

9 MR. FEOLA: Traffic.

10 CHAIRPERSON MITTEN: Okay.

11 MR. FEOLA: Jamie Milanovich.

12 CHAIRPERSON MITTEN: I was hoping
13 that would be --

14 MR. FEOLA: From Wells and
15 Associates.

16 CHAIRPERSON MITTEN: -- a written
17 --

18 MR. FEOLA: I think staff is
19 passing it out. We have given it to the
20 parties. She is here to answer questions from
21 the Commission and cross examination on the
22 rebuttal, if that's appropriate.

1 CHAIRPERSON MITTEN: Okay. Just
2 so that I know, did you do a point by point to
3 Mr. Mehra's?

4 MR. FEOLA: Yes.

5 CHAIRPERSON MITTEN: Okay.

6 MR. FEOLA: And that's in the
7 memo.

8 CHAIRPERSON MITTEN: Great.

9 MR. FEOLA: The first thing that
10 says "comment" is Mr. Mehra's comment, and
11 then --

12 CHAIRPERSON MITTEN: Okay.

13 MR. FEOLA: -- the rationale.

14 CHAIRPERSON MITTEN: Great. Okay,
15 thanks.

16 MR. FEOLA: And --

17 CHAIRPERSON MITTEN: Go ahead.

18 MR. FEOLA: -- the other witness,
19 then, will be Rafael Pelli to talk about some
20 of the other issues. So we've got the -- it
21 may be easier if we had the lights off.

22 MR. PELLI: Yes, it might be

1 easier with the lights off. The materials
2 we're going to present are primarily visual.

3 You had asked us to further expand
4 on or elaborate on three issues, one having to
5 do with the building heights and the
6 appropriateness next to adjoining buildings.
7 A second one, and I think you've seen the
8 materials we presented artfully in response to
9 that -- a second one was to understand a bit
10 better what a glass building might look like
11 on Washington Circle, so I think we will be
12 showing you that.

13 And then, finally, Commissioner
14 Parsons has asked us to study more carefully
15 the corner of 22nd and I, and the freestanding
16 canopy element there, which is this up here.
17 So I'm here to present a discussion of those
18 three issues. I'll try to be concise, in
19 everybody's interest.

20 So, next.

21 This is the diagram that we have
22 submitted to you. What you can see in blue

1 are the zoning heights of 130 continuing down
2 along 22nd Street, but also putting in red
3 that height from the sidewalk, so that the
4 height from the sidewalk down to 22nd and I,
5 as has been referred to many times, is 142
6 feet.

7 I would say that it's entirely
8 analogous to the condition on the IFC
9 Building, where it is at least 140 feet from
10 the sidewalk, as you get down to the corner of
11 21st Street, because K Street drops down as
12 you get down there. So it's a common
13 condition I think for large project
14 development in the district.

15 But this shows existing
16 conditions. I would remind the Commission
17 these are all university buildings immediately
18 adjoining the project, and so we -- the impact
19 of this will be primarily on the university-
20 owned buildings. These are medical offices
21 here on the east side of 22nd Street, a
22 parking garage, residential building,

1 dormitory buildings, the hospital here.

2 But I think we showed this to you
3 in a rather simple form.

4 Next?

5 And I want -- and I think it
6 doesn't do it -- it doesn't show it in as much
7 detail as I think we could have shown it to
8 you, because we have an outdoor terrace
9 actually. I'll wait for Samantha to move a
10 little bit. Sorry.

11 (Laughter.)

12 Setting back 15 feet from the edge
13 of I Street, we have an outdoor terrace there,
14 which is covered by the overhanging roof, and
15 that's something I'll refer to again in a
16 moment. And then, we have along the western
17 side an outdoor pool area, which is yet a
18 further level down.

19 So the zoning heights would be 130
20 feet for the bulk of the roof, and then that
21 portion there would be 150 feet, 115 zoning
22 feet, 127 feet from the sidewalk, and then

1 that corner there would be at 105 zoning feet
2 and 117 feet from the sidewalk.

3 So some attention was paid to this
4 corner as it was here, and certainly the 20-
5 foot setback from Washington Circle before we
6 rise up to a higher building there. So some
7 -- it was a very similar level of kind of
8 transition scales and heights.

9 Next.

10 But clearly, our thinking and, in
11 part, our direction from the Office of
12 Planning, was in consideration to trying to
13 concentrate the height and bulk along 22nd
14 Street, so that these buildings are not in
15 isolation, but rather they will be continued
16 by a -- still, a high urban wall at 110 feet
17 on both sides of 22nd Street, which will be
18 largely consistent with the heights of the
19 medical office buildings, again on the east
20 side of 22nd Street there.

21 Again, this is I think the one
22 private residential building which is not a

1 university-owned building. This building here
2 is also proposed under the GW Foggy Bottom
3 campus plan to rise up to 90 feet.

4 Next.

5 We were not asked by the
6 Commission to prepare a shadow study, but we
7 had been doing things internally, and we
8 thought it would be helpful to show one here.
9 We are showing you here the midpoint
10 condition, the equinox. That is March 21st or
11 September 21st. And we would run it through
12 the course of the day, so you can see shadows
13 in more reality, how they operate. It's a
14 moving target. It's a moving sequence.

15 So this is showing you from 6:00
16 in the morning until now, 9:00 in the morning,
17 where the shadows of the project will be will
18 be slightly impacting the circle, more on the
19 hospital to there. And then, going forward to
20 12:00, you can see how the shadows have less
21 impact as the sun is directly due south.

22 Moving ahead now to 3:00, the

1 impact of these shadows is primarily on the
2 medical office buildings. And then, going
3 forward to 6:00, we just catch a bit of a
4 shadow on the residential building there at --
5 towards 6:00 as it starts getting dark and all
6 of the shadows get long.

7 Let me run that for you again,
8 just so you can see it again. This is, again,
9 the equinox. The shadows will get longer as
10 we move into fall and winter. They'll get
11 shorter as we move into spring and summer.

12 Next.

13 Okay. Now, here is now a digital
14 rendering of the office building as seen from
15 the intersection as K comes into the circle,
16 seeing the front lobby there, and showing you
17 where we are in the design now. We furthered
18 the design somewhat to produce this rendering.

19 Thinking of this as a layering of
20 elements, the element which is closest to the
21 circle, the 90-foot element here has bands of
22 light masonry, which are integrated with the

1 tracery of light metalwork which project from
2 the facade, a lighter tracery of metalwork on
3 the higher elements here and here, and then a
4 very sheer wall as we mark the entrance, but
5 consistent with the general approach of trying
6 to break down the mass of this and trying to
7 -- in every way to try to not project this and
8 portray this as a monolithic building or the
9 monolithic project, but as one that not only
10 has two different uses with very different
11 expressions but within the -- each one of the
12 uses try to break down the mass into several
13 elements which transition in scale to the
14 lower buildings to the west.

15 Next.

16 And this is, then, in Washington
17 Circle, walking along the sidewalk, showing
18 projecting metal elements both horizontally at
19 the spandrels and vertically at the column
20 lines, which will give some depth and
21 articulation and shadow lines to the facade.

22 It's a strategy we have used on

1 other projects, we believe quite successfully.
2 I admit to some bias along those lines, but we
3 believe that we can create a very beautiful,
4 articulated facade, particularly along the
5 circle, and that's where our greatest
6 attention has been in trying to get a much
7 more detailed articulation.

8 The bottom two floors are set back
9 as to express a base to the building. There
10 is the one floor of retail and one floor of
11 office above. The columns are expressed -- as
12 the facade steps back, the columns get
13 expressed to, again, give more of a civic
14 presence to the base of the building along the
15 circle.

16 Next.

17 And here this is showing you,
18 again, in sort of a digital rendering format,
19 the residential building as seen from the
20 corner of 23rd and I looking east. So this
21 would be the higher element. This is at 110
22 feet. This is at 130 feet. And here -- here

1 is the element we were talking about last
2 time, that we have a projecting roof that
3 projects closer to I Street.

4 And studying that more carefully
5 -- next -- we would propose actually setting
6 back that roof, which would also limit the
7 number of columns and leave it as a cornice
8 line as it is here, a cornice line which turns
9 into a freestanding canopy element, which just
10 surrounds the pool but leaves that 15 feet
11 from the top of the building to the front of
12 the building fully open to the sky.

13 We've studied a further option
14 where we would just treat these elements as
15 shading elements, as screens if you will,
16 which surround the building, both at the top
17 of the building here and around the pool
18 there.

19 Next.

20 But our recommendation would be we
21 like the stronger shadow line you get of the
22 more solid element there, and as it continues

1 around there. And we think that this also
2 gives you a clearer idea of the relationship
3 of the building, of the retail, and this very
4 important public space which is the first
5 thing you'll see for the 40,000 people that
6 walk out of this.

7 I mean, in much of the discussion
8 about the retail, what is not analogous about
9 this site to many of the other sites we're
10 looking at is that this is right at the mouth
11 of a Metro station. And fundamental to all of
12 this idea about density here was that this is
13 -- we're trying to create density on top of a
14 Metro stop and promote the use of mass
15 transportation as a way to grow the city.

16 And that's it. I would be happy
17 to answer any questions.

18 Thank you very much.

19 CHAIRPERSON MITTEN: Any
20 questions?

21 COMMISSIONER JEFFRIES: Yes, I
22 have a question. Can you go back to the slide

1 that shows the rendering, I think, looking on
2 south on 22nd Street?

3 MR. PELLI: This one?

4 COMMISSIONER JEFFRIES: No. Maybe
5 the one before that. Was that what you have?

6 MR. PELLI: Yes, that's what we
7 had. Those are the three renderings we have.

8 COMMISSIONER JEFFRIES: I guess
9 I'm trying to understand what I'm looking --
10 oh, okay. So I -- so, really, I don't have --
11 you don't have a perspective on 22nd Street.

12 MR. PELLI: No, we haven't fully
13 -- we haven't fully developed that yet. But
14 --

15 COMMISSIONER JEFFRIES: Oh, okay.

16 MR. PELLI: -- the idea is,
17 really, that these -- as I say, a fundamental
18 strategy from the beginning was to treat these
19 as different buildings, to really exaggerate
20 almost the differences between the uses, so
21 that we break down the feeling of this as a
22 complex.

1 These could almost be two
2 buildings that were built by two different
3 owners adjacent to one another, and you'd have
4 an urban party wall condition along 22nd
5 Street where those two buildings almost
6 adjoin. They'll be separated by about 10 feet
7 by a recess which forms the exhaust louvers
8 from the garage below.

9 COMMISSIONER JEFFRIES: That's
10 actually what I was actually trying to get to
11 before. I was trying to get a sense of what
12 that hinge looked like between the office and
13 the residential.

14 Okay. So I understand this whole
15 notion of, you know, creating two different
16 buildings, because you have two different
17 uses, and not trying to make it seem
18 monolithic. I'm still trying to understand
19 how the public park works, how the office and
20 the residential share that park, and how
21 they're going to sort of -- how that's going
22 to be managed.

1 I understand the gate that's going
2 to be put up.

3 MR. PELLI: Right.

4 COMMISSIONER JEFFRIES: But I'm
5 just trying to get a better understanding of
6 how that --

7 MR. PELLI: Yes, let's try to pull
8 up a plan from the presentation we gave last
9 time, which contains that plan. The whole
10 space, all taken together, is I think about
11 26,000 square feet. But it is segregated into
12 areas so that this is fully accessible, the
13 area I'm outlining here. And then, from this
14 line to the right is private and accessible
15 only to the residents.

16 This area is accessible during the
17 hours the office building is open, and there
18 would be well-concealed gates which come
19 across here as these -- as the office building
20 shuts down and those uses within, you know,
21 come to the end of their evening hours.

22 COMMISSIONER JEFFRIES: Is there a

1 level difference as well between --

2 MR. PELLI: There is a level
3 difference. There is a full -- here we go,
4 sorry. That's the entrance there, and this
5 shows you there is a rise -- and I -- about
6 nine feet from the sidewalk up to the level of
7 the lobby of the office building.

8 And we have actually located this
9 entrance here, because it allows us to manage
10 that at a sidewalk level grade, without
11 actually making -- introducing a formal ramp,
12 so it's just a sidewalk level grading that --
13 it's a very shallow slope up from here to
14 here.

15 And this is bermed and planted, so
16 this also softly deals with the change in
17 level from this sidewalk or this public --
18 this public passageway to the interior planted
19 areas. And then, you access it here, and
20 there are some steps along the way that you
21 can also take up.

22 COMMISSIONER JEFFRIES: Right.

1 MR. PELLI: But from an
2 accessibility standpoint, you can fully just
3 take the ramp up and then circulate within
4 this space here around the foundation.

5 COMMISSIONER JEFFRIES: Okay. My
6 last question, and I'm sorry to have you jump
7 around here, but I --

8 MR. PELLI: That's okay.

9 COMMISSIONER JEFFRIES: -- want to
10 go back to Washington Circle, the --

11 MR. PELLI: Okay.

12 COMMISSIONER JEFFRIES: --
13 elevation, the pedestrian view.

14 MR. PELLI: Okay.

15 COMMISSIONER JEFFRIES: I might
16 have asked for that.

17 MR. PELLI: Give us just a second
18 to pull it up.

19 COMMISSIONER JEFFRIES: Sure,
20 sure.

21 MR. PELLI: We'll see how fast
22 David is here. That was pretty good.

1 COMMISSIONER JEFFRIES: What is
2 the setback? You mentioned that there is --
3 what is the distance? What is the dimension?

4 MR. PELLI: Between that plane of
5 glass there and that plane of glass --

6 COMMISSIONER JEFFRIES: Yes.

7 MR. PELLI: -- up there? It's
8 about two and a half feet.

9 COMMISSIONER JEFFRIES: Two and a
10 half feet. And the height is what? Is that
11 14?

12 MR. PELLI: That is -- it's two
13 stories, so --

14 COMMISSIONER JEFFRIES: It's two
15 stories.

16 MR. PELLI: -- I want to say it's
17 22 feet. But that may not be exactly correct,
18 but it's in that order of magnitude.

19 COMMISSIONER JEFFRIES: And then,
20 the sidewalk distance, what are we looking at
21 there?

22 MR. PELLI: Let me pull this up.

1 It actually -- it changes a bit, because the
2 property line is not fully concentric to the
3 curb line. So it goes -- at its widest it's
4 about 32 feet. At its narrowest I believe
5 it's just under 30 feet. And then, we've
6 actually -- we've actually set the building
7 back from the property line right at the
8 corner there.

9 We've left about 1,600 square feet
10 of open space just to let the building not
11 come as far to the corner as we could, if we
12 took the full property line.

13 COMMISSIONER JEFFRIES: So what's
14 -- so is there the thought that at some point
15 there might be chairs and tables and things of
16 that sort that --

17 MR. PELLI: There could be.

18 COMMISSIONER JEFFRIES: -- or --

19 MR. PELLI: It's highly contingent
20 on the uses within there, and our emphasis has
21 been on trying to get those kinds of
22 neighborhood or more cafe uses to be on I

1 Street, that that's directly visible from the
2 Metro stop.

3 And it will depend on the final
4 retail layout -- and I could let our retail
5 consultants speak to that more directly -- but
6 the emphasis was much more on I Street as a
7 pedestrian-neighborhood kind of street. This
8 is a very urban street, a lot of traffic, so
9 we don't envision as likely a scenario to have
10 cafes or tables and chairs out there.

11 COMMISSIONER JEFFRIES: Okay.
12 Okay. Thank you.

13 CHAIRPERSON MITTEN: Anyone else
14 have questions? Commissioner Turnbull?

15 COMMISSIONER TURNBULL: Thank you,
16 Madam Chair. I just wanted to ask Mr. Pelli
17 -- the building on 23rd and I, I think you can
18 see the articulation that you're trying to
19 develop that you talked about. But I guess I
20 still don't -- the degree of articulation that
21 you're trying to accomplish there is evident.
22 But I don't see the same degree of

1 articulation that you were talking about on
2 the Washington Square Building.

3 You can see it on your -- when you
4 look at the elevation from the park, from the
5 circle, on the 90-foot section with the
6 banding. But as I look at the rest of it, as
7 it goes -- it reads as one. It still looks a
8 rather intimidating building. I don't -- and
9 although you talked about articulation and the
10 separations, I think with the -- maybe it's
11 the glass and the way it reads on the drawings
12 that we're looking at, but it just seems
13 rather large and mammoth right now.

14 I don't sense the articulation
15 that I see that you're trying to do on the
16 other building. The other building seems to
17 be a little bit more sensitive and is -- and
18 the articulation shows up more on that
19 building there on the screen. But if I look
20 at the one from the circle, it -- you can read
21 the 90-foot section.

22 But as I look at the rest of the

1 glass, it still -- I don't get the sense of
2 breakdown and the sense of detailing that
3 you've done on the other building. I mean,
4 that's just a feeling that I -- I just think
5 that it's almost a massive building on the --
6 sitting on Pennsylvania Avenue there, and then
7 the circle.

8 I don't get the feeling --
9 although when you talked about the separation
10 and trying to differentiate the different
11 aspects and the pieces of it, I don't -- I
12 don't pick it up yet. I still feel that it's
13 still a work in progress, that you need to
14 refine that somehow.

15 I don't -- what I'm seeing doesn't
16 seem to match with what you're saying. It
17 doesn't seem like you've really reached it
18 yet.

19 MR. PELLI: There is certainly
20 some refinement that could still come as we
21 develop it further. I think part of this is
22 an issue of this building type and curtain

1 walls and the metalwork on the walls is a much
2 more subtle expression. And it's hard to show
3 on drawings like this whereas things like
4 metal -- glass against brick and an opening in
5 brick shows much more clearly on a rendering
6 like this.

7 And yet, when you go up to these
8 buildings, a very finely wrought metal and
9 glass building can be very beautiful, it's
10 just with much finer levels of detail. And
11 that fineness of detail is lost in a rendering
12 like this.

13 Clearly, our emphasis is on a
14 greater degree of articulation, more where it
15 presents itself to the public -- Washington
16 Circle -- as you walk along the circle, and
17 this be more Pennsylvania Avenue. It's trying
18 to be grander in scale, more monumental in
19 scale if you will.

20 But I think part of that is the --
21 just the rendering techniques themselves and
22 how they present themselves in this format.

1 COMMISSIONER JEFFRIES: Well, I'd
2 like to, you know, echo some concern I have as
3 well. And I also recognize this whole notion
4 of, you know, rendering techniques not really
5 being able to convey what you're doing and
6 clearly understanding that glass boxes are
7 very subtle studies, and so forth, and they
8 don't always come through.

9 You might want to think of some
10 other ways in which you can convey exactly
11 what this is looking like.

12 MR. PELLI: Okay.

13 COMMISSIONER JEFFRIES: Maybe
14 that's what you're doing here with this --

15 MR. PELLI: Well, I use this. By
16 reference, it's only a few blocks away, 1900
17 K Street. It is a glass and metal building,
18 and it's very finely articulated. And I think
19 it carries in it some of the qualities of
20 richness in a glass building that we are
21 seeking here without necessarily mimicking the
22 details of it.

1 But if you feel it's necessary to
2 show that in some greater detail, we could
3 elaborate that further.

4 COMMISSIONER JEFFRIES: For me, I
5 would agree with Commissioner Turnbull. I
6 think this sits on a circle. It's going to be
7 very visible. I think it doesn't look
8 featural enough for where it sits. And I'm
9 absolutely fine with, you know, providing
10 greater detail and more subtlety. That's
11 fine, but I just think we need to get a little
12 more comfortable, because it starts to look
13 like perhaps something in Crystal City or --
14 I don't know. It looks a little suspicious.

15 MR. PELLI: It will not look like
16 a building in Crystal City.

17 COMMISSIONER JEFFRIES: I'm
18 certain that it will not.

19 (Laughter.)

20 But all I have to go on --

21 MR. PELLI: You hit a nerve there.

22 COMMISSIONER JEFFRIES: Yes. I

1 know, I know. But I -- this is in a very
2 important location and --

3 MR. PELLI: Yes. Yes, sir.

4 COMMISSIONER JEFFRIES: -- again,
5 it's not in design -- I would agree with
6 Commissioner Turnbull. And I think what you
7 probably need to do is find some other way in
8 which to demonstrate that this building --

9 MR. PELLI: Okay.

10 COMMISSIONER JEFFRIES: -- really
11 is of a quality that's becoming of the circle.
12 So --

13 CHAIRPERSON MITTEN: Okay. Anyone
14 else? Mr. Parsons?

15 COMMISSIONER PARSONS: Well, let
16 me jump in on this, because I'm glad you did
17 the renderings. They didn't give me any more
18 comfort. I still think it's a foreign object
19 in this landscape of buildings, and it --
20 because of its glass. We can disagree on that
21 all night, but I just didn't want to let it go
22 by that you felt that this helped me. It

1 didn't.

2 Let's go to the back -- I
3 shouldn't call it the back, but the roof
4 detail you showed earlier.

5 MR. PELLI: Yes.

6 COMMISSIONER PARSONS: I'm a
7 little confused. You presented us with three
8 images.

9 MR. PELLI: Right.

10 COMMISSIONER PARSONS: The one
11 from last time --

12 MR. PELLI: Right.

13 COMMISSIONER PARSONS: -- I guess
14 an interim step, and then I think your
15 preferred. But I want to make sure I
16 understand which it is you prefer. That's the
17 first one.

18 MR. PELLI: No. Yes, this is the
19 first one, which shows you the roof overhang
20 projecting out nearly the full 15 feet with
21 columns to support it. And then, the
22 preferred, which is our second, which I then

1 come back to as the last image, is just
2 continuing the cornice around the enclosed
3 portion of the building, and then only at the
4 portion where it wraps around the pool area
5 does it become a freestanding canopy supported
6 by columns, which really run down along the
7 side of the building, which also picks up the
8 similar kind of detailing that you get on this
9 projection on the corner building.

10 And then, the third image was an
11 alternative which, because you had asked us to
12 study it, we presented, although it is not our
13 preferred, is instead of having these be solid
14 elements, treating them more as screening
15 elements and shading devices -- clearly
16 lighter, clearly something attached, less in
17 the language of a corner, and more in the
18 language of a shading element.

19 COMMISSIONER PARSONS: And I think
20 you said that the structure -- I'll call it --
21 on the far building was 15 feet high. It just
22 looks a lot higher than that.

1 MR. PELLI: No, this -- it's a 14-
2 story building. This corner comes to 12
3 stories. The terrace there comes to 13
4 stories. And then, the rest of the roof comes
5 to 14 stories. It's 15 feet between the face
6 of the top element and the face of the rest of
7 the building along I Street, that glass bay
8 which projects that you see there.

9 So it's 15 feet in plan, really,
10 from that face to that face, in terms of
11 that's how far a setback you have before it
12 goes up to its full height.

13 COMMISSIONER PARSONS: So how tall
14 is the structure on the roof?

15 MR. PELLI: Well, the rest of the
16 roof really is -- if you look at the plans,
17 the rest -- the rest of the roof, it contains
18 most of the plan of that tower. It is
19 essentially -- I'm not sure if we have a good
20 plan to show it on.

21 COMMISSIONER PARSONS: All I mean
22 is, how tall are the --

1 MR. PELLI: There. That's -- this
2 describes the rest of the roof, which all sits
3 up at that 130-foot zoning height.

4 COMMISSIONER PARSONS: No. I
5 mean, how high -- I don't know what to call
6 this thing. I'll call it a trellis. How high
7 is it?

8 MR. PELLI: It's at 100 and --

9 COMMISSIONER PARSONS: Above the
10 roof, the trellis.

11 MR. PELLI: The trellis element, I
12 would call it a freestanding canopy, that's at
13 130 feet.

14 COMMISSIONER PARSONS: And the
15 roof level is?

16 MR. PELLI: 130 feet.

17 COMMISSIONER PARSONS: I'm having
18 real trouble describing my concern. I want to
19 know how high that is.

20 MR. PELLI: That's where the deck
21 is.

22 CHAIRPERSON MITTEN: You know when

1 you were saying that the main part --

2 MR. PELLI: Right.

3 CHAIRPERSON MITTEN: -- of the
4 building is 12 stories, and then you go up and
5 it's 13 --

6 MR. PELLI: Right.

7 CHAIRPERSON MITTEN: -- and then,
8 you go all the way up and it's 14 --

9 MR. PELLI: Right.

10 CHAIRPERSON MITTEN: -- so Mr.
11 Parsons wants to know, from the top of the
12 trellis to the 12 story, what's the difference
13 of basically those two?

14 MR. PELLI: 25 feet.

15 COMMISSIONER PARSONS: Okay. So
16 why does it need to be 25 feet? I mean,
17 you're trying to give shade around a pool.
18 Why --

19 MR. PELLI: Really, it's trying to
20 define it as an outdoor room, less than for
21 providing shade. And it's a continuation of
22 the cornice line which goes around the rest of

1 that block, so we are continuing that line as
2 a shadow line to contain that area.

3 COMMISSIONER PARSONS: But it's at
4 the same height as the roof level.

5 MR. PELLI: It's at the same
6 height as the rest of that line, which is more
7 expressed as a cornice which comes around.

8 CHAIRPERSON MITTEN: So you're
9 saying it relates more to the 22nd Street side
10 as opposed to the I Street side, which is what
11 we're looking at in this particular --

12 MR. PELLI: Although it wraps
13 around, it wraps along the I Street side.
14 It's set back 15 feet in our current proposal,
15 but it continues that same line as it wraps
16 all the way around.

17 COMMISSIONER PARSONS: Thank you.

18 CHAIRPERSON MITTEN: Anyone else?

19 COMMISSIONER JEFFRIES: Materials
20 -- I notice that you had photographs of some
21 of the materials --

22 MR. PELLI: Yes.

1 COMMISSIONER JEFFRIES: -- the
2 glazing and so forth. I would actually -- if
3 you can bring --

4 MR. PELLI: Yes.

5 MR. HITCHCOCK: Unfortunately, the
6 photographs don't come out as well as the
7 actual boards. The grass shows up much
8 greener in the photograph.

9 MR. PELLI: This is for the
10 residential building. The other board is for
11 the commercial building. The residential
12 building has two colors of brick along the
13 main field of the facade. It has painted
14 metal for the aluminum metalwork on the glass.
15 It has masonry at the base of the building,
16 and it has stainless steel accent trim at the
17 store front and at the entrances.

18 COMMISSIONER JEFFRIES: And can
19 you go to the slide? I just want to make
20 certain that I'm clear about what you're
21 pointing at on that pallet, and where it is on
22 the actual -- okay. So where is the metal?

1 Where am I --

2 MR. PELLI: The metal you see in
3 this image is all the painted aluminum.

4 COMMISSIONER JEFFRIES: Okay.
5 Okay.

6 MR. PELLI: Which would be the
7 light painted metal.

8 COMMISSIONER JEFFRIES: Okay.
9 Okay.

10 MR. PELLI: The stainless steel is
11 really at the very base of the building --

12 COMMISSIONER JEFFRIES: Right.

13 MR. PELLI: -- the level of detail
14 you can't see in this rendering.

15 COMMISSIONER JEFFRIES: Okay.

16 MR. PELLI: And it's probably just
17 at the entrances.

18 COMMISSIONER JEFFRIES: Okay. And
19 then, for the office, what -- so is the office
20 building cool or warm?

21 MR. PELLI: It would be cool. It
22 will be light colored masonry bands along the

1 90-foot element with light colored -- I mean,
2 I would call this a creamy white color. We
3 haven't selected a final color, but it would
4 be generally light in tone against the glass.

5 There might be some warmth in the
6 color of the glass itself and some warmth in
7 the creaminess of the white metal, but it's
8 generally, I would say, cool.

9 COMMISSIONER JEFFRIES: so those
10 bands along Washington are the masonry.

11 MR. PELLI: The masonry, that's
12 correct.

13 COMMISSIONER JEFFRIES: Okay.
14 thank you.

15 MR. PELLI: You're welcome.

16 CHAIRPERSON MITTEN: Anyone else?

17 COMMISSIONER TURNBULL: Madam
18 Chair, will we be seeing a perspective, then,
19 at 22nd and Pennsylvania looking down --
20 looking at that corner and at that -- down the
21 street?

22 MR. PELLI: We can provide that

1 for you, yes.

2 COMMISSIONER TURNBULL: Okay.

3 Thank you.

4 CHAIRPERSON MITTEN: I just wanted
5 to ask a couple of questions that don't relate
6 directly to the rebuttal testimony. The issue
7 of rock that was raised, is that something
8 that has been studied in order to excavate to
9 the degree anticipated?

10 MR. FEOLA: There has been a
11 geotech study done that to our knowledge
12 doesn't present any particular difficult
13 problems.

14 CHAIRPERSON MITTEN: Okay. So you
15 won't be coming back to us saying that you
16 found that you can't do all the underground
17 stuff.

18 MR. FEOLA: No. I mean, it --
19 there needs to be more drillings and more
20 borings, but what we have now suggests that we
21 can go down as deep as we need to go without
22 hitting rock. There might be some water

1 there, but that's manageable.

2 CHAIRPERSON MITTEN: That's par
3 for the course.

4 Okay. And I also wanted to ask,
5 we did have some testimony about a
6 presentation that was made at the -- at DCBIA
7 and it spoke to the issue of the market
8 softening and the -- you know, the ability to
9 deliver the residential component of the
10 project. And at least as it has been
11 characterized in Exhibit G, it's that Phase 1
12 is parking and grocery store, and Phase 2 is
13 everything else. So is that still -- is that
14 the phasing that would be anticipated?

15 MR. FEOLA: Yes. I mean, I think
16 that was part and parcel of my objection to
17 the testimony. It's full of hearsay. I mean,
18 Mr. Otney does work for Boston Properties, but
19 what he said at the DCBIA and whether it was
20 actually characterized, we couldn't refute or
21 identify.

22 He is not on the project. He has

1 never been on this project. And the phasing
2 that we have proposed is the phasing that we
3 are proposing, and we would hope the
4 Commission --

5 CHAIRPERSON MITTEN: Okay.

6 MR. FEOLA: -- adopts.

7 CHAIRPERSON MITTEN: Okay. I just
8 wanted to be clear about -- that there isn't
9 like -- that it's not really three phases or
10 anything like that.

11 MR. FEOLA: No. In fact, they
12 hope -- we hope we can build it in one phase,
13 because, as somebody pointed out, time is
14 money. Once you start, you need to finish and
15 get it occupied.

16 CHAIRPERSON MITTEN: Okay. Mr.
17 Hitchcock, did you have any questions?

18 MR. FEOLA: Madam Chair, just
19 while Mr. Hitchcock is coming up here, Ms.
20 Milanovich is also here to answer questions
21 from the Commission.

22 CHAIRPERSON MITTEN: Thank you.

1 MR. HITCHCOCK: Is Ms. Milanovich
2 going to be testifying, or is this just --

3 MR. FEOLA: Just the written
4 submission that you have.

5 MR. HITCHCOCK: Just the written.
6 Okay.

7 A couple of questions on the
8 presentation just seen, and I guess we'll have
9 to share the microphone. This is -- you're
10 showing the slide there -- I guess could you
11 back up one? Okay. This is the one on
12 Washington Circle. What's the altitude from
13 which that rendering is taken? Is that street
14 level?

15 MR. PELLI: Honestly, I don't know
16 for sure. It's near street level, but it may
17 have -- it may be slightly elevated, so I
18 can't tell you precisely.

19 MR. HITCHCOCK: Okay.

20 MR. PELLI: I would have to talk
21 to my renderer back in the office.

22 MR. HITCHCOCK: Okay. Same

1 question as to the next slide, if you can see
2 that.

3 MR. PELLI: Next slide.

4 MR. HITCHCOCK: This is the one
5 also showing the --

6 MR. PELLI: I'm more confident
7 that that --

8 CHAIRPERSON MITTEN: Can you just
9 push the mike back and forth, because I just
10 want to make sure Mr. Hitchcock gets on the
11 record.

12 MR. HITCHCOCK: Okay.

13 MR. PELLI: I'm pretty certain
14 that this is truly eye level walking along the
15 sidewalk, but I would have to confirm it to be
16 precise.

17 MR. HITCHCOCK: Okay. Can we see
18 the next slide, please? And for the record,
19 this is showing the intersection of 23rd and
20 I. This appears to be at somewhat higher than
21 eye level, correct?

22 MR. PELLI: Yes. This is above

1 eye level.

2 MR. HITCHCOCK: Why is that
3 presented at -- this is presented somewhat
4 above eye level, but the other two are at eye
5 level.

6 MR. PELLI: We thought this better
7 presented the overall issues of the building.
8 There was not a great deal of study in which
9 way to present it. We thought this presented
10 the overall building well, in a way that trees
11 would block a lot of your views if you were
12 presenting this strictly from eye level.

13 MR. HITCHCOCK: Even though
14 there's a 40-foot discrepancy between the left
15 building and the right building, correct?

16 MR. PELLI: There is a 20-foot
17 discrepancy between the left building and the
18 right building.

19 MR. HITCHCOCK: Well, I'm sorry,
20 left -- the left building being proposed new
21 construction at 125, and the right building,
22 far right, at 88 feet? Or that's 37, I guess.

1 MR. PELLI: Right. The building
2 to the left is 110 zoning square feet. I
3 don't remember what it came out -- yes, at 125
4 from the sidewalk. Yes.

5 MR. HITCHCOCK: Right. So go back
6 to that one.

7 MR. PELLI: Yes, there would be a
8 40-foot height difference between those two
9 buildings.

10 MR. HITCHCOCK: Okay. Can we flip
11 back to the last one? Okay. So there's a 40-
12 foot differential there, and you're -- okay.
13 A question also, I think on questions from
14 Commissioner Turnbull and Commissioner
15 Jeffries, about the location vis-a-vis the
16 street.

17 I'll show you -- and I'll provide
18 this for the record -- this is a policy from
19 the federal element of the comprehensive plan,
20 which talks about the policy -- and I'll read
21 it, it's very brief -- to "construct building
22 facades in the street right-of-way lines

1 (building lines) to reinforce the spatial
2 definition of the historic street plan." Have
3 you seen that before, or did you consider that
4 in connection with this project?

5 MR. PELLI: I have not seen that
6 specific before. It is a planning policy in
7 place in many urban centers, and as here there
8 are always exceptions when there seem to be
9 good planning and master plan logic to create
10 public spaces, public plazas, small pedestrian
11 gathering areas. Even in very dense
12 environments like New York, it has been seen
13 to be appropriate to have exceptions to that
14 rule.

15 MR. HITCHCOCK: Okay. I think
16 that's all the questions. Thank you.

17 Ms. Milanovich, I have had a
18 chance to look -- do you have your microphone?
19 I have had a chance to look quickly at your
20 response to Mr. Mehra's comments and have a
21 few brief questions for you. Do you have your
22 document in front of you?

1 MS. MILANOVICH: Yes.

2 MR. HITCHCOCK: Okay. The first
3 point dealing with existing conditions, you
4 make the point that the p.m. peak hour is 5:15
5 to 6:15.

6 MS. MILANOVICH: Correct.

7 MR. HITCHCOCK: Is it not true
8 that Mr. Mehra cited the campus plan report
9 showing the peak hours were 5:30 to 6:30, not
10 5:15 to 6:15?

11 MS. MILANOVICH: I believe he said
12 that they were -- yes, he said they were 5:30
13 to 6:30. However, if you look at the study,
14 we actually indicated that they were 5:15 to
15 6:15.

16 MR. HITCHCOCK: Right.

17 MS. MILANOVICH: I believe he
18 misquoted the study.

19 MR. HITCHCOCK: Right. But the
20 question here is: which of the five studies?
21 I mean, you're citing the October study for
22 Square 54, correct?

1 MS. MILANOVICH: Well, Mr. Mehra
2 referenced the October study, so it was merely
3 responding to his reference. But the --

4 MR. HITCHCOCK: Yes. But he was
5 referring to the campus plan report, was he
6 not?

7 MS. MILANOVICH: He compared the
8 May 2006 campus plan study to the October 2006
9 Square 54 study.

10 MR. HITCHCOCK: I believe, at risk
11 of testifying, he was comparing it -- the
12 October 2006 revisions to the campus plan
13 report.

14 MS. MILANOVICH: I'm sorry. The
15 October was --

16 MR. HITCHCOCK: Right. The second
17 line talks about October 2006 revision.

18 MS. MILANOVICH: That's the
19 revision to the Square 54 study.

20 MR. HITCHCOCK: All right.

21 MS. MILANOVICH: There was no
22 campus plan study submitted in October.

1 MR. HITCHCOCK: All right. Let me
2 move on to the questions dealing with
3 background conditions, at the top of page 2,
4 where you talk about increase in traffic at
5 individual intersections approaching one
6 percent per year at several intersections, and
7 exceeding one percent at several intersections
8 -- at a few intersections.

9 Do you remember off hand or do you
10 have handy which intersections those were?

11 MS. MILANOVICH: The ones that
12 were over one percent?

13 MR. HITCHCOCK: Yes.

14 MS. MILANOVICH: Yes, if you give
15 me a minute to --

16 MR. HITCHCOCK: Sure, take your
17 time.

18 MS. MILANOVICH: During the a.m.
19 peak hour, the intersection of Washington
20 Circle and K Street had a 1.24 percent growth
21 rate per year. The other intersection of
22 Washington Circle and K Street had a 1.42

1 percent increase per year.

2 MR. HITCHCOCK: Okay. So two
3 intersections -- I'm sorry. Are you finished?

4 MS. MILANOVICH: No, I'm not.

5 MR. HITCHCOCK: Okay.

6 MS. MILANOVICH: At 23rd and I
7 Street, there was an increase of 1.25 percent
8 per year. At 23rd, F Street, and Virginia
9 Avenue, there was a 1.09 percent increase per
10 year. At 22nd and I Street, there was a 2.65
11 percent increase per year. At 22nd and
12 Virginia, there was a 1.61 percent increase
13 per year. And at 24th and K Street eastbound,
14 there was a 1.49 percent increase per year.

15 MR. HITCHCOCK: Okay.

16 MS. MILANOVICH: That's the a.m.
17 peak hour.

18 MR. HITCHCOCK: That's the a.m.
19 Okay. Question -- a couple of other
20 questions. Your traffic studies focused on
21 the year 2010, correct?

22 MS. MILANOVICH: That is correct.

1 MR. HITCHCOCK: And we've had some
2 testimony indicating the project may not be
3 completed until after that, correct?

4 MS. MILANOVICH: Yes.

5 MR. HITCHCOCK: Okay. What would
6 be the impact on levels of service if it
7 stretches beyond that? I mean, is that
8 something that you measured?

9 MS. MILANOVICH: Well, the growth
10 rate is applied incrementally per year, but
11 keep in mind when we're looking at the impact
12 of the Square 54 development we're comparing
13 the future conditions without the Square 54
14 development to the future conditions with the
15 Square 54 development.

16 So the incremental increase in
17 traffic would be approximately the same,
18 because you would be growing not only the
19 future traffic with the development but also
20 the future traffic without the development.

21 MR. HITCHCOCK: Okay. Were you
22 here at the first day of this hearing when Mr.

1 Laden said that either the .5 percent or the
2 .1 percent assumptions would be reasonable for
3 the short term?

4 MS. MILANOVICH: Yes.

5 MR. HITCHCOCK: Okay. Do you have
6 any views on whether that would be the same
7 case going out beyond, say, the short term?

8 MS. MILANOVICH: Well, again, the
9 half percent we -- per year that we use was
10 used in conjunction with explicitly
11 considering several other approved
12 developments in the area. So the overall
13 growth is actually more than half percent per
14 year when you combine the two factors. So,
15 yes, I believe that the half percent is
16 appropriate.

17 MR. HITCHCOCK: All right. A
18 couple more questions. Your point at -- let's
19 see, I guess this is the -- your page 3, the
20 final point about the impact attributable to
21 just Square 54. Do you have that?

22 MS. MILANOVICH: Yes.

1 MR. HITCHCOCK: Okay. Is it not
2 true that you have at least one -- one
3 existing and one new intersection with levels
4 of service worse than the background
5 conditions? I'm looking at Table 3.1, if you
6 want to refer to it. This is in the Square 54
7 -- this is in the May 2006 one.

8 MS. MILANOVICH: I'm sorry. I
9 have the October -- the latest revision --

10 MR. HITCHCOCK: Okay.

11 MS. MILANOVICH: -- which would be
12 the one -- the final revision.

13 MR. HITCHCOCK: I'm looking at --
14 well, this one indicates -- I'm looking at
15 intersection 3, which is Washington Circle,
16 K Street eastbound, and that study shows a
17 level of service of F, which is worse than the
18 background.

19 MS. MILANOVICH: Actually, in the
20 October revision, the background condition is
21 during the a.m. and p.m. a level of service F.
22 And during the total future conditions is also

1 at a level of service F during the a.m. and
2 p.m.

3 MR. HITCHCOCK: Right. But the
4 existing conditions, you know, currently are
5 216, 182, and they both get worse with the
6 total future conditions in the last --

7 MS. MILANOVICH: Correct. The
8 delay increases.

9 MR. HITCHCOCK: Okay. And the
10 other one is, although this is the new
11 proposed driveway, for which there is no data,
12 but which would be level of service E,
13 eastbound. This is number 20.

14 MS. MILANOVICH: I'm sorry.
15 Number what?

16 MR. HITCHCOCK: 20. I'm sorry.

17 MS. MILANOVICH: Yes. During the
18 p.m. peak hour coming out of the garage, we've
19 projected a level of service E.

20 MR. HITCHCOCK: Okay. Last
21 question. One of Mr. Mehra's comments that
22 you didn't address is how the October 2006

1 reports traffic volumes less than the May 2006
2 report.

3 MR. FEOLA: I'm going to object.
4 He's asking a question about stuff she didn't
5 testify to in rebuttal.

6 MR. HITCHCOCK: Well, it's called
7 a response to Joe Mehra's comments, and I
8 think it's a fair question to ask about
9 comments to which there was no response.

10 MR. FEOLA: I don't think that's
11 fair. That's not what your cross examination
12 is of her.

13 MR. HITCHCOCK: Well, I mean, it's
14 -- as long as it's clear that this does not
15 purport to be a comprehensive response to Mr.
16 Mehra's comments, and that there are not --
17 that there are points that remain unanswered,
18 I'm happy to withdraw the question.

19 MR. FEOLA: The report is what it
20 is.

21 MR. HITCHCOCK: Yes. That's
22 precisely my point.

1 CHAIRPERSON MITTEN: I think we
2 got it.

3 MR. HITCHCOCK: Okay. Thank you.

4 CHAIRPERSON MITTEN: Thank you.

5 MR. HITCHCOCK: I have no further
6 questions of the witness.

7 CHAIRPERSON MITTEN: Thank you,
8 Mr. Hitchcock.

9 Ms. Kahlow? Mr. Hitchcock is just
10 packing up. He'll clear the seat.

11 MS. KAHLLOW: Thank you. I first
12 want to ask about the shadow -- partial shadow
13 studies. Do you have shadow studies for June
14 21st, the longest day of the year, and
15 December 21st, the shortest day of the year,
16 instead of the equinox, which is not?

17 MR. PELLI: We don't have those
18 currently in a form that we can hand in, but
19 we can prepare those if you'd like.

20 MS. KAHLLOW: Do you have the
21 shadow studies, of course, of those days also
22 for the other part of this? What I was able

1 to see was only one segment, but what is also
2 important is the Schneider's
3 Triangle/Washington Circle, because that's
4 where everybody walks and wants to feel safe.
5 Do you have it for the north area, not just
6 the east area?

7 MR. PELLI: We framed this to
8 include all of the shadows which were
9 generated by our project at the equinox. If
10 we were to look at dead of winter shadows,
11 then we would probably have to contain most of
12 Washington. Obviously, early morning and late
13 afternoon shadows are going to be immensely
14 long, even for a one-story building.

15 MS. KAHLOW: So you could provide
16 those?

17 MR. PELLI: Yes, we could provide
18 those.

19 MS. KAHLOW: Thank you. The
20 second question -- I'm not sure who answered
21 it when Mr. Jeffries asked, so I'm not sure to
22 whom I'm addressing it, Mr. Feola. Mr.

1 Jeffries was asking about the corner on
2 Washington Circle and, of course, street life
3 and safety is the issue here. There will be
4 no cafes or tables or anything else on
5 Washington Circle. What is the intended use
6 on Washington Circle that would have no --
7 would it have any late hours, any outdoor
8 activity at night?

9 PARTICIPANT: Can you define "late
10 hours"?

11 MS. KAHLOW: Well, street life
12 like in --

13 CHAIRPERSON MITTEN: If you're
14 going to give testimony, we need to have --

15 MS. KAHLOW: I was just trying to
16 understand when he said "no cafes," is there
17 anything else there, street life? I --

18 CHAIRPERSON MITTEN: There wasn't
19 testimony that there would be no cafes. There
20 was testimony that that would be focused
21 elsewhere, but that didn't mean it was a
22 preclusion.

1 MS. KAHLOW: In the question Mr.
2 Jeffries asked, he asked about pedestrian
3 activity, and they said there would be no
4 cafes or tables on Washington Circle. I wrote
5 that down verbatim, but I don't have a
6 transcript. I just wrote it down. It was not
7 testimony; it was in the cross examination
8 that Mr. Jeffries made of one of these
9 witnesses.

10 And what I was trying to
11 understand is what the use is going to be. If
12 it's not cafes, is there going to be any
13 nighttime activity? And nighttime, I don't
14 mean midnight, I mean normal hours, like until
15 11:00 at night.

16 CHAIRPERSON MITTEN: That's a bit
17 far afield of the rebuttal. But --

18 MR. PELLI: Yes. I recall that
19 the question -- that the response was that
20 most of the activity would be focused on I
21 Street, but that it's -- they're going to
22 leave it open as to what those ground floor

1 uses would be along Washington Circle. That's
2 what I got.

3 Now, if you're asking an
4 additional question --

5 MS. KAHLOW: Okay. And can they
6 provide that answer?

7 MR. PELLI: I don't think they
8 were able to.

9 MS. KAHLOW: I see.

10 MR. PELLI: Yes. To do that.

11 MS. KAHLOW: Thank you. That's
12 all I have.

13 CHAIRPERSON MITTEN: Thank you
14 very much.

15 So we have a few things to come
16 into the record, and --

17 MR. FEOLA: If I -- I've got two
18 minutes of --

19 CHAIRPERSON MITTEN: Oh, I'm
20 sorry.

21 MR. FEOLA: -- just to wrap it up.

22 CHAIRPERSON MITTEN: I'm sorry.

1 Didn't mean to step on your ending there.

2 MR. FEOLA: I know it's late, so
3 I'll keep it very, very short. I'd just like
4 to make a couple of comments, bring together
5 what we talked about in November, and what we
6 heard tonight. And I think we've seen three
7 what I'll say are large critiques of what is
8 wrong or what is right about this project.

9 And just to take them in order,
10 and no particular emphasis or not in any order
11 of importance, we've heard comments that there
12 has been traffic concerns and that this
13 project could create negative traffic impacts
14 in this residential neighborhood.

15 We stand by the Wells report. We
16 think it's the most detailed analysis that has
17 been done for a PUD in a long time. But the
18 Commission doesn't have to rely on that. The
19 Commission has ample evidence from the
20 Department of Transportation, which doesn't
21 have a dog in this fight, as they say, that it
22 has reviewed the Wells report and it finds the

1 conclusions satisfactory. And with a few
2 recommendations that they've added, which the
3 applicant has accepted, that this project will
4 not have a negative impact on traffic or
5 transportation policies of the city.

6 I've heard some comments -- the
7 second major issue is design matching uses,
8 about the building height. We think that
9 Sasaski Associates and Pelli Clark Pelli --
10 two internationally-known firms over the
11 course of well over a year working with the
12 community has come up with a responsible site
13 plan and use mix.

14 But more importantly, again, the
15 Office of Planning, which is not on anybody's
16 side in this case except the city's, has said
17 that this is an appropriate use for a transit-
18 oriented development on this very important
19 site, as the Commission recognizes, in the
20 city.

21 And, thirdly, you heard some
22 critique about the comp plan and why this is

1 designated in blue, and why it should only be
2 used for institutional uses. And I would just
3 urge the Commission to keep in mind that there
4 are a series of other important elements in
5 the comprehensive plan that include the land
6 use element, the transportation element, the
7 housing element, economic development, the
8 environmental element, all of which this
9 Commission, as it is well aware, has to blend
10 together to find out whether or not this
11 project, this PUD, fits within that.

12 One final thing about the
13 evaluation standards. This project, we
14 believe, under Section 2403 of the zoning
15 regulations meets virtually all the standards
16 set forth in there. And I want to point out
17 that much of the amenity talk has been focused
18 on the grocery store. We believe this project
19 provides a whole lot more in terms of
20 amenities.

21 It provides over 300 housing
22 units, rental housing units, at a Metro stop,

1 13 percent of which will be for affordable
2 persons. It provides employment and training
3 opportunities through the First Source
4 agreement and the LSDBE agreements that the
5 applicant has proffered.

6 It provides environmental benefits
7 not only because it's a transit-oriented
8 development adjacent to a Metro station -- as
9 you heard the Smart Growth Alliance talk about
10 -- but it also is going to meet at a minimum
11 a LEED standard of 16 points, plus a green
12 roof. And while it's true the council has
13 just passed legislation to mandate a greenness
14 in buildings, which is a good law, it doesn't
15 take effect on private property until 2012,
16 which we hope this project will be filled and
17 occupied by then.

18 And it has those special values to
19 the neighborhood that we have talked about --
20 the grocery store and the active streetscape
21 on I Street.

22 And despite some of the

1 opposition, you've heard a number of people
2 come here that live in this community that
3 support this case, and the record has almost
4 100 letters of support from residents in Foggy
5 Bottom and West End in support. So it isn't
6 a unanimous group of opposition. It is -- as
7 Mr. Micone said, the community is split on
8 this. There are some people that support it
9 and some people that oppose it.

10 In the big picture, we believe
11 that this package, taken together, is the --
12 this kind of project, this type of project, is
13 exactly what the Zoning Commission had in mind
14 when it adopted planned unit development
15 regulations years ago. It provides a whole
16 host of public benefits and amenities, good
17 land use planning, and we'll end up with a
18 project I think we all can be proud of.

19 And so with that, we really
20 appreciate your time in this late night, and
21 urge your approval of it.

22 Thank you.

1 CHAIRPERSON MITTEN: Thank you,
2 Mr. Feola.

3 Just a couple of things that we're
4 going to get into the record. We're going to
5 get a perspective along 22nd Street of the
6 project. We're going to maybe just get -- I
7 don't know how to characterize it -- a better
8 expression of the glass building to capture
9 visually what you articulated orally.

10 We're going to try our darnedest
11 to get a response from DDOT to Mr. Mehra's
12 comments. And I hope to have drafted for the
13 Commission's consideration a letter to DDOT,
14 not specific to this case but just to really
15 urge their more robust participation in our
16 cases.

17 And I think that's --

18 COMMISSIONER JEFFRIES: I had one
19 more thing.

20 CHAIRPERSON MITTEN: What was
21 that, Mr. Jeffries?

22 COMMISSIONER JEFFRIES: Madam

1 Chair, just some detail -- it doesn't have to
2 be overly detailed, but just this gate. I
3 don't know how monumental this gate is going
4 to be. I understand there may be a pocket.
5 But it looks like it's going to be somewhat
6 visible, so I'd like to see how that's all
7 looking. So --

8 CHAIRPERSON MITTEN: Okay. Three
9 weeks, then? We need time for DDOT, too, you
10 know?

11 MR. FEOLA: We don't need that
12 much time.

13 CHAIRPERSON MITTEN: I know. It's
14 -- if we give DDOT a week, we might as well
15 just not even bother.

16 MS. SCHELLIN: I'm sorry. Did you
17 still want Ms. Kahlow to provide the page in
18 the traffic report that lists that the count
19 was done in July?

20 CHAIRPERSON MITTEN: The record
21 will be open for that, so --

22 MS. SCHELLIN: And also, OP was

1 going to confirm whether they made a referral
2 to -- I think it was the Department of
3 Environmental --

4 CHAIRPERSON MITTEN: Department of
5 Health.

6 MS. SCHELLIN: -- Health.

7 CHAIRPERSON MITTEN: Yes.

8 MS. SCHELLIN: And shadow studies
9 for the rest of the year and from the north,
10 I believe is what was just asked for.

11 CHAIRPERSON MITTEN: The
12 Commission is not requesting that. But if the
13 applicant wants to submit that for the record,
14 that's their choice.

15 MS. SCHELLIN: Okay. And that's
16 it, then.

17 CHAIRPERSON MITTEN: Okay. So
18 where does three weeks get us?

19 MS. SCHELLIN: Three weeks?

20 CHAIRPERSON MITTEN: Yes.

21 MS. SCHELLIN: That would get us
22 to January 25th.

1 CHAIRPERSON MITTEN: Okay. And
2 then, a week for -- what do we give? A week
3 for --

4 MS. SCHELLIN: That would be
5 February 1st.

6 CHAIRPERSON MITTEN: Okay. So
7 findings of fact and conclusions of law and --

8 MS. SCHELLIN: February 1st.

9 CHAIRPERSON MITTEN: -- comments
10 on the submissions by the 1st.

11 MS. SCHELLIN: Right.

12 CHAIRPERSON MITTEN: And then,
13 we'll put this on a schedule for one of our
14 public meetings where all of our Commissioners
15 can participate in the decisionmaking. And I
16 won't represent what month that would be.

17 So are we clear on the dates?

18 MR. HITCHCOCK: Just for
19 clarification, the January 25th is for the
20 DDOT -- any DDOT submission and for the
21 submissions just referred to.

22 CHAIRPERSON MITTEN: The

1 submissions from the applicant and the things
2 we just articulated.

3 MR. HITCHCOCK: Okay.

4 CHAIRPERSON MITTEN: Okay.

5 MR. HITCHCOCK: So --

6 CHAIRPERSON MITTEN: And then, you
7 will respond by the 1st. You will have
8 until --

9 MR. HITCHCOCK: The response will
10 be in -- will the response be a separate
11 response or included in findings and
12 conclusions? I guess that's what I was
13 confused about.

14 CHAIRPERSON MITTEN: That's your
15 choice, about how you want to handle it.

16 MR. HITCHCOCK: Okay. Thank you.

17 CHAIRPERSON MITTEN: Okay. And
18 just to be clear, there won't be responses to
19 the response. Okay? There has been some
20 confusion recently about that, so I just want
21 to clarify.

22 Okay. Well, I appreciate

1 everyone's time and attention tonight. I know
2 it went late, and we had a lot of people hang
3 in there with us, so I appreciate it. And
4 Happy 2007.

5 (Whereupon, at 11:18 p.m., the
6 proceedings in the foregoing
7 matter were adjourned.)
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