

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Office of Zoning

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8 Public Hearing of the Zoning Commission

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13 6:30 to 8:54 p.m.

14 Thursday, January 29, 2015

15

16 441 4th Street, N.W.

17 Jerrily R. Kress Memorial Room

18 Second Floor Hearing Room, Suite 220 South

19 Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman
3 MARCIE COHEN, Vice-Chairwoman
4 PETER MAY, Commissioner
5 ROBERT MILLER, Commissioner
6 MICHAEL TURNBULL, Commissioner

7 Office of Zoning:

8 SHARON SCHELLIN, Board Secretary

9 Office of Planning:

10 JOEL LAWSON
11 JENNIFER STEINGASSER
12 STEPHEN GYOR

13 Also Present:

14 ANNA CHAMBERLIN, DDOT
15 CAROLYN BROWN, Esq., Holland & Knight
16 BOB KNOPF, Quadrangle Development Corporation
17 BOB NEAL, Cooper Carry TVS
18 ERWIN ANDRES, Gorove/Slade Associates
19 ERIC SMART, Bolan Smart Associates
20 PETER GREEN, TVS Architects
21 ALEXANDER M. PADRO, ANC Commissioner, ANC-6E01
22 HOWARD WAYS, Professor, Catholic University
23 SIOBHAN CHEWNING, Landscape Architect
24 REV. ARTHUR WILLIAMS, Emmaus Services for the Aging
25 BRADLEY JOB, Civil Engineer

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

2 CHAIRMAN HOOD: Good evening, ladies and
3 gentlemen. This is the Public Hearing of the Zoning
4 Commission for the District of Columbia. Today's date is
5 January 29, 2015. We are located in the Jerrily R. Kress
6 Memorial Hearing Room.

7 My name is Anthony Hood, Chairman. Joining me
8 is Vice-Chair Cohen, Commissioner Miller, Commissioner
9 May, and Commissioner Turnbull.

10 We are also joined by the Office of Zoning
11 staff, Ms. Sharon Schellin; the Office of Planning staff,
12 Ms. Steingasser and Mr. Lawson, Mr. Gyor; also the
13 District Department of Transportation, Ms. Chamberlin.

14 This proceeding is being recorded by a court
15 reporter, and it is also webcast live. Accordingly, we
16 must ask you to refrain from any disruptive noises or
17 actions in the hearing room, including the display of
18 signs or objects.

19 Notice of today's hearing was published in the
20 D.C. Register, and copies of that announcement are over
21 top my left on the wall near the door.

22 The hearing will be conducted in accordance with
23 the provisions of 11 DCMR 3022, as follows: preliminary
24 matters, Applicant's case, report of the Office of
25 Planning, report of other Government agencies, report of

1 the ANC, organizations and persons in support,
2 organizations and persons in opposition, rebuttal and
3 closing by the Applicant.

4 The following time constraints will be
5 maintained in this meeting. The Applicant has asked for
6 45 minutes, but they have up to 60 minutes; organizations,
7 5 minutes; individuals, 3 minutes.

8 All persons appearing before the Commission are
9 to fill out two witness cards. These cards are located to
10 my left on the table near the door.

11 When presenting information to the Commission,
12 please turn on and speak into the microphone, first
13 starting your name and home address. When you are
14 finished speaking, please turn your microphone off, so
15 that your microphone is no longer picking up sound or
16 background noise.

17 The decision of the Commission in this case must
18 be based exclusively on the public record. To avoid any
19 appearance to the contrary, the Commission requests that
20 persons present not engage the members of the Commission
21 in conversation during any recess or at any time. The
22 staff will be available throughout the hearing to discuss
23 procedural questions. Please turn off all beepers and
24 cell phones at the time, so as not to disrupt these
25 proceedings.

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1 Would all individuals wishing to testify, please
2 rise and take the oath.

3 Ms. Schellin, would you please administer the
4 oath.

5 MS. SCHELLIN: Please raise your right hand. Do
6 you solemnly swear or affirm the testimony you will give
7 this evening will be the truth, the whole truth, and
8 nothing but the truth?

9 [Witnesses sworn en masse.]

10 MS. SCHELLIN: Thank you.

11 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have
12 any preliminary matters?

13 MS. SCHELLIN: I think just their expert
14 witnesses. We do have the affidavit for maintenance
15 that's an order. It appears that all of the experts have
16 previously been accepted.

17 CHAIRMAN HOOD: Has Bradley Job -- do we have
18 Bradley Job, Civil Engineer? Joel? Bradley Job has not
19 been accepted, and, Ms. Brown, good evening.

20 MS. BROWN: Good evening, Chairman Hood.

21 Carolyn Brown with the law firm of Holland & Knight on
22 behalf of the Applicant.

23 We don't anticipate that Mr. Job will be needed
24 for any direct testimony. He is available for questions,
25 but we would ask that he be qualified based on his résumé.

1 CHAIRMAN HOOD: Okay, colleagues. We have Mr.
2 Job. Excuse me for mispronouncing your name. Maybe I
3 might be looking for a job, but, anyway, Mr. Job's résumé
4 is before us. I'm not exactly which exhibit. What was
5 that? Anyway, I know we saw it.

6 Any objections as Civil Engineer?

7 COMMISSIONER COHEN: No.

8 CHAIRMAN HOOD: Anybody?

9 [No audible response.]

10 CHAIRMAN HOOD: Okay. Ms. Schellin, can you
11 help us find the exhibit?

12 MS. SCHELLIN: We're looking right now.

13 [Pause.]

14 MS. BROWN: Mr. Chairman, I'm not sure that we
15 did request that he would be qualified as an expert. I
16 just checked. It's Exhibit 16B, and I think we just
17 listed him as a witness and didn't request him as an
18 expert.

19 CHAIRMAN HOOD: 16B. Okay.

20 I know I saw his name. Okay. But, anyway --

21 MS. BROWN: So we withdraw that request.

22 CHAIRMAN HOOD: Okay. So we will not qualify
23 him as an expert, but if we have questions, we will
24 qualify and listen to his testimony.

25 Any other preliminary matters?

1 MS. SCHELLIN: No, sir.

2 MS. BROWN: Mr. Chairman, to the extent that the
3 ANC report can be accepted later than the required time, I
4 think maybe that is a preliminary matter that you may want
5 to consider.

6 CHAIRMAN HOOD: Okay. We have just gotten one
7 in, I think, this evening.

8 MS. SCHELLIN: Yeah. The report can come in at
9 any time. It's just whether they -- it's 7 days prior, if
10 they want to participate in the hearing. Are they hear
11 this evening? Right.

12 MS. BROWN: No. Okay. Thank you.

13 MS. SCHELLIN: The report can come in at any
14 time.

15 CHAIRMAN HOOD: So we have the report. I don't
16 think there's any action on our part.

17 Any other preliminary matters?

18 [No audible response.]

19 CHAIRMAN HOOD: Okay. I do have one preliminary
20 matter. I see Mr. Howard Ways in the audience, and I'm
21 not sure if it's one of your -- is this your class?

22 Okay. I always like to acknowledge his class.
23 I must not have done a good job. I haven't been invited
24 back this year, but anyway --

25 [Laughter.]

1 CHAIRMAN HOOD: I always go out and speak to his
2 class.

3 Mr. Ways, if you want to appoint someone to come
4 up and tell us what they're studying and tell us something
5 about your class -- whoever you appoint, unless you want
6 to do it.

7 Okay. Come forward. Why don't you come up to
8 the mic. We want to make sure those at home can see this.

9 MR. WAYS: Good evening, everyone, Zoning
10 Commissioners, staff. My name is Howard Ways. I'm a
11 resident of the District of Columbia, former employee with
12 the D.C. Office of Planning, and I'm also an adjunct
13 faculty at the Catholic University. And I teach a class
14 on politics and planning, and every semester, I bring a
15 class to come down to the Zoning Commission to actually
16 see planning decisions and zoning decisions made in a real
17 setting, real-life environment.

18 So congratulations on your, hopefully,
19 successful case this evening, and my students and I look
20 forward to hearing your presentation.

21 CHAIRMAN HOOD: Okay. Thank you, Professor
22 Ways. We always appreciate you coming down here and your
23 staff. You are very consistent, and you all tap is brain
24 because he's got a lot of knowledge, okay? And welcome
25 all of you.

1 Any other preliminary matters?

2 [No audible response.]

3 CHAIRMAN HOOD: Okay. Ms. Brown, you may begin.

4 MS. BROWN: Thank you.

5 Again, for the record, I'm Carolyn Brown with
6 the law firm of Holland & Knight on behalf of the
7 Applicant QC 369 LLC. I'm joined by Wayne Quinn of my
8 office.

9 We're very pleased to be here this evening to
10 present our application for a PUD and Map Amendment to
11 allow a major new development just east of the Convention
12 Center to be known as Columbia Place. It will feature two
13 new hotels, residential uses, and a significant historic
14 preservation component of a magnitude rarely seen by this
15 Commission.

16 This PUD enjoys widespread support but only
17 through significant work by the Applicant and the
18 architects. As you may recall, our PUD hearing was
19 initially scheduled for November 17th, but we requested a
20 postponement in order to address several unresolved
21 issues.

22 We're pleased to report success and satisfied in
23 all concerns regarding design, the preservation scope of
24 work, community benefits, viewsheds, alley circulation,
25 among many other things.

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1 We are thrilled to have the full support of the
2 neighbors to the north, the Whitman Condominium, which had
3 initially filed a letter in opposition and now has a
4 letter in the file in support. That's at Exhibit 50C.

5 The Quincy Court Condominium to the west was
6 also in opposition, and they are now in support, although
7 they did not file a letter for the record.

8 We also have the full support of the ANC, as
9 indicated by the letters uploaded to ISIS earlier today.
10 We have the support of the Historic Preservation Review
11 Board, the Mayor's Agent for Historic Preservation, who
12 just yesterday issued his order supporting the minimal
13 demolition that's required for the site. We have the
14 support of the D.C. Preservation League. We're thrilled
15 with the Office of Planning report, and we're so pleased
16 to have no objections from DDOT and the Department of the
17 Environment. We're hopeful that we can address any
18 questions that you may have in order to win your support
19 as well.

20 We have a couple of additional submissions that
21 we have made. We have uploaded to ISIS that you should
22 have before you today in the packet -- we submitted a LEED
23 scorecard for your reference. We also have calculations
24 showing how we comply with the GAR requirements.

25 We also have a couple areas of flexibility that

1 I would like to mention. The architect will go into
2 detail, but I just want to highlight them for you. First,
3 we had initially requested some roof structure setback
4 relief. Tonight, you will see a new roof plan that shows
5 how we don't need that relief anymore; however, we do want
6 to ask for some flexibility in the amount of communal
7 recreation space on the roof under the new amendments to
8 the 1910 Height Act, and that's something new for you that
9 we will present tonight.

10 We typically are limited to 20 percent to be
11 considered indoor accessory space, and we want to increase
12 that. I believe it is to 36 percent.

13 Secondly, we have asked for relief from the
14 loading facilities for both the residential and hotel
15 component. We have also updated our parking tabulations,
16 and that's in your packet today. We comply overall with
17 the parking requirement. It's about 185 spaces total for
18 the building. We're providing a little bit more than
19 that, but the breakdown about what is required for
20 residential in the hotel is slightly off. But overall, we
21 meet the requirements.

22 We also need some very minor relief from courts.
23 The historic building, the Lurgan, that we are retaining
24 has an existing enclosed court. We want the flexibility
25 to decrease that ever so slightly to put in an airshaft.

1 We may be able to get it down to the ground level, so we
2 don't need the relief, but we would like the flexibility
3 to keep it a little bit higher.

4 And then there is the court over the 911 L
5 Street that's being relocated slightly to the west of the
6 site, and the court width is about a foot shy because of
7 the historic dimensions of that building. Again, the
8 architects will present this information. I'll circle
9 back if we miss anything on those items.

10 So we have three key witnesses tonight: Mr. Bob
11 Knopf on behalf of the Applicant, Mr. Bob Neal of Cooper
12 Carry TVS Architects, and Mr. Erwin Andres. And we have
13 in reserve Peter Green of TVS Architects; Mr. Bradley Job;
14 Eric Smart of Bolan Smart on the fiscal impact analysis;
15 Mr. Lindsley Williams, our expert in land use and zoning,
16 and Ms. Shiobhan Chewning, our landscape architect, if
17 questions come up.

18 So I'd like to turn to our first witness, Mr.
19 Bob Knopf.

20 MR. KNOPF: Thank you. It's my pleasure to be
21 here tonight. For the record, my name is Bob Knopf. I
22 live at 2700 Crestview Road in Riva, Maryland. I am
23 Senior Vice President of Quadrangle Development.

24 And just a little bit of background on
25 Quadrangle, we have been developing properties in the

1 Washington Metropolitan Area since 1972, and over the
2 years, we have completed some 88 projects totaling 25
3 million square feet.

4 Included in those projects, there are six major
5 hotels, including three in the District: the J.W.
6 Marriott, which was 774 rooms; the Grand Hyatt, which is
7 888 rooms; and then just last year, the Marriott Marquis
8 with 1,175 rooms.

9 We also have extensive experience in residential
10 properties, having completed four properties in the last
11 10 years totaling 750 residential units, all within
12 walking distance of this site, and we plan on delivering
13 another 500-or-so units -- or starting another 500-or-so
14 units this year, which would also be in walking distance
15 of the site.

16 We have extensive experience in complex
17 projects, and I would say this is probably one of the more
18 complex projects we've ever worked on, starting with the
19 site area of 70,000 square feet. It's extremely large, if
20 you're used to seeing 25,000-square-foot footprints. In
21 this case, we're dealing with 70,000 square feet; in
22 addition, nine historic preservation properties. I've
23 done a lot of historic preservation, but I think nine is
24 pretty close to a record in town here.

25 You'll see from our presentation that we have

1 managed to figure out ways of incorporating eight out of
2 those nine properties. I would say it wasn't always easy.
3 It was a lot of negotiations, but I think we were able to
4 incorporate and make all of those buildings very
5 meaningful contributions in the proposed project.

6 When you look at other community benefits that
7 we're providing, you're all aware the Convention Center
8 was complete in 2003, 2.3 million square feet, at a cost
9 of over \$800 million. The Convention Center, although
10 it's a great state-of-the-art facility, it's really not in
11 a position of competing on a national basis because of the
12 lack of hotel rooms. The Marriott Marquis certainly
13 helped that out quite a bit, providing 1,175 rooms, but
14 there is a real need for several thousand more rooms.

15 When you look at other major convention center
16 cities that the District has to compete with, the
17 District, because of these lack of hotel rooms, really is
18 not in a position to do so.

19 You look at cities like Chicago, L.A., Vegas,
20 Orlando. All of those places have multiple hotel
21 opportunities, different price points, different stay
22 durations, and all of those things are necessary for a
23 major convention center to compete for these major
24 conventions.

25 When you look even at Prince George's County

1 National Harbor, it has five hotels that provide over
2 3,000 hotel rooms. If you want to get 3,000 hotel rooms
3 in our Convention Center, you put 1,175 in the Marriott
4 Marquis, you put a couple hundred in the Grand Hyatt and a
5 couple hundred in the Renaissance, and then you load
6 people in a bus, and you take them over to Connecticut
7 Avenue. This city really cannot compete on a national
8 basis with that kind of circumstance where conventioneers
9 are required to separate from their group, get bussed over
10 to an alternate location, and come back.

11 So the two hotels that we're proposing, one
12 being 144-room Residence Inn, which is designed to
13 accommodate extended stays, and then the 365-room Marriott
14 Courtyard that we're proposing in this dual-brand hotel,
15 is designed to offer sort of a moderately priced hotel
16 alternative for conventioneers who don't want to pay for
17 the full services offered by a Marquis or that type of
18 product.

19 We've gone through a very extensive approval
20 process, a lot of negotiations, as you can imagine, but as
21 Carolyn said, we're very pleased that we've been able to
22 come to terms with every stakeholder who had an interest
23 in this project, and we were able to convince all of them
24 at some point in this process to give us a letter of
25 favorable support and including yesterday's big support

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1 from the Mayor's Agent.

2 I would say there's a couple other major things
3 we did with this project. If you look at this block or
4 you're familiar with this block, you will see that it is a
5 very internalized block. There are very few openings in
6 the perimeter, except for the alleys, and all of the
7 buildings in this block rely on the alleys for access to
8 their garage as well as access to their loading dock. So
9 loading and parking access were a very complex issue.

10 When we first presented our project to the ANC,
11 they said, "We can't handle any more traffic in the alley
12 system. they were opposed to the project. We went to
13 DDOT. We worked with DDOT and convinced DDOT that we
14 could provide a new access to the alley system off of 9th
15 Street, and that would provide additional in-and-out for
16 all the buildings in the alley that are serviced by it.

17 In addition to relocating the alley, at one leg
18 of the alley, we were able to improve the circulation for
19 all of the abutting properties.

20 So, with that, in addition to our historic
21 preservation efforts, saving eight out of nine buildings,
22 the last building was extremely costly. It was a Civil
23 War building, and you will see where we proposed to move
24 it some 20 feet, and that's a relatively small building
25 from the Civil War era. The relocation along of that

1 project almost knocked me over when I heard the price. It
2 was in excess of \$900,000 to move that building from one
3 location to another, 20 feet away.

4 So I bring that up not to cry about the dollars,
5 just to say that we have given significantly to develop
6 the community benefits that would be responsive to the
7 community, and we believe that this project is a great
8 benefit to the Convention Center, the city, the
9 neighborhood, and our immediate neighbors.

10 We have also been able to get the support of the
11 ANC, as Carolyn said. We're providing \$50,000 worth of
12 contributions to them, which include additional programs
13 at the 10th Street Park that's at 10th and 11th, which was
14 recently opened in the neighborhood, and we're also going
15 to give a significant contribution to the Gompers Park to
16 hopefully add lighting and water to that park, as well as
17 new landscaping, and then we're also making a contribution
18 to the Thompson Elementary School.

19 So we hope you will look favorably on our
20 application tonight and be as pleased with the amount of
21 work that we've done as we are and hopefully find your way
22 through to approving it.

23 Thank you very much.

24 MS. BROWN: Thank you. I have one quick
25 follow-up question. Mr. Knopf, could you clarify the cash

1 contribution for the parks? I think you mentioned it was
2 \$50,000. Is that correct?

3 MR. KNOPF: I said 50, but it's 45. Sorry.

4 MS. BROWN: Thank you.

5 We'd like to turn to our next witness now, Mr.
6 Bob Neal.

7 MR. NEAL: Thank you. Members of the
8 Commission, members of the staff, good evening.

9 Is it okay if we turn the lights down if we're
10 going to be using the screens? If we can get someone to
11 do that, that would be great.

12 Thank you very much. My name is Bob Neal. I am
13 with the architectural firm, Cooper Carry TVS. My home
14 address is 677 Greenview Avenue in Atlanta, Georgia. It's
15 good to be here with you all tonight. I intend to walk
16 you through our presentation and look forward to answering
17 any questions that you may have if we've missed something
18 that you would like further clarification on.

19 Clearly, the site is located at 9th Street and L
20 Street in the southeastern quadrant of block 369, adjacent
21 to the Washington, D.C., Convention Center and across the
22 street from the Marriott Marquis Hotel.

23 We have included our zoning tabulation
24 information for your review. We will be going through a
25 good portion of that in this presentation. We can come

1 back to it at any point that you like.

2 First thing that I want to mention is the area
3 of flexibility that was previously mentioned. You can see
4 that if you look on the bottom line at the grand totals,
5 there is an asterisk beside the number 185. That is the
6 required parking for both the hotel and the residential
7 complex.

8 If you go to the next box to the right, you can
9 see that there are 191 zoning-compliant parking spaces, so
10 we are six over on the combined uses of both buildings.
11 We are actually parking in the vault area as well, and our
12 total parking is at the far right, 255.

13 What we have submitted for is a PUD, a rezoning
14 effort. I want to take us just a moment to go through
15 this diagram. The diagram has a red line going basically
16 from north to south. The current zoning of the piece to
17 the west is DD/C-2C, and to the right is DD/C-2A. The
18 intent of this PUD is to rezone everything that you see in
19 bays to DD/C-3C. The piece that is in purple will remain
20 DD/C-2A.

21 The combined FAR for both of these -- well,
22 first of all, this would be a single lot of record, but we
23 have two zoning areas within that single lot of record.
24 The C-3C allows 9.5 FAR. The C-2A allows 2.5 over that
25 amount of property. For a blended FAR of 8.77, we are

1 providing 8.31.

2 This slide shows to the left, the nine historic
3 buildings, the contributing buildings that we are working
4 with. The 6 to the right are on 9th Street; 7, 8, and 9
5 are on L Street; 8 is the building that we have just
6 recently got the Mayor's Agent approval for its
7 demolition.

8 We are also going to be removing parts of
9 Buildings 1 through 6, and if you look to the diagram to
10 the right, we have been working with a historic consulting
11 firm in town, Traceries, to help us determine where an
12 appropriate line would be to remove portions of those
13 buildings and to retain portions of those buildings. That
14 is indicated in the dashed line between 1 and 6. The area
15 of building to the west of that dashed line will be
16 removed. the areas to the right will be retained.

17 You can see also where we've taken Building 7,
18 which is the historic Civil War-era building, and we are
19 retaining approximately 30, 35 feet in depth of that
20 building, and then we are relocating it adjacent to the
21 Lurgan Building, which is Building Number 9. Building
22 Number 9, the Lurgan Building, we will be restoring that
23 in its entirety and replacing it with residential units,
24 which was the original use of that building.

25 This is a site axonometric that shows the

1 overall massing of our proposed project. The red is the
2 residential. The yellow are the two dual-brand hotels.
3 Then the blue that you see along the bottom are the
4 contributing buildings that we have been working to
5 incorporate into the design.

6 You can also see that on 9th Street, there is a
7 little yellow piece there where there is currently a
8 vacant lot, and so we will be building that piece as well,
9 and we are building it in scale with the existing
10 buildings along 9th Street.

11 We are building -- we are using 110 feet, as
12 allowed by the PUD. Our penthouses are 18 feet, 6 inches
13 above that. I'm sure we're going to go into that in a lot
14 more detail as we go through the plans. It is as
15 comparable to the other buildings that are in our
16 immediate adjacency as well.

17 In looking at the elevations of the new
18 buildings, we carefully studied the existing buildings'
19 proportions, window proportions, proportions of vertical
20 elements, baselines, middles, tops, and as we started to
21 design the new piece, we were sympathetic to these
22 proportions in relations, and we wanted to show you how we
23 went about determining some of the relationships of the
24 proportions of the building pieces and the masses that we
25 have presented to HPRB and, as Mr. Knopf said, receive

1 their approval.

2 This is the ground level. I'll also point out
3 that the building height of 110 feet, the point that we
4 have taken that from was on 9th Street, about halfway up
5 on 9th Street, as allowed. You can write 77.3 as the
6 elevation at that point. 187.3 is to the top of the
7 110-foot, and then 205.9 is the 18.5 feet above that.

8 What this diagram shows is the beige areas to
9 the right are the dual-brand hotel, the components, the
10 public components of the dual-brand hotel. The blue to
11 the west of that is the Lurgan building, and then to the
12 left of that, the beige is the public areas for the
13 residential building.

14 I am going to take you through -- I am going to
15 use the pointer to describe a couple of the moves that we
16 have made within the alleys in order to receive the
17 supports of the community, and let me back up just one
18 more second to go back. I also wanted to mention some
19 alley closings that we have done as well.

20 We have closed two alleys off of the back court
21 to the back alley that is accessible through a number of
22 different ways to get to the back alley. We have proposed
23 the closing of two alleys within our property and then the
24 relocation of another. You can see that there is a
25 15-foot alley to the west of the Lurgan Building that we

1 have relocated all the way to the west of our site to 20
2 feet, and then we've also relocated an existing curb cut
3 shown by the number 13 in the bottom right-hand corner to
4 that existing vacant lot to the north that we just
5 mentioned. We went through this with DDOT, and we got the
6 approval for all this. We also have a lay-by on L Street
7 that is in front of the entrance to the dual-brand hotels.
8 So I wanted to bring up those points as we move forward.

9 So, to the far left, to the relocated alley, in
10 working with the residents, we have a solution where
11 automobiles can enter into the alley and then immediately
12 turn into a ramp that takes you down to the residential
13 parking below this level. So there would not be a need
14 for them to go back further into the alley.

15 The relocated curb cut to the east at the top of
16 this, at the northeast corner where the vacant lot was,
17 we've also created an access to the alley system as well,
18 so that the hotel users -- in this case, it's a valet
19 system -- can come through that and then turn immediately
20 left to go down into the parking below the hotel, again,
21 from that location, keeping parking out of the existing
22 alleyway as well -- excuse me -- keeping access to
23 parking out of that alleyway.

24 We are showing service areas that will be
25 accessible from that existing alleyway, and we have done

1 studies of turning radiiuses and their effect on the other
2 loading services for the two other apartment buildings and
3 the residential use of their travel and how they can get
4 in and out with their cars. We have improved the alley
5 system, and we can go through that in any amount of detail
6 that you would like.

7 We do have the loading off of the back alleys,
8 and this is an area of flexibility that we're also
9 requesting you to look at. In terms of the requirement,
10 first for the hotel, we're requiring one berth of 55 feet
11 deep, one berth of 30 feet deep, and a space of 30 feet
12 deep, a loading -- a parking space of 20-foot deep. We
13 are providing two at 45-foot deep.

14 As Mr. Knopf stated, they have their operations
15 of multiple hotels and multiple apartments, and this is
16 what they find is what they use, and therefore, we're
17 asking for some flexibility on this.

18 For the apartments, it is one 55-foot berth is
19 required and one 20-foot space, and we are providing two
20 berths at 45 feet.

21 These are the lower level parking, and you can
22 see the areas of dashed lines are the areas of historic
23 and contributing buildings that are above us that we are
24 not able to park under. So you can see how they do come
25 into the site and restrict a more efficient parking

1 solution. This is going up one level to the level
2 directly as you access into the parking.

3 We also have bike storages on these levels are
4 various locations, and we are going to talk later on about
5 the amount of bikes that we do provide, and we are well
6 within code with that as well.

7 This is back to the first floor. Now we're back
8 up from the parking, and what I wanted to talk about for a
9 second are the six contributing buildings on 9th Street.

10 We have worked out a solution so that those uses that are
11 within those buildings are meant to be able to activate
12 the street along 9th Street. We were asked to put an
13 entrance into the hotel, which you see at the very bottom.

14 That's directly off 9th Street, and then that is a bar.
15 The programmatic element of that is a bar as well as the
16 first house above that is a bar, with accessible doors
17 directly from the street.

18 And then there is a restaurant that we use for
19 the hotel, and the next three bays are the programmatic
20 function of the restaurants, and we have access from those
21 directly onto the street too and the original doors and
22 locations of the contributing buildings that we are
23 retaining. Does that make sense?

24 Okay. Let me go further, and then I'll come
25 back. The two buildings at the top, which are the beige

1 buildings, those are set aside for retail uses, and of
2 course, those will be used and have access directly to the
3 street.

4 The three houses below that -- and you can see
5 them diagramed in rectangles, that is the hotel
6 restaurant, and we have been asked to make sure that those
7 doors in those existing contributing buildings are of the
8 original design, and that they are operational, and that
9 they can be used, if needed and when needed, to provide
10 access in and out of the restaurant along 9th Street.

11 Our service areas are in blue and gray, and then
12 as we move over to the Lurgan Building, which is the blue
13 building along L Street, we've also separated the massing
14 from the Lurgan Building by about 20 feet with a glass
15 connector, so that as the Lurgan building turns along L
16 Street and then goes north, we are exposing the existing
17 façade. And we'll show you more about that as we get into
18 the renderings.

19 There is a courtyard that you see in the
20 greenspace. That belongs to the residential unit and will
21 be accessible from the residential. The bays on that
22 building is the public space, the entry and other
23 functions, fitness center, so forth, of the residential
24 unit.

25 You can also see the porte-cochère, and I am

1 bouncing around a little bit, but the porte-cochère, which
2 is in front of the dual-brand hotel, that extends over,
3 beyond the property line by 19 feet 6 inches. It was
4 originally about 10 feet larger than that, and we have
5 reduced it in working with historic preservation.

6 The porte-cochère that leads into the
7 residential unit extends over our property line 9 feet 3
8 inches, and then the last canopy that we have, which is
9 the entry off of 9th Street into the hotel, extends over
10 the property line by 7 feet 6 inches.

11 As we move up through the building, the second
12 floor of the hotel, we provide meeting space,
13 approximately 9,000, 9500 square feet of meeting space.
14 We're also providing, as you can see on the far right --
15 there's a pink, and then there's a little bit darker pink.
16 Those are what we call "hospitality suites." We were
17 asked again to work with HPRB to try to get residential
18 units and residential uses back in those buildings, so
19 they were pleased to see that we were putting hospitality
20 suites, which are actually two levels. You can walk into
21 these suites and this level and have a living room, a
22 meeting area, and then there will be an internal stair
23 that will take you up to the sleeping areas above.

24 As we move back over to the residential area,
25 you can see the Lurgan Building and the space between it

1 and the residential building that I mentioned that was an
2 open space with a glass connector.

3 You can also see the three canopies that I
4 mentioned just a minute ago and how they extend beyond the
5 property line.

6 This is the third level. You can see the upper
7 levels of this hospitality suites that I mentioned, and we
8 start to get into a more typical guest room and apartment
9 floor configuration. The meeting space is double height,
10 so you're still within the volume of that meeting space at
11 this level. But as we go to the next level, we're using
12 the roof of the meeting space as part of our GAR
13 calculations, and we're providing a green roof terrace
14 there. I also mentioned the one on the ground previously
15 that belonged to the residential uses.

16 You can see how we're sitting back as well from
17 the historic buildings and the contributing buildings
18 along 9th Street.

19 As we move to this level, I want to take a
20 moment and talk about the two courts that were just
21 mentioned in the opening statement. The first one is
22 within the Lurgan Building, and the Lurgan Building is a
23 C-shaped building that's in white, and you can see that
24 there is an existing light well within that. One of the
25 solutions that we're looking at for a mechanical design is

1 to come into that space about a foot with an airshaft, but
2 we're also looking at other areas where we don't have to
3 do that. But we wanted to bring it up to you and see what
4 kind of flexibility we might be allowed there.

5 The other is right next to that where it says
6 "roof below." I hope everybody can see that. That area
7 is the historic contributing building that we are
8 relocating next to the Lurgan Building. So, by
9 calculation, the width of that should be about a foot
10 wider, but it is the existing width of the contributing
11 building. We meet all other court calculations.

12 And then we're just moving up through the
13 building. This level is the penthouse level, and this is
14 the other area that we're looking for some flexibility.
15 We're also looking for flexibility in the amount of
16 communal space that we're allowed on this level. We
17 understand that we are allowed approximately 20 percent of
18 this communal space to be enclosed, and right now, we are
19 at 36.5. And to give you some numbers of what that means,
20 it means that the entire communal area, not including the
21 mechanical areas, is approximately 13,500. From that, we
22 are allowed 2,700, which is approximately 20 percent. We
23 are requesting 4,929, which is approximately 36 percent.

24 On the apartment buildings to the left, we have
25 a communal area on top. We also have a rooftop pool, and

1 then the rest of it is outdoor space with seats and
2 barbecues and that type of thing.

3 On the hotel side, we're looking at a space up
4 there, most likely to use as a fitness center, and then
5 some exterior roof spaces up there as well that you can
6 get out underneath.

7 Everything that you see in blue is mechanical
8 space, and then everything that you see in white is
9 obviously below that.

10 Moving up to the actual roof plan, you can start
11 to see how that affects. As allowed by code, we are 18
12 feet 6 inches from the face of the building, the
13 projection extends from.

14 We have some building sections if we need to
15 stop and talk about those, but this does show how we have
16 two levels of underground parking, our lobby levels, and
17 then 10 floors of guest rooms or residences.

18 This is a section taken, looking through that
19 glass connector that I mentioned to looking through that
20 glass connector that I mentioned to looking or even taken
21 through the Lurgan Building, I should say, so you're
22 looking into the Lurgan Building and to the hotel and
23 looking back into the courtyard on the ground level.

24 Another section from 9th Street west.

25 These two drawings are the elevations of our

1 buildings, and they're shown in context. The upper one is
2 along L Street that shows the D.C. Convention Center to
3 the right. It shows the proposed applicant project in the
4 center and then over to 10th Street and a little beyond,
5 and so you can see the scale of the buildings.

6 To the bottom is 9th Street. It shows the
7 American Federation of Labor Building, which is now a part
8 of the Marriott Marquis. The Marriott Marquis is next and
9 then our project, and then the Whitman Condominium
10 Buildings to the right of that.

11 And then you can also see in this particular
12 slide, the contributing buildings and how they relate to
13 the street. We have some blowups of this as well.

14 This is L Street, the entrance to the hotel to
15 the right. You can see where we've relocated the Civil
16 War building as we move to the left, the Lurgan Building,
17 the courtyard that you see over and around the Lurgan
18 building, and then the residential building to the left of
19 that.

20 Along 9th Street, we see the corner of the hotel
21 and then the six contributing buildings along 9th Street
22 and then to the far right, the new construction that we're
23 placing over the existing vacant lot.

24 These are elevations of the alleys. The first
25 one is parallel to L Street within the alleyway, and the

1 second one is parallel to 9th Street within the alley.

2 We do have a material board that you have behind
3 you, and all these materials are referenced on that
4 material board, and we'll be happy to answer any
5 questions.

6 We have a series of axonometrics that explain
7 materials, show projections, and may be helpful as you
8 consider this applicant process.

9 This is through the residential building as well
10 as this one, and on the far left, you can see the edge of
11 the Lurgan Building and the glass connector between the
12 Lurgan Building and the new building that we are building.

13 This is through the hotel, right near the
14 porte-cochère and the entrance.

15 And then this is the vacant alley that I have
16 indicated that we're building over and that would also
17 allow cars and service vehicles access into the existing
18 alley system.

19 Some renderings from the corner of 9th and L,
20 and in the far left-hand corner is the corner of the
21 Marriott Marquis. The far right is the D.C. Convention
22 Center.

23 This is from L Street looking back towards 9th
24 Street and the Convention Center.

25 This one shows the alley access underneath the

1 residential building, the glass connector beside the
2 Lurgan Building, the relocated Civil War Building, the
3 entrance to the porte-cochère of the hotel and the lay-by
4 underneath that.

5 Again, from 9th and L, looking up 9th and down
6 11th or down L. Same view.

7 This is 9th Street looking south along the
8 contributing buildings back towards the Marriott Marquis,
9 and you can start to see a little bit of the architecture
10 as it enters into the alley system.

11 This is again the alley system. The building
12 that is shaded in the right is the Whitman Condominiums,
13 so that is an alley elevation.

14 From the other end, the building shaded to the
15 right is Quincy Court. The building to the left is the
16 Whitman.

17 And this is looking at the residential building
18 and towards that new relocated alley that is accessible to
19 L street.

20 This is L Street to the west looking to the east
21 and to the Convention Center in the distance and the
22 Marriott Marquis to the right.

23 Still on L Street looking back at the
24 residential building, the Lurgan Building, and the
25 entrance to the residential building, the glass connector.

1 And L Street elevation and 9th Street elevation
2 and then a close-up of the glass connector entrance into
3 the residential building that occurs between the Lurgan
4 Building and our residential component.

5 This is the entrance into the hotel that we were
6 requested to provide along 9th Street and then looking at
7 the scale of the contributing buildings as they continue
8 northward toward M Street.

9 The porte-cochère and the scaling device along L
10 Street that we're using, the terracotta baguettes in order
11 to bring the scale of the building down at that point to a
12 more pedestrian-comfortable scale and a scale that's also
13 similar to the height of the Lurgan Building.

14 These are the contributing buildings shown in
15 their active uses.

16 The entrance on 9th Street to the north, that
17 would take you into the alley system that we are
18 providing, looking to the south.

19 And finally, this is a view looking north on 9th
20 Street at the contributing buildings to the left and the
21 D.C. Convention Center to the right.

22 All the activities that we had talked about a
23 minute ago, this kind of sums them all up, and I'm going
24 to take you through this briefly. To the left, you can
25 see the new access into the alley that then immediately

1 goes into the parking. As we move to the east, the
2 entrance into the residential building. Continuing to
3 move to the east, the porte-cochère and the main entrance
4 into the dual-brand hotel. The corner of L and 9th,
5 starting to move north, the entrance into the lobby and
6 the bar. The next arrow up is access into the lobby and
7 bar. The next five arrows are potential access points
8 into the restaurant -- four up -- and then the access into
9 the retail space is showing the active uses along both
10 those streets and where cars will be located.

11 At the very top, it shows the access into the
12 alleyway that then immediately turns down into the hotel
13 parking, and then the yellow or the orange shows our
14 loading base within the existing alley system.

15 We have several slides that I am going to move
16 through rather quickly we can come back to. These are
17 provided by Studio 39, which is our landscape partner, and
18 it shows the streetscape that we're proposing as well as
19 the landscaping for the courts that we have in the
20 project.

21 We go through each area in some detail with what
22 we're providing, what the material is on the sidewalk,
23 which we are keeping in the D.C. standard, of course, and
24 then the lighting, the lights that we're providing, the
25 trees that we're providing, the materials that we're

1 providing.

2 This is the courtyard within the residential
3 area, and we are providing out there some seeding out
4 there as well as some landscaping and a fire pit.

5 The next one is the green area that's on top of
6 our ballroom system, and this is a breakout area for the
7 hotel, so this belongs -- where the lower one belongs to
8 the residential units, this belongs to the hotel, and this
9 is accessible from several different points on the third
10 floor of the hotel.

11 This is the common space on top of the
12 residential unit, showing the pool, the clubroom, the
13 exterior spaces, and this is showing the area on top of
14 the hotel as well as materials and other receptacles and
15 bollards and so forth, planting.

16 Okay. Briefly, GAR requirement -- okay. The
17 GAR, the green area, we are required to provide .2 percent
18 or 20 percent of the total area as green area, which gives
19 us -- we are providing to .226 to make it short. We are
20 providing 10,000 square feet of area that has between 2
21 inches and 8 inches of soil and 4,200 square feet, which
22 is providing over 8 inches of soil, so it takes us above
23 the required minimum to .226.

24 CHAIRMAN HOOD: Ms. Brown, he can actually
25 finish. He had 60 minutes. We allow 60 minutes. I know

1 you all asked for 45, but we're rather for him to go
2 through is presentation thoroughly.

3 MS. BROWN: Perfect. I just wanted to make sure
4 you got everything you needed. Okay.

5 MR. NEAL: Well, that's it.

6 [Laughter.]

7 CHAIRMAN HOOD: Well, maybe I spoke too soon.

8 [Laughter.]

9 MR. NEAL: No. I'm actually going to turn it
10 over now.

11 Are you going to introduce --

12 MR. ANDRES: Yeah.

13 Good evening, Chairman Hood and members of the
14 Commission. Erwin Andres with Gorove/Slade Associates. I
15 reside at 475 K Street, N.W.

16 With respect to our coordination with the
17 development team, we've identified and accessed a
18 circulation plan that serves not only the proposed
19 development, but also the surrounding neighborhood.

20 In addition to that, we have performed a traffic
21 impact analysis that we coordinated with DDOT, and we've
22 also coordinated some of the elements that DDOT had
23 requested in their review.

24 With respect to the site itself -- next slide,
25 please. With respect to the site itself, the site is

1 highly accessible by transit. The Mount Vernon Square
2 Metrorail portal, which serves the Green and Yellow Line,
3 is approximately 800 feet away. It's one diagonal city
4 block away. There's four bus routes that serve the
5 general area along with tie circulator, and the future
6 streetcars is within walking distance of the site.

7 In addition to that, the highly transit
8 environment is confirmed by the fact that the census track
9 information identify that of the residents in this area,
10 73 percent take non-auto modes to work, so that's 73
11 percent of the residents in the area do not drive to work.
12 They take alternative modes.

13 With respect to our coordination with DDOT, we
14 have identified -- next slide, please. We have identified
15 some elements related to the Transportation Demand
16 Management program, which is geared to mitigate the impact
17 of the additional traffic generated by the development.

18 With respect to those TDM elements, DDOT in
19 their review letter dated January 20th -- next slide,
20 please -- identified seven conditions that the Applicant
21 has agreed to implement in order to address DDOT's
22 comments.

23 So, with that, I'm available for questions.
24 Thank you.

25 MR. NEAL: With your permission, I would like to

1 go back and just touch on the GAR just one more second.
2 As I'm reading my notes, there's a couple. I can do it
3 without that slide.

4 Based on the total site area, we're required
5 about .2 percent, but we're also allowed to eliminate the
6 historic buildings from that number. So that takes us to
7 approximately 55,000 square feet of area, of which that
8 2.2 has to be applied to. So that gives us the
9 approximately 12,000 square feet that we need to provide,
10 and we're providing about 14,200 or .22 percent of that
11 site area.

12 And I believe that concludes our presentation.

13 MS. BROWN: Thank you.

14 In closing, we do have -- we did submit for the
15 record, a list of our community benefits and amenities, so
16 you can have it all in one place. In addition to the area
17 of flexibility that you've heard this evening, we also
18 have in the record, a list of the typical areas of
19 flexibility with the minor changes to participations and
20 availability of landscape and those things that you
21 typically see and including flexibility to make minor
22 changes to get final HPRB approval.

23 So, with that, we are now available for
24 questions. Thank you.

25 CHAIRMAN HOOD: Okay. Thank you. I thank

1 everyone for their presentation.

2 Let's see who would like to start us off.

3 Commissioner May?

4 COMMISSIONER MAY: Okay. Well, thank you very
5 much for a thorough presentation. I certainly appreciate
6 the complexity of the project, and it has improved
7 significantly from when we saw it as set down, and you've
8 addressed a lot of the concerns that were raised.

9 I do have a few more concerns, though. Since we
10 were just talking about the DDOT conditions, first of all,
11 essentially, as I understand it, you are agreeing to all
12 the conditions that DDOT had set forth in their report,
13 all the bike spaces and everything else?

14 MR. ANDRES: Yes, that's correct.

15 COMMISSIONER MAY: Okay. So now I don't recall.
16 I know they raised an issue of a concern about the lay-by.

17 MR. ANDRES: With respect to the lay-by, we're
18 coordinating with DDOT, and we're going to do that through
19 public space. Typically, elements in the public space
20 such as lay-bys and driveways, for that matter, are
21 coordinated through public space, and that's where we
22 intend to address that issue.

23 COMMISSIONER MAY: Okay. Yeah, I've heard that
24 before.

25 So I would have to say the biggest concern I

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1 have is you're not addressing rooftop or the penthouse
2 setbacks, I think, appropriately. First of all -- and I
3 think I'm being consistent on this in terms of how we've
4 treated other projects that have come before the
5 Commission, but when you have a courtyard that faces the
6 street, we typically see a full setback that complies with
7 the -- you know, it's the one-to-one setback on any
8 courtyard that is open to the street as opposed to one
9 that's open to an alley or one that's closed, fully
10 enclosed by walls.

11 So I have a big problem with the penthouses as
12 they're proposed because they're highly visible. You can
13 see it in your renderings, and the whole point of the
14 setback is to reduce the visibility of those.

15 MS. BROWN: Mr. May, could you direct us to a
16 particular drawing or which penthouse that you're
17 referring to?

18 COMMISSIONER MAY: On the apartment building,
19 the one that borders the courtyard. It shows up in a
20 prospective view on A-509, but if you go to any of the
21 rooftop drawings, I think it shows there. You can see the
22 impact on A-509. Put it that way.

23 So I'm really, actually stunned to see it like
24 that because I thought this was an issue that has long
25 since been settled. It's been before us in other cases.

1 I'm puzzled. Even when a penthouse is on a courtyard
2 that's fully enclosed and not visible from the street, we
3 see a request for relief, and we're usually willing to
4 grant it when it's not exposed to the street. But this is
5 right on the street. I don't understand it.

6 MS. BROWN: We have had the interpretations from
7 the Zoning Administrator that if it's an enclosed court
8 that we do not need the setback.

9 COMMISSIONER MAY: And this is not an enclosed
10 courtyard. This is facing the main street. It's highly
11 visible from the street. The whole point of the setback
12 is to reduce the visibility of the penthouse.

13 And I appreciate the desire to have more
14 communal recreation space, and I'm willing to be flexible
15 on that, on that percentage, up to a point, even though we
16 haven't resolved that issue on our own new regulations on
17 penthouses.

18 But we refused a previous case not very long ago
19 because they proposed insufficient setbacks on a courtyard
20 facing the main street. I'm just puzzled why. Can you
21 fix that?

22 MS. BROWN: And I understand your position. We
23 will look at that and restudy it. I think the view that
24 the Applicant was taking is that it is facing into the
25 courtyard as opposed to the street frontage, so we are

1 hopeful that that would be satisfying your concern, and
2 clearly, it does not.

3 COMMISSIONER MAY: No, it doesn't fly.

4 I mean, the whole point of the setback is to
5 reduce visibility from the street, to make the perceived
6 height, to make it so that the height we see is really the
7 110 feet, and you're not complying with that in my view,
8 period. I think you'd have trouble with this when you get
9 to NCPC as well because I think they would view that wall
10 as an exterior wall because it is -- I mean, it's the
11 exterior of the building, and it's visible from the
12 street, and the whole point -- I won't say it again.

13 MR. NEAL: May I give some clarification?

14 COMMISSIONER MAY: Yeah.

15 MR. NEAL: Now that we have this up here, I just
16 want to be crystal clear about what you're referring to,
17 because we have some walls that are facing the streets and
18 some that are facing -- that are perpendicular to the
19 street, so I just want to make sure I understand what
20 you're saying.

21 COMMISSIONER MAY: Visible from the street. The
22 point is visible from the street. So the courtyard itself
23 faces the street. So, as far as I'm concerned, that
24 exterior wall, you need to follow the setback.

25 And I think it's for the entire courtyard. I'd

1 be willing to see where the view of that -- where the
2 setback might be insufficient. So that whole -- yes,
3 that, all the way around there where you can see it. Now,
4 when you turn the corner there and you start to come back,
5 that may not be visible. If you could demonstrate that
6 that's not visible, then I could see that it might be
7 reason for flexibility.

8 NCPC may not see it that way.

9 MS. BROWN: We did look at the one at the north
10 bar for the visibility, and the Lurgan and those buildings
11 do block the view from across the street. You cannot see
12 it, but we can provide that diagram for you.

13 COMMISSIONER MAY: Okay. I'm not so sure I'd go
14 along with that anyway, because I think, again, you are
15 still going to have to get through the NCPC gauntlet, and
16 it is a courtyard that is open to the front.

17 In any case, the most visible one is the one
18 that's on the apartment building, and also the one that is
19 over the Lurgan, opposite the apartment building, the
20 western section of the hotel building there. To your
21 right, that one. That. There is not a setback there.
22 Right. That's where it should be, and it's not where it
23 is.

24 So the second issue that I have with rooftops
25 and setbacks is that you have a platform at 4 feet, which

1 is typical when you have that deck and the pool and all
2 that kind of stuff. You have a small wall above that,
3 that's another foot, according to your drawings. There's
4 a top-of-wall measurement that's a foot higher. Does that
5 go all the way around?

6 MR. NEAL: I'm trying to think where that one is
7 located.

8 Basically, we have 4 feet high. It is
9 essentially a parapet, is what we're saying.

10 COMMISSIONER MAY: Right.

11 MR. NEAL: And it does go wherever we have that
12 4-foot step. It continues all the way around.

13 COMMISSIONER MAY: Right. Right.

14 And so, again, the point of the setback is to
15 reduce the visibility. It's not -- so you don't get a
16 free parapet on top of a 4-foot platform on top of 110
17 feet. If it's 4 feet and it's set back 4 feet, it's okay.
18 If it's 5 feet --

19 MR. NEAL: It is.

20 COMMISSIONER MAY: -- then it's got to be set
21 back 5 feet.

22 MR. NEAL: I see.

23 MS. BROWN: We want to take a quick look at that
24 because I thought that we had studied that, and it was not
25 --

1 MR. NEAL: We set back 5 feet from the edge of
2 the building, and then we go up 4 feet, and then we have
3 another.

4 COMMISSIONER MAY: Okay. So it is set back 5
5 feet.

6 MR. NEAL: Yes, it's set back 5 feet.

7 COMMISSIONER MAY: That wasn't clear to me. All
8 right.

9 COMMISSIONER TURNBULL: If you look at section
10 on A-451, I think that will illustrate what Commissioner
11 May is pointing out. It is that middle section.

12 MR. NEAL: Yep.

13 COMMISSIONER TURNBULL: And I think he's saying
14 that that really doesn't meet setback.

15 COMMISSIONER MAY: Yeah. It's not so apparent
16 here.

17 Now, I think if you go above 4 feet, you're
18 going to get into the area ratio problem. I mean, the
19 reason why you keep it down at 4 feet is that it's not
20 considered a penthouse, and when you get above it, it's
21 got to be considered a penthouse.

22 Now, with a parapet wall, maybe you are okay,
23 but again, that's above 4 feet, so at least the area of
24 the wall has to be included in that calculation. It gets
25 a little weird.

1 MS. BROWN: I believe that we had studied that.

2 COMMISSIONER MAY: Okay.

3 MS. BROWN: I can see Peter Green behind me

4 checking it as well. We had looked at it earlier. We

5 thought we were okay.

6 COMMISSIONER MAY: I think that's a small
7 problem, and it's something that you can fix, and you just
8 need to demonstrate I think that you fixed it.

9 Okay. So the last problem I have with this is
10 the glass rail that's directly above that wall, because
11 that is visible, and it's above the 110 feet, and it's
12 more than 4 feet above the 110 feet. Typically, something
13 like that, I would expect to see set back. It's not set
14 back at all, and so what we're seeing in effect is 40 --
15 well, maybe it is not 42 inches, but it's going to be at
16 least 3 feet above the 5 feet. So it's 8 feet up, and
17 it's set back 4 feet.

18 Again, we have a recent case where they designed
19 the whole thing without those -- without any rails like
20 that. They used planters, and they used steps and things
21 like that, to avoid having that rail, and I think that's
22 the kind of treatment that you have to have.

23 Again, the whole point of this is to reduce the
24 visibility of what's on the roof and to set things back.
25 It's okay if it's an embellishment, a tower, dome,

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1 steeple, something like that, but not handrails. So I
2 think that needs to be fixed.

3 I'm just curious. On the apartments on the
4 first floor on the Lurgan, do they have windows that are
5 looking into the lobby of the apartment building?

6 MR. NEAL: There are some that have -- looking
7 into that. They don't just look into that.

8 COMMISSIONER MAY: Well, right. No, I'm
9 thinking about bedrooms or something.

10 MR. NEAL: Those aren't bedrooms. Yeah.

11 COMMISSIONER MAY: I think I saw one, there was
12 a bedroom that looked out into the lobby.

13 MR. NEAL: Yeah. Well, yeah.

14 [Laughter.]

15 COMMISSIONER MAY: Okay. It just seemed a
16 little odd, but that's okay. It doesn't matter to me.

17 MR. NEAL: Okay.

18 COMMISSIONER MAY: I guess it might matter to
19 whoever rents it, but they must know what they're getting
20 when they see it.

21 I'm a little confused by the court relief. Can
22 you walk me through that again and where you need relief
23 on the courts, and then what's this extra duct that you
24 want to run through it or ventilation shaft?

25 MR. NEAL: This is the light well that is an

1 existing light well.

2 COMMISSIONER MAY: Yeah.

3 MR. NEAL: And we were looking to have a shaft
4 to some portion within the light well to provide air to
5 the lower levels.

6 COMMISSIONER MAY: So is that shaft currently
7 compliant with the court regulations or not -- I mean the
8 current light well.

9 MS. BROWN: I believe it is not. I think it is
10 a nonconformity.

11 COMMISSIONER MAY: An existing nonconformity.

12 MS. BROWN: Yes.

13 COMMISSIONER MAY: And you want to increase the
14 nonconformity?

15 MS. BROWN: Yes.

16 MR. NEAL: Yes.

17 COMMISSIONER MAY: And how big is that shaft?

18 MR. NEAL: Peter, how big is that shaft?

19 COMMISSIONER MAY: I mean, is that shown in a
20 drawing somewhere?

21 MR. GREEN: 201.

22 COMMISSIONER MAY: 201.

23 MR. NEAL: 201.

24 COMMISSIONER MAY: Okay. Oh, I see. Okay.

25 And the application states that you are

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1 requesting that court relief, or is this the first time
2 that we're seeing --

3 MS. BROWN: Tonight, that we are presenting
4 that.

5 COMMISSIONER MAY: Okay. So your application
6 would need to reflect that you're asking. I'm not sure
7 how you do that officially, but --

8 MS. BROWN: I think, officially, it's by
9 presenting it tonight as sort of an amendment.

10 COMMISSIONER MAY: I presume it's amending it.
11 Okay.

12 MS. BROWN: Yes. Thank you.

13 MR. NEAL: The second one is the relocated
14 building.

15 COMMISSIONER MAY: Yep.

16 MR. NEAL: And the requirements or the
17 dimensions would require that that actually leave us --
18 extend the width of that another foot beyond the existing
19 size of that contributing building.

20 COMMISSIONER MAY: All right.

21 Do you think that there is another solution,
22 going back to the first court? Do you think there is
23 another solution for that ventilation shaft?

24 MR. NEAL: We're studying them.

25 COMMISSIONER MAY: Okay. I mean, it's already a

1 small shaft and goes fairly deep, right? It's several
2 story -- many stories deep.

3 MR. NEAL: It's the full height of the building.

4 COMMISSIONER MAY: Yeah. So you need all the
5 area you can get.

6 So the last issue that I have is on the
7 amenities package. We received that submission most
8 recently that recapped it all, but it recapped everything.
9 I mean everything under the sun that could even remotely
10 be considered a benefit of the project, and, you know,
11 some of these things are just things that you're going to
12 be doing anyway for your project. And so I don't
13 understand why we would -- why would you even list them?
14 Upgrade architectural north and west building elevations
15 and the cost articulations. I mean, those are design
16 changes that you needed to make in order to get through
17 HPRB. Why is that? Why are you quantifying that for us?

18 MS. BROWN: Well, it's similar to the
19 quantification that we did for the design review for the
20 Third Church of Christ Scientist site at 16th and I.

21 COMMISSIONER MAY: Mm-hmm.

22 MS. BROWN: It's similar to the quantification
23 we did for the Babe's Billiard site where these were --
24 what we were doing above matter of right.

25 COMMISSIONER MAY: Okay. I'm not sure. I mean,

1 direct annual tax revenue, we don't normally see that
2 quantified.

3 MS. BROWN: Actually, we have in previous PUD
4 cases talked about the job creations and the direct
5 benefits of the tax revenue.

6 COMMISSIONER MAY: Yeah. But, I mean, we've
7 heard discussions of them, but are they proffered as
8 benefits of the project?

9 MS. BROWN: As part of the economic impact,
10 positive economic impacts, and I think it's part of the
11 PUD provisions.

12 COMMISSIONER MAY: Part of the PUD application?

13 MS. BROWN: I'm not saying that this is the -- I
14 think that the main public benefits are the hotel use, the
15 historic preservation component of the project, and
16 upgrading the whole area, and then the provision of
17 housing as well.

18 COMMISSIONER MAY: So when you have meatier
19 benefits that kind of get lost when you try to come up
20 with a list that's 18 items long, and some of them are
21 really not that substantial.

22 Looking at the whole thing, I mean, I
23 understand. Honestly, the major benefit of the project,
24 from my perspective in terms of this list, is the historic
25 preservation aspect of it, and I appreciate having it

1 quantified. I'm not sure I agree with all the math there
2 and that all makes sense, but I understand that that's a
3 significant cost that's associated with the project. And
4 saving those buildings is an important benefit.

5 But then when you get down to sort of the
6 one-time contributions, it seems remarkably small compared
7 to other projects of this size, even ones with significant
8 costs related to historic preservation. It is a bit
9 uninspired.

10 MS. BROWN: Well, and I think that's one of the
11 reasons why we did quantify the historic preservation when
12 we were working with the ANC. They were very much aware
13 of what the cost of the preservation was, and they
14 specifically asked us to incorporate more preservation, as
15 we could, on L Street. So that whole negotiation with
16 HPRB, DCPL, and the ANC, we agreed to retain a portion,
17 the front portion of 911 L Street and move it, and as you
18 heard, that's at a cost of over \$900,000. And there was
19 specific discussion at the ANC meeting about how can we
20 ask them to make greater community contributions when they
21 did exactly what we asked them to, and it's costing them
22 over \$900,000.

23 COMMISSIONER MAY: Okay.

24 And the last thing is that sustainable design,
25 building is reject to achieve LEED Silver status, aren't

1 you required to meet LEED Silver anyway under the Green
2 Building Act?

3 MS. BROWN: I know that we were discussing this
4 with DDOE, and as you see in the report, we are going for
5 Silver because of the difficulties in reaching Gold for
6 the historic preservation elements. It put a lot of
7 constraints on trying to reach the higher level.

8 COMMISSIONER MAY: Okay. I understand that, but
9 you didn't answer my question. Do you know whether in
10 fact it's required by the Green Building Act?

11 MS. BROWN: I don't believe -- that's -- I need
12 to check.

13 COMMISSIONER MAY: Okay. I think it is.
14 And honestly, you know, LEED Silver means really
15 nothing. I mean, I understand if you can't exceed it.
16 That might be understandable, but it's not a quantifiable
17 benefit to come here and proffer LEED Silver because
18 everything is LEED Silver at a minimum, and that's kind of
19 what we expect. So if it were LEED Gold or LEED Platinum,
20 then that really tops the list, but this doesn't mean very
21 much.

22 I'm interested in hearing what my fellow
23 Commissioners think about the list of benefits, so that's
24 it for me.

25 Oh, I'm sorry. One other thing. I always have

1 to mention this. The penthouse, the penthouse colors, I
2 always encourage darker colors rather than lighter colors,
3 because it tends to fade away more, and it's just
4 something for you to look at. It's not going to make my
5 vote one way or the other. It's just my little bit of
6 architectural advice, which, by the way, the Vice-Chairman
7 often supports.

8 Thank you.

9 VICE-CHAIRWOMAN COHEN: The last I looked, I was
10 a chairwoman, though, vice-chairwoman.

11 [Laughter.]

12 VICE-CHAIRWOMAN COHEN: It's okay.

13 Anyway, I do agree with my colleague that the
14 rooftop, it would be better if it was a darker color. It
15 just fades into the background more, and I urge all of you
16 to walk around and look up. I think you'll end up making
17 the same determination, because that's what I ended up
18 doing. I didn't believe it at first.

19 Again, the residential and the hotel will begin
20 construction at the same time; is that correct?

21 MS. BROWN: Yes. That is correct.

22 VICE-CHAIRWOMAN COHEN: Okay.

23 And again, I support my colleague on the LEED
24 Silver, and I also believe -- not believe. I would
25 strongly suggest that you get a third-party certification,

1 not only because that's an important item or process to go
2 through, especially because it's the first thing value
3 engineering takes a look at, and I would urge you to look
4 at the DDOE report and respond to it, its suggestions.

5 As far as marketing goes, when it is actually
6 certified as a LEED Silver, you really get much more
7 marketing pull on that. You can go around the country and
8 check out the occupancies of LEED-certified hotels or inns
9 or whatever.

10 I agree that one of the major benefits of this
11 project is the historic preservation, and I know that
12 there's a substantial sum that you will be having to shell
13 out. However, I also do believe you get significant
14 historic tax credits for this; is that correct?

15 MR. KNOPF: I believe there may be tax credits
16 for the Lurgan piece.

17 VICE-CHAIRWOMAN COHEN: Only for the Lurgan
18 piece? I'm shocked.

19 MR. KNOPF: We haven't really looked into it
20 with DCPL.

21 VICE-CHAIRWOMAN COHEN: All right. That's
22 something that I think allay some of the costs, so you may
23 want to look into it. They're available, and yes, it's a
24 process, but it's a very, I think, financially beneficial
25 process for you.

1 MR. KNOPF: Yes. We do intend to do that.

2 MS. BROWN: I'm sorry. Ms. Cohen, we can have
3 Ms. Eig respond to that issue at your convenience. She is
4 quite familiar with the historic preservation tax credits
5 if you're interested.

6 VICE-CHAIRWOMAN COHEN: Well, I think that,
7 again, it's just everything that weighs to the favor of
8 the development entity and applicant. So, although it's a
9 proffer, I think, again, I would concur with my
10 colleagues saying that you provided a laundry list of
11 proffers, and I think we allowed those as part of the
12 presentation in other cases that you cited, but as far as
13 giving great weight and looking at them, I think that
14 basically was the actual benefits to the community. And
15 in this case, it may be the hotels. An affordable housing
16 advocacy group would disagree, of course, but really, I
17 thought it was light as well when I looked at it for the
18 parks, as an example.

19 Of course, you're not required to do any
20 affordable housing. So I just felt that it's weak.

21 MS. BROWN: The historic preservation is a
22 significant cost, and in my quick glance back to Ms. Eig
23 -- and it was my estimation too -- the reason it's only
24 available for the Lurgan is because the building, the four
25 corners of it, are being retained, but the rear portions

1 of the buildings on 9th Street are being altered to the
2 degree that you probably would not qualify for the tax
3 credit.

4 VICE-CHAIRWOMAN COHEN: That's a good point.

5 In addition, it was very -- from looking at the
6 pictures, they were pretty derelict.

7 MS. BROWN: Yes.

8 VICE-CHAIRWOMAN COHEN: So that's understanding.

9 Can you go to A-457? In the entrance above the
10 parking garage, the green space, is that just going to be
11 wasted space, or is it going to be utilized in any way?

12 MR. NEAL: Yes. It's breakout space. The room
13 that is adjacent to that is a suite, and it's intended to
14 be breakout space.

15 VICE-CHAIRWOMAN COHEN: All right. So there
16 will be something up there.

17 MR. NEAL: Yes, there will be.

18 VICE-CHAIRWOMAN COHEN: In A-505, the building
19 that is beige-colored, there's some kind of screen. Is
20 that the entrance to the parking garage?

21 MR. NEAL: 505?

22 VICE-CHAIRWOMAN COHEN: Yeah. A-505. Next to
23 the sort of -- there's a red building on the right, blue,
24 and the beige building that has --

25 MR. NEAL: That is the building that you just

1 pointed to that has the green on the top.

2 VICE-CHAIRWOMAN COHEN: And what is that?

3 That's the entrance then to the garage?

4 MR. NEAL: It's the entrance into the alleys.

5 VICE-CHAIRWOMAN COHEN: Alleys, okay. The
6 alleys --

7 MR. NEAL: That's correct.

8 VICE-CHAIRWOMAN COHEN: -- to go to the -- yeah.

9 Okay. Because it's not a very attractive, in my opinion,
10 entryway from the street, and I don't know if you can
11 modify it to make it a little bit more visually
12 interesting.

13 MR. NEAL: Just for your information, we have
14 used -- or we're using terracotta baguettes in there to
15 give it a finished feel, and we're trying to use finished
16 materials within there, so that it doesn't -- you don't go
17 back a foot or two, and then, all of a sudden, it gets
18 down -- reduced. So the materials that we're putting in
19 there are high quality, not that answers your question,
20 but I did want to explain that a little bit.

21 VICE-CHAIRWOMAN COHEN: Yeah. It's just, to me,
22 visually unattractive when you're walking by. You just
23 see this screen that's bland, in my opinion, but it's
24 minor.

25 The restaurants along 9th Street, I presume

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1 you're going to be using both floors for the restaurants?

2 MR. NEAL: No, ma'am. We're using only the
3 ground floor for restaurants, and the second level above
4 that aligns with our meeting floor. So those will be
5 meeting rooms and hospitality suites and so forth.

6 VICE-CHAIRWOMAN COHEN: Now, how old is the
7 Lurgan Building? I read it, and I forgot.

8 MR. NEAL: 1909, early 19s.

9 VICE-CHAIRWOMAN COHEN: And the open-space
10 courtyard behind that building, won't it be subject to a
11 lot of windows looking down on it and lack of sunlight, a
12 lot of shade?

13 MR. NEAL: Let me go to it before I answer the
14 question.

15 You can start to see into it there that the
16 hotel will be looking into it primarily on two sides -- or
17 three sides and then the residential from one side, and
18 no, we feel that it's going to be an attractive and open
19 area. I mean, it's not -- yes.

20 VICE-CHAIRWOMAN COHEN: That was a big concern
21 when the Hilton on Connecticut Avenue wanted to expand,
22 and the historic building next door was very concerned
23 about -- and they were even further away. So I just am
24 bringing that to your attention that that may be a concern
25 for people, would be for me frankly, and I was a former

1 New Yorker. I had binoculars looking in my windows.

2 Again, I know this is very expensive, but I
3 really want to state it would have been helpful if the
4 Applicant proffered -- you don't have to do this because
5 it's not required of you, but there are people who are
6 going to be working in that neighborhood who probably
7 can't afford those market rents. And it would have been
8 wonderful if you could have proffered for the workers,
9 some units that they could afford, be it a hotel worker.
10 You're often just paid minimum, a little bit above that if
11 you've worked there for quite a few years, yet you can't
12 afford to live in the neighborhood where you're working.
13 And that's pretty unfortunate. I have to state that, just
14 because it's in my DNA.

15 I think that -- what is the Civil War building
16 going to be used for? Is that part of the apartment or
17 the --

18 MR. NEAL: It has multiple uses. It is a part
19 of the hotel.

20 VICE-CHAIRWOMAN COHEN: It's a part of the
21 hotel.

22 MR. NEAL: Some meeting rooms and some guest
23 rooms, actually. Guest rooms are on the top floor and
24 then some meeting rooms on an intermediate --

25 VICE-CHAIRWOMAN COHEN: How many square feet?

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1 It looks so tiny.

2 MR. NEAL: It is tiny. When I said "guest
3 rooms," I mean guest room.

4 [Laughter.]

5 MR. NEAL: Yes.

6 VICE-CHAIRWOMAN COHEN: Maybe you can make that
7 one affordable.

8 MR. NEAL: Well, it's a hotel room.

9 VICE-CHAIRWOMAN COHEN: Oh, that's right.

10 All right. Well, thank you very much for your
11 testimony. It was very complete, and I may have other
12 questions.

13 CHAIRMAN HOOD: Okay. Thank you.

14 Mr. Turnbull?

15 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

16 I want to agree with my colleagues. Thank you
17 for your presentation, and the changes that you made, it
18 was some significant changes from the first presentation
19 we saw.

20 Let me ask about the alleys, the reworked
21 alleys. Are they private alleys now that you're creating?

22 MS. BROWN: Yes. The alleys are being closed,
23 and on the west side, it will be a private property with a
24 public access easement over it.

25 COMMISSIONER TURNBULL: But you can close those

1 anytime then?

2 MS. BROWN: I'm sorry?

3 COMMISSIONER TURNBULL: You can close those

4 anytime since they're private?

5 MS. BROWN: No. In order to close the one in
6 the center on L Street and have the private access
7 easement, the one on the left, it's a condition of the
8 alley-closing process.

9 COMMISSIONER TURNBULL: Okay.

10 MS. BROWN: So the covenant is recorded.

11 COMMISSIONER TURNBULL: So that would be in our
12 order documenting that?

13 MS. BROWN: We certainly can document it through
14 the PUD, but it will be part of the alley-closing process
15 through the City Council and the Office of the Surveyor.
16 It's legislation.

17 COMMISSIONER TURNBULL: Okay. Do you know how
18 much public land was lost during this process?

19 MS. BROWN: Public land?

20 COMMISSIONER TURNBULL: All the alleys. I mean,
21 if you looked at what was public alleys and now they're
22 changed to private alley s--

23 MR. NEAL: I don't have the numbers in front of
24 me, but we increased the alleyway system by about 9
25 percent.

1 COMMISSIONER TURNBULL: All right. If you could
2 just maybe document some of that for the record, that
3 would be good.

4 MR. NEAL: Sure.

5 COMMISSIONER TURNBULL: I just one comment with
6 Mr. Knopf was talking about hotels and shuttles. You know
7 that in Chicago, they shuttle to McCormack Place, and it's
8 quite a process going through all the North Michigan
9 Avenue hotels, taking them down along the lakefront.
10 There is a process, though.

11 MR. KNOPF: There is a process. It's just very
12 difficult for those situations to compete where there is
13 immediate access to multiple hotels.

14 COMMISSIONER TURNBULL: Okay. I just wanted to
15 -- you mentioned Chicago once, and then you sort of didn't
16 -- sort of skimmed over the bussing there.

17 Getting back to the roof, I would agree with
18 Commissioner May. I think what we're going to need is
19 some blow-up plans of the roof, some blow-up plans of the
20 roof with some sections through it and some perspectives
21 showing exactly how you're meeting all the conditions. I
22 think it's hard on some of these small-scale plans to see
23 what we're really looking at. So I think we need some
24 blow-up plans of the different areas looking at the
25 heights, the decks, and what we're looking at.

1 We all want amenity space on the roof. I think
2 we're all in favor of doing that. I think we just want it
3 to be appropriate and done right.

4 The other thing I'm concerned about is lighting,
5 no up lighting. This should be all down. We want people
6 to enjoy the roofs, and it should be -- it's a place for
7 recreation, but again, we don't want it as a nuisance to
8 other properties. So I'd like to have some feeling as to
9 what's really going on up there as far as lighting and
10 what people are really going to see.

11 I mean, we want this as a place for people to
12 recreate, but again, I think we're just sensitive to
13 adjacent properties, et cetera. So I think if we could
14 get some better drawings on that, that would be
15 appreciated.

16 The benefits. And I would agree with the other
17 -- with the Vice-Chair and Commissioner May. I'd like to
18 see the benefits package reworked, maybe restated a bit
19 better. We talk about employee. Is there going to be a
20 first-source agreement, or what are we doing? I mean, is
21 this going to be local people doing work?

22 I think when you talk about 170 full-time jobs,
23 450 full-time construction jobs, but how many are going to
24 be for people in this city? How are we going to make sure
25 that this is a locally affected project that is going to

1 do something for the residents of the city?

2 So that's my only concern. That this is a nice
3 project, I think it's going to be a nice benefit to the
4 city, but what about the people who live here or the
5 workers that live here? Are they going to be a part of
6 this?

7 Originally, there was some -- the Whitman was
8 not in favor of this, and it looks like, I believe, you
9 have addressed all their concerns.

10 What about Quincy Court? I didn't see a letter
11 from them, other than the original first letter where they
12 had issues and they were talking about loading in the
13 alleys. They had concerns. Have you addressed their
14 concerns? Do we have anything? I haven't seen anything
15 in the file.

16 MR. KNOPF: We have addressed their concerns,
17 and they have told us on a couple of occasions that they
18 are going to give us a letter, but we haven't seen it y
19 et.

20 COMMISSIONER TURNBULL: Well, that would be good
21 if we could get something from them. I think it would be
22 worthwhile. I know you can't make them respond, but it
23 would be good if we could get something for that.

24 I guess I had a question on the benefits. When
25 we talk about the 10th Street Park, we originally said it

1 was 45,000, but that's not just for that park. It's for
2 three areas, and in the ANC letter, Exhibit 61, I think
3 that they made a mistake. They talk about 20,000 to the
4 friends of Gompers Park for maintenance and improvement,
5 and they repeat it again, 20,000 for the friends of
6 Gompers. I think they meant --

7 MR. KNOPF: The other park.

8 COMMISSIONER TURNBULL: Yeah. So it --

9 MR. KNOPF: Sorry. It was supposed to be 20,000
10 for each of the parks and then 5,000 to the elementary
11 school.

12 COMMISSIONER TURNBULL: Well, that's what it
13 says in other information. It's just that the ANC letter
14 -- you kind of knew it was a mistake, but I just want to
15 be sure that we understand that.

16 Department of Transportation, we're still
17 talking about working out a better transportation
18 development, management plan, and you're still working on
19 that with them?

20 MR. ANDRES: Well, with respect to the
21 transportation demand management plan --

22 COMMISSIONER TURNBULL: Yeah.

23 MR. ANDRES: -- they identified seven
24 conditions.

25 COMMISSIONER TURNBULL: Seven.

1 MR. ANDRES: And the Applicant has agreed to
2 all.

3 COMMISSIONER TURNBULL: I know. You said that,
4 but is there anything else that is in that whole concept
5 that they're looking for?

6 MR. ANDRES: Well, with respect to one of the
7 conversations that they brought up, which Commissioner May
8 brought up, is the lay-by lane. DDOT raised it as an
9 issue, and it's an issue that we're going to work through,
10 throughout the DDOT public space permitting process.

11 COMMISSIONER TURNBULL: Yeah. The vertical
12 lighting looked a little strange. It looked a little out
13 of character with the rest of the street lighting, so just
14 one issue that is to be sympathetic to your overall
15 development, something really to look at.

16 The only other thing is whether -- have you
17 talked to -- I mean, this is going to be a significantly
18 big project with a lot of construction, construction
19 management plan, working with the neighbors. You're going
20 to develop something. You're going to have a coordinator
21 that can work with your adjacent properties?

22 MR. KNOPF: Yes. We intend to do that.

23 COMMISSIONER TURNBULL: Okay.

24 MR. KNOPF: We've talked to the community about
25 that.

1 COMMISSIONER TURNBULL: So you will have a point
2 person?

3 MR. KNOPF: We will have a point person with
4 phone numbers and access, just like we did at the Marquis.

5 COMMISSIONER TURNBULL: Okay. Okay.

6 All right, Mr. Chair. I think those are my
7 questions.

8 CHAIRMAN HOOD: Thank you.

9 Do we have that memorialized in the record?

10 MS. BROWN: No. We don't have the construction
11 management plan memorialized, but the ANC was very pleased
12 with how the Marriott Marquis was handled, and they wanted
13 the same person. I think that is the plan, to get the
14 same person.

15 CHAIRMAN HOOD: So why can't we just have a
16 statement to memorialize it in the record?

17 MS. BROWN: We'll be happy to make it a
18 condition that we will enter into a construction
19 management plan.

20 CHAIRMAN HOOD: Okay. Good. Thank you.

21 Commissioner Miller?

22 COMMISSIONER MILLER: Thank you, Mr. Chairman.

23 I wanted to commend the Applicant for your
24 presentation and for all the work that you have done with
25 Historic Preservation Review Board, the Historic

1 Preservation Office of Office of Planning, and with the
2 neighbors, with the Whitman and Quincy Court and with the
3 ANC. It's really a fantastic project, and I think I had
4 said this at set-down. It's just amazing to me, seeing
5 how long it took to get the headquarters hotel, which you
6 all were a big part of, with public subsidy, and here, we
7 have right across the right, without public subsidy,
8 getting two more hotels to make up for some of the space
9 that didn't get into the headquarters hotel. I think it's
10 really fantastic.

11 It's just a very attractive project, all the
12 materials. Sometimes when you design by committee with
13 HPRB and everybody else in the world, you end up with a
14 mishmash, but I think it really is a beautiful project,
15 the materials, the design, the color, the articulation,
16 the balconies, the setbacks that you do have.

17 I would agree with Commissioner May that to the
18 extent that those rooftop structures are visible from, I
19 guess, the sidewalk, across the street -- and the
20 renderings seem to indicate that they are, but if you have
21 something that shows that they aren't, I'd like to see
22 that. But to the extent they are flush up against the
23 building and they're visible that way, I think it would
24 look better if they were set back, as Commissioner May
25 pointed out. I guess I would agree with him on -- I

1 generally agree with him and the Vice-Chair and the others
2 on the color. Anything that makes them fade away a little
3 bit would be great.

4 Although I think it's important that you do
5 maximize the communal recreation space up there for the
6 200 residential units and for the 500 hotel rooms.

7 There are a lot of public events to this
8 project, and the historic preservation, that's obviously
9 one of them. And we've been wanting to get 9th Street
10 activated across the Convention Center for decades or
11 since the Convention Center was built a decade ago or
12 more. So I think that that's great.

13 I did mention at set-down that I realize this is
14 -- that the inclusionary zoning doesn't apply to the
15 downtown area, although that's something that I think this
16 Commission is going to revisit. It may be too late when
17 we do revisit it for the downtown area.

18 Just because this site did have the Lurgan,
19 which probably is somewhat more affordable than market
20 rate housing that's in this neighborhood now, I think it
21 would be excellent if you could somehow augment the public
22 benefits or amenities with some affordable housing. Just
23 some gesture would be, I think, appreciated.

24 I realize it's expensive to do that, and you've
25 already done a lot of expense for historic preservation.

1 And we want market rate housing in downtown, but we also
2 do want a diversity of residents downtown and throughout
3 the city. And that's why the inclusionary zoning policy,
4 when we revisit it, I think will be expanded to other
5 areas that don't have it.

6 There was a time when we weren't getting market
7 rate housing downtown, but that doesn't -- that isn't the
8 case anymore, and so I think we have to be more conscious
9 of the affordability levels for maybe not the very lowest
10 income, but for workforce housing, I think it would be
11 good.

12 Anyway, I really have no questions. On the
13 alley closing, what's the status of the legislation?

14 MS. BROWN: We have received all the comments
15 from the agencies. I think we have one outstanding
16 letter, and then it's just a matter of having it packaged
17 up and forwarded to the Council.

18 COMMISSIONER MILLER: Right. I'm familiar with
19 that process. I just wanted to know where it was in the
20 process.

21 So, anyway, I commend you for the effort and all
22 the work that you've done on this project so far, and I
23 look forward to seeing it come to fruition.

24 Thank you, Mr. Chair.

25 CHAIRMAN HOOD: Thank you.

1 My first question is for you, Ms. Brown. Would
2 you say that this PUD, when you first started, came --
3 would you say it's the same PUD, when you first started,
4 when it was first applied for here in the Office of Zoning
5 -- would you say it's exactly the same? is the question.

6 MS. BROWN: Not at all.

7 CHAIRMAN HOOD: Okay. Thank you. I am going to
8 start asking that question at every hearing.

9 [Laughter.]

10 CHAIRMAN HOOD: The other issue is, I would
11 agree with Vice-Chair Cohen, with the DDOE response.
12 We're starting now to get -- I don't know if you've had a
13 chance to look at some of the recommendations.

14 Okay. Great. We would like to get a response
15 to some of the things that they mentioned in their letter.

16 MS. BROWN: We would be very happy to respond to
17 them.

18 CHAIRMAN HOOD: Mr. Andres, do me a favor. You
19 know I was going to come to you. Take me around the site,
20 the circulation.

21 MR. ANDRES: Absolutely. I was waiting for you
22 to ask the question, Commissioner.

23 [Laughter.]

24 CHAIRMAN HOOD: Since it's a benefit, take me
25 around and show me all the ease of use I'm going to have

1 in traveling.

2 We can turn the lights up. Do you have a
3 pointer?

4 MR. ANDRES: Yes.

5 CHAIRMAN HOOD: Okay. Great.

6 MR. ANDRES: Let me orient yourself, so you have
7 an understanding of what's going on.

8 There is an existing alley system which
9 currently heads south and heads west, and there is an
10 existing alley that runs down in this approximate
11 location.

12 As part of the alley closing application, this
13 alley gets moved to the west, which now becomes this
14 alley. Currently, there is no connection to this alley
15 system from 9th Street. So, as part of this project, we
16 are creating a private alley with a public access easement
17 from 9th Street, so that it ties into this whole alley
18 network.

19 Now I am going to walk you through how you get
20 to different components of the project.

21 So this is the residential building over here.
22 Essentially, if you're a resident, chances are you will
23 come down L Street, which is now two-way, and you can turn
24 into this alley and drop down to the garage.
25 Alternatively, when you leave, you can come out of the

1 alley and turn left and come out onto L Street.

2 So for all intents and purposes, most of the
3 residents will be coming in and out of this portion of the
4 alley.

5 If you're headed to the hotel, the parking
6 garage entrance to the hotel is off of the new alley
7 easement that we've created. So if you're heading north
8 or south on 9th Street, you turn into the alley, and then
9 you drop down into the hotel parking. So that is the
10 hotel parking lot.

11 Now, these red, reddish-colored boxes are the
12 proposed loading documents that we're providing for the
13 project. So, in a nutshell, those are all of the elements
14 related to both the hotel and the residential components.

15 CHAIRMAN HOOD: Okay. Thank you.

16 I think that's pretty much -- I'm not going to
17 get into the color of the brick and all that. I'm not
18 going to do that tonight. For some reason, this week
19 hasn't been the color of brick, so I'm not going to get
20 into all that. I think my colleagues have covered that
21 pretty much and pretty good.

22 I do think I would agree with Commissioner
23 Miller and others. I do think this is an existing
24 project, but there's still some concern from some of those
25 who still may have -- the letter that you're waiting for

1 -- I forgot the name of it -- Quincy Court, looking
2 forward to getting that. Hopefully, we can get that. If
3 not, we understand, but I want to make sure that they have
4 something in the file.

5 I don't have any other questions for this, other
6 than I would agree with a lot of the comments I've heard,
7 especially some of the things we asked for, like to
8 memorialize the construction management plan.

9 And I would also echo what I heard from my two
10 colleagues -- I think it was Vice-Chair Cohen and
11 Commissioner Miller -- about the affordable housing. I
12 think that was a grand idea, as the Vice-Chair had
13 mentioned, what the salaries are of hotel workers and the
14 diversity that we can have in that area. I think it would
15 be something that -- it would even make this project even
16 more attractive, I think, to the residents of this city.
17 And I think also Mr. Turnbull mentioned that. So I would
18 agree with everything I heard. That's the advantage of
19 going last. I can agree with some of it, and some of it,
20 I don't. But tonight, I actually agree with it. But I'm
21 not going to ask about the color of the brick.

22 Okay. Any other questions up here?

23 VICE-CHAIRWOMAN COHEN: Yes.

24 CHAIRMAN HOOD: Vice-Chair Cohen.

25 VICE-CHAIRWOMAN COHEN: Yeah. This again is a

1 comment that's a carryover from the set-down report, and
2 that is the canopy. I think it's a very hard-looking
3 canopy, and if there is any other way of making it softer,
4 more welcoming look, it would be helpful.

5 MS. BROWN: Thank you.

6 The canopy has changed significantly from what
7 it was -- how it was designed back in June, July, when
8 this was set down, and that was one of the comments that
9 HPRB had. That was worked on significantly, so it sounds
10 like we can take another look at it for your benefit as
11 well.

12 VICE-CHAIRWOMAN COHEN: Well, I think if HPRB
13 loves it -- but I just fine it very unwelcoming and cold.

14 COMMISSIONER MAY: I just find it too big. It
15 was way too big before, but now it's only too big. But I
16 wasn't going to go there. But I went there. Okay.

17 [Laughter.]

18 COMMISSIONER MAY: It did get better. Historic
19 Preservation did improve it, but I think there is still
20 room for improvement, and I'm a little bit puzzled by the
21 necessity, particularly depending on how things go with
22 the lay-by, but we'll see.

23 CHAIRMAN HOOD: Any other questions up here?

24 [No audible response.]

25 CHAIRMAN HOOD: Okay. Do we have anyone from

1 ANC-2F for cross-examination?

2 [No audible response.]

3 CHAIRMAN HOOD: Not seeing anyone, we will go to
4 the Office of Planning, Mr. Gyor, and then we would hit
5 District Department of Transportation, Ms. Chamberlin. I
6 don't know where Mr. Wilson is tonight, but you all can
7 tell him, we asked for him.

8 MR. GYOR: Good evening, Mr. Chairman and
9 members of the Commission.

10 The Office of Planning recommends approval of
11 this Planned Unit Development application and Zoning Map
12 amendment as it conforms to the Comprehensive Plans,
13 objectives for the area and to the generalized land use
14 and policy maps, and would contribute to the redevelopment
15 of the Mount Vernon Square/Shaw neighborhood.

16 The Applicant has worked extensively with the
17 Office of Planning to refine the project. OP particularly
18 supports the retention and integration of the eight
19 historically contributing buildings into the project,
20 which should help to create a varied and attractive
21 streetscape.

22 OP will review the document submitted today and
23 continue to work with the Applicant to address the
24 concerns raised by the Commission relating to the rooftop,
25 penthouses, and to help further refine the benefits

1 package.

2 Thank you, and I'd be happy to take any
3 questions.

4 MS. CHAMBERLIN: Good evening. As we mentioned
5 in our report, this project is expected to generate a
6 significant number of vehicle -- new vehicle, pedestrian
7 transit, and bicycle trips.

8 With that said, we are very pleased that the
9 Applicant has agreed to all our requested mitigations, and
10 as mentioned in our report, we don't believe that the
11 lay-by, as shown, is necessary, and we will continue to
12 work with the Applicant through the public space
13 permitting process to address our concerns.

14 And finally, although we did not mention this in
15 our report and as it actually has just been brought up by
16 some of the Commissioners, I did want to put on the record
17 that we do have concerns with the width of the canopy
18 projection, as it covers the entire pedestrian area of the
19 hotel entrance.

20 Thank you.

21 CHAIRMAN HOOD: Okay. And again, Exhibit 53, we
22 did have a DDOE report, which is going to be responded to,
23 and it speaks for itself.

24 Okay. So I want to thank the Office of Planning
25 and the District Department of Transportation as well as

1 DDOE.

2 Any questions, colleagues, of the Office of
3 Planning, DDOE -- I mean, I'm sorry -- District Department
4 of Transportation? Any questions?

5 [No audible response.]

6 CHAIRMAN HOOD: Okay. Not seeing any, does the
7 Applicant have any cross?

8 MS. BROWN: No questions.

9 CHAIRMAN HOOD: Again, is there anyone here from
10 the ANC?

11 [No audible response.]

12 CHAIRMAN HOOD: I do not see anyone.

13 Okay. Next, we will go to Government reports.

14 I do know that we had a support letter from the Events DC
15 Convention and Meeting, Sports and Entertainment, Special
16 Events, Mr. Greg O'Dell, the President and Chief Executive
17 Officer, the other reports that we have already mentioned.

18 Am I missing any reports?

19 [No audible response.]

20 CHAIRMAN HOOD: Okay. All right. Let's go to
21 the report of the ANC. That's our Exhibit 61. I think
22 Mr. Turnbull has alluded quite a bit to that, with the
23 mistake noted, so we noted that's a mistake, but on
24 December 17th, 2014, at the duly called and properly
25 noticed public meeting with a quorum present acting

1 throughout, eight out of eight Commissioners present, five
2 constituting a quorum, Advisory Neighborhood Commission 2F
3 voted unanimously to support the Planned Unit Development
4 application for Square 369, which would then put with the
5 input from here, Office of Planning's input, DDOT, DDOE,
6 and everyone, which is a changed plan from which was
7 presented early on, so that's for the record.

8 Okay. And I'm not just doing that for you all.
9 I'm doing that in every case, so people understand that
10 this Commission does not just rubber-stamp PUDs. We
11 change them from start to finish most of the time. You
12 may not understand that, but that's for the record.

13 [Laughter.]

14 CHAIRMAN HOOD: Okay. Let's go to organizations
15 and persons in support. Anyone would like to testify?

16 [No audible response.]

17 CHAIRMAN HOOD: Organizations and persons in
18 opposition?

19 Okay. Mr. Padro, were you sworn in?

20 MR. PADRO: No.

21 CHAIRMAN HOOD: Okay. She is going to swear you
22 in, and the gentleman behind you, are you going to testify
23 also?

24 ATTENDEE: [Speaking off mic.]

25 CHAIRMAN HOOD: Okay.

1 MS. SCHELLIN: Please raise your right hand. Do
2 you solemnly swear or affirm the testimony you give this
3 evening will be the truth, the whole truth, and nothing
4 but the truth?

5 [Witnesses sworn en masse.]

6 MS. SCHELLIN: Thank you.

7 CHAIRMAN HOOD: Okay. Good evening to you both.

8 Mr. Padro, we'll take your testimony.

9 MR. PADRO: Good evening, Mr. Chairman and
10 members of the Commission. I am Alexander M. Padro. I am
11 Advisory Neighborhood Commissioner for ANC-6E01. I have
12 been a Commissioner for 15 years, and many people credit
13 me with having led the revitalization of the Shaw
14 neighborhood that has resulted in the development
15 opportunity that you have before you this evening.

16 In those 15 years, I have dealt with scores of
17 development projects. Many of them have come before this
18 Commission, and in that time, I have never found a
19 developer to have broken as many promises to the community
20 as Quadrangle and Capstone.

21 I am going to give you just two examples of
22 those, but the ones that are the most relevant here.

23 Reverence Williams, who is the Executive
24 Director of Emmaus Services for the aging, and I came
25 before this Commission in November of 2008 when the

1 Commission was reviewing the Planned Unit Development for
2 the Marriott Marquis Hotel, and we came there on that
3 occasion because we were very frustrated that the
4 development team had not engaged with the community,
5 despite many, many months of attempts to try to get the
6 developer to understand that there were opportunities to
7 provide an amenities package for the hotel project.

8 Other developers that had completed PUDs
9 recently, shortly before that case came before the
10 Commission had \$250,000 proffers, the two projects
11 immediately before, and it was unacceptable to us
12 representing a coalition of 10 nonprofits in the Shaw
13 neighborhood, that the Marriott Marquis PUD would have no
14 community benefits than the training program that the City
15 Government was actually paying for, which the developer
16 claimed was their community benefit.

17 The Zoning Commission recommended to the
18 developer that they sit down with the members of the Shaw
19 Nonprofit Roundtable, which Reverend Williams and I
20 co-chaired, and we came up with a plan to provide \$50,000
21 in grants to nonprofits in the neighborhood and identified
22 those 10 nonprofits. And that correspondence was
23 forwarded to the Zoning Commission.

24 What did not happen was that the specific
25 organizations were not ultimately listed in the Zoning

1 Commission's order, and what ultimately resulted was that
2 rather than contact those 10 nonprofits that were supposed
3 to be the beneficiaries of the amenities package, instead,
4 Quadrangle decided to send out a notice of funds
5 availability to selected nonprofits, but specifically
6 excluding 9 out of the 10 nonprofits that we had agreed to
7 incorporate.

8 [Timer bell sounds.]

9 MR. PADRO: Do you want me to continue or --

10 CHAIRMAN HOOD: I want you to continue, yes.

11 MR. PADRO: Thank you.

12 In January of 2012, Reverend Williams submitted
13 a letter to Quadrangle requesting disbursement of the
14 \$5,000 grant that was intended to be provided for senior
15 services, provided by the nonprofit that he is the
16 director of. We were advised that there were no funds
17 available, which was obviously very troubling to us.

18 When we asked further what happened to the
19 \$50,000 that had been set aside for these 10 nonprofits,
20 we were told, "Well" -- and this is by Norm Jenkins from
21 Capstone Development, just to clarify who was the point of
22 contact for that information. We were told by Mr.
23 Jenkins, "Well, you know, there are a lot of nonprofits
24 out there, and we don't have to only give those funds to
25 the nonprofits that we previously had been discussing

1 with."

2 So, ultimately, there were two nonprofits out of
3 those original 10 that did receive \$5,000 grants or, in
4 the case of the city, I believe it was more than \$5,000
5 ultimately. Two of those nonprofits did not survive to
6 the present day, but there were six nonprofits that never
7 did receive the funds that they had -- that Quadrangle in
8 writing had agreed to provide to the 10 nonprofits of
9 which the Shaw Nonprofit Roundtable consisted of at that
10 time.

11 The reason that I have these artifacts in front
12 of me is another demonstration of the fact that Quadrangle
13 and Capstone have not kept their promises to the
14 community.

15 There was a wonderful, colorful terrazzo apron
16 that was originally in the front of a commercial
17 storefront on the 1000 block of 9th Street, where the
18 Marriott Marquis is today. It was the last surviving such
19 structure in the Shaw Historic District, U Street Historic
20 District, Mount Vernon Square Historic District. I asked
21 that that particular structure be removed and retained and
22 incorporated into the new construction of the Convention
23 Center. Mr. Jenkins declined to do that. I suggested
24 that it could be an artifact, so that could be
25 incorporated into the lobby or a display to tie into the

1 history of the site. Mr. Jenkins refused to do that.

2 Ultimately, Mr. Jenkins agreed to allow the
3 relocation of that artifact, which would be at the
4 community's expense, not at the developer's expense, and
5 we were able to find the location and a developer that was
6 happy to incorporate that into their development at their
7 expense.

8 When I went to the site to take some
9 measurements to provide to the developer that had agreed
10 to incorporate this historic artifact, it was gone.

11 When I asked the construction supervisors
12 whether it had been removed and stored safely, so that it
13 could be relocated as Mr. Jenkins had agreed to do, we
14 were told, "It's over there in the front yard of one of
15 the historic buildings that are on L Street."

16 So I dutifully went over to see what they were
17 talking about, and the artifact had been jackhammered and
18 removed and tossed into the front yard of what we now are
19 referring to as the Lurgan Building.

20 This was obviously very upsetting, but again,
21 just another demonstration of the fact that the folks at
22 Quadrangle and Capstone don't really appreciate the fact
23 that this historic neighborhood has gone through an awful
24 lot to get it to the point where every single retail space
25 has six to eight bidders trying to lease it out, to the

1 point where we've had over a billion dollars of investment
2 in the neighborhood, not even including the project that's
3 before you today.

4 We ask that you recommend to the developer that
5 the grants that were intended to be made to neighborhood
6 nonprofits as part of the PUD for the Marriott Marquis be
7 incorporated into the community amenities package for this
8 development.

9 We've heard several times this evening from
10 members of the Zoning Commission that the \$45,000
11 contributions that are proposed seem inadequate to the
12 size of this project. Yes, they're woefully inadequate.
13 Yes, there are a lot of costs that the developer needs to
14 undertake in terms of the Historic Preservation Elements
15 of the project and other elements, but if in my
16 experience, in 15 years, this is the only developer that
17 has not kept his promises to the neighborhood, I think
18 it's worth it to them to make sure that these nonprofits
19 that are doing wonderful things in our community,
20 especially for children and seniors, are made whole, after
21 the promises that were made by Mr. Jenkins that this would
22 be the project where those funds would be made available.

23 Over the years, since 2012, when we discovered
24 that the funds had been expended at an accelerated rate,
25 because we had been told originally that each of the

1 nonprofits should be prepared to prepare -- to submit
2 plans of how they would spend those funds, closer to the
3 completion of the project. Obviously, that was not what
4 ultimately was done, and Mr. Jenkins on every occasion
5 when I met with him over the intervening years said,
6 "Don't worry about it. It will be taken care of in the
7 PUD for the other hotels."

13 REV. WILLIAMS: I'm sorry. I don't have any
14 additional comments, Mr. Chairman. I think Mr. Padro has
15 expressed what happened with the circumstance, and I would
16 just encourage Quadrangle and Capstone to work with the
17 community, which I am certain that I think is in
18 everybody's best interest.

19 Thank you.

20 CHAIRMAN HOOD: Okay. I want to thank you both.

21 Commissioner Padro, let me ask you a question.

22 Was this in your ANC -- did something change when the
23 redistricting -- is that what happened?

24 MR. PADRO: The square, the block, where this
25 project is taking place now, did transfer from ANC-2C to

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1 ANC-2F, but the original understanding was not with the
2 ANC. ANC-2C never took any position on the Marriott
3 Marquis PUD. The negotiations were between the members of
4 the Shaw Nonprofit Roundtable and Capstone and Quadrangle.

5 CHAIRMAN HOOD: Okay. So in the PUD order for
6 the Marriott Marquis, we didn't list who the money was
7 going to. We just said it was going to 10 organizations
8 or 6 organizations?

9 MR. PADRO: I haven't looked back to see whether
10 or not it even listed the number of organizations.

11 CHAIRMAN HOOD: But it didn't name them?

12 MR. PADRO: It did not name them.

13 CHAIRMAN HOOD: I'm not sure what the case
14 number is. See, that goes back to -- well, that goes back
15 to some issue I'm having now with some of our --

16 MS. SCHELLIN: I was going to try to pull the
17 order up, if he had the case number.

18 CHAIRMAN HOOD: Do you know the case number?

19 MR. PADRO: I don't off the top of my head, but
20 I did search with your system under Marriott Marquis, and
21 it did come up, so --

22 MS. SCHELLIN: Ms. Brown, do you know? Do you
23 recall?

24 MS. BROWN: We were looking at it earlier today,
25 and we were just flipping through our documents. We'll

1 find it for you. I think it was 0814 -- 13.

2 CHAIRMAN HOOD: 0813. Ms. Schellin, if you can
3 look and see.

4 I'm taking your word for it because, obviously,
5 you've looked at it since I have.

6 First, let me open it up to colleagues, if there
7 are any questions.

8 Let me just say this. This kind of report
9 always gives me a heartburn, but anyway, let me open it up
10 to any comments.

11 VICE-CHAIRWOMAN COHEN: You mentioned that the
12 development team asked these groups. It sort of is
13 confusing to me, so work with me, please. They asked for
14 plans. Were those plans prepared and submitted, or this
15 RFP happened?

16 I mean, I could understand their wanting to know
17 more about where the monies are being spent. That is
18 appropriate due diligence, but I'm confused as to whether
19 that happened, and then did -- I mean, the RFP thing is a
20 weird thing, but maybe you can elaborate.

21 MR. PADRO: Absolutely.

22 So, again, we had been told by Mr. Jenkins that
23 at a future date, closer to the completion of the Marriott
24 Marquis, each of the 10 nonprofits would be asked to
25 submit a formal proposal explaining how the funds would be

1 utilized. That ultimately did not happen. There was no
2 request made to the 10 nonprofits.

3 VICE-CHAIRWOMAN COHEN: So it was a switch and
4 --

5 MR. PADRO: Bait-and-switch.

6 VICE-CHAIRWOMAN COHEN: Bait-and-switch.

7 Thank you.

8 CHAIRMAN HOOD: Any other questions up here?

9 [No audible response.]

10 CHAIRMAN HOOD: Okay.

11 MS. SCHELLIN: Chairman, would you like that
12 condition read to you?

13 CHAIRMAN HOOD: Yes, please.

14 MS. SCHELLIN: It says the Applicant will
15 contribute \$50,000 to one or more nonprofit organizations
16 in the Shaw community. Each contribution shall be
17 conditioned upon the recipient spending the funds solely
18 to support senior citizens' nutritional programs,
19 employment training, and the health care industry, medical
20 screenings for low-income Shaw residents, meals for the
21 homeless, and -- excuse me, my computer is jumping on me
22 -- for the homeless and low-income families or similar
23 services. No base building permit shall be issued for the
24 PUD unless (a) the Zoning Administrator has received a
25 written statement from each recipient indicating the

1 amount of the contribution received and committing to
2 spend the contribution only for the purposes described
3 above and (b) the total amount of the monies acknowledged
4 as having been received by the recipients is at least
5 \$50,000.

6 CHAIRMAN HOOD: So it said one or more.

7 MR. PADRO: Correct. And the list of the
8 intended uses matches the intended uses expressed by the
9 10 nonprofits.

10 CHAIRMAN HOOD: Okay. Maybe I missed something
11 in that reading. How did we get to 10?

12 MS. SCHELLIN: It doesn't say 10.

13 MR. PADRO: I'm letting you know that the 10
14 nonprofits that negotiated with Quadrangle and Capstone
15 proposed those uses.

16 CHAIRMAN HOOD: So prior to it coming in front
17 of the Commission, there were 10 nonprofits who were at
18 the table. So the community was under the impression that
19 there were 10 nonprofits that would get a piece of the
20 \$50,000?

21 MR. PADRO: That is correct -- and for the
22 specified purposes.

23 CHAIRMAN HOOD: Let me ask you this, and I think
24 you mentioned this. How can we correct that?

25 MR. PADRO: I would like to suggest that

1 Quadrangle make good on the promises that they made to
2 those 10 nonprofits. Well, now there are six that remain
3 that have not received any funding from Quadrangle under
4 the PUD.

5 CHAIRMAN HOOD: I think sometimes there are
6 trust factors, even though our order, I think, from a
7 legal perspective, because of the way I read it -- and I
8 would have to have somebody of a legal mind read it. It
9 says one or more, but even beyond that, I think as due
10 diligence, I know Mr. Padro and others in that area have
11 been through the revitalization of that area. They've
12 worked hard at it, and that's what causes these distrust
13 factors between --

14 I'm not picking on you. I'm just saying I hear
15 it all the time. I just heard it Tuesday night. I got 2
16 hours' worth of hearing distrust factors, and here I come
17 right back here tonight, I hear the same thing.

18 That's what causes citizens of this city to be
19 upset with developers. Well, some of us. And I'm not
20 taking it as a joke because it's very serious. That
21 causes a problem, and then we get thrown into it.

22 So I don't know how you all can correct it, but
23 I strongly would tell you correct it.

24 Ms. Brown.

25 MS. BROWN: We appreciate the dialogue on this,

1 and I don't know if it's better for us to address this in
2 rebuttal. But I think there is a relevancy issue. I
3 understand the trust issue that you are alluding to here,
4 and I think that there is another side to the story that
5 you haven't heard, but if there were any complaints about
6 that PUD, they belonged with that PUD. If there was an
7 issue -- if Mr. Padro had an issue as to how the money was
8 being spent, there is a process to follow with the Zoning
9 Administrator. And that PUD is not this PUD.

10 We have the community benefits package for this
11 project. We're going to reformulate the list for you, but
12 -- and we'll be happy to address that in rebuttal with
13 factual information.

14 CHAIRMAN HOOD: Let's try to work this out.
15 Now, you've heard -- and I'm not trying to change what's
16 said, but you've heard some of my colleagues talk about
17 some of this, some of the benefits, correct -- I mean
18 through this process. You've heard some of that.

19 And I understand your point, Ms. Brown, but is
20 there any wiggle room? Would the Applicant be amenable to
21 any wiggle room to try to work out some of that?

22 I'm not trying to make it hard. I know from a
23 legal standpoint, I really probably shouldn't even be
24 asking this question. There's a lot of questions I've
25 asked in 17 years I probably shouldn't be asking, so I'm

1 just asking.

2 MS. BROWN: The Applicant would like to address
3 it, but I think perhaps what we can do is -- let us come
4 back to it in rebuttal in a moment, so we can confer
5 first, but I think that if we're looking at adding in any
6 affordable housing units, I just don't know that there is
7 wiggle room, given the expanding historic preservation
8 component that's very costly and if we are considering
9 some of these other things. But let me confer with the
10 Applicant, and we can get back to you.

11 CHAIRMAN HOOD: Why don't we do this. Do we
12 have to make that decision tonight? I mean, I don't think
13 so. We've heard that. I didn't know this was coming down
14 from Mr. Padro like that, and I'm not sure, unless my
15 colleagues disagree with me --

16 MS. BROWN: Then maybe I would like Mr. Knopf to
17 -- I think that it would be fair then for Mr. Knopf to
18 present his point of view on this, because we've just
19 heard one side.

20 CHAIRMAN HOOD: Right. I understand. I was
21 definitely -- I'm going to do that. I'm definitely going
22 to do that.

23 Why don't you do it now. Let's do it now.

24 MR. KNOPF: I certainly appreciate all the good
25 work of the community. However, I take great exception to

1 almost everything that he said. I found it outrageous.

2 If you read the PUD order, I realize that the
3 PUD order may not list all of Mr. Padro's favorite
4 agencies, but nonetheless, we met every commitment that we
5 made. We gave seven groups contributions. Those seven
6 groups -- Bread of the City, \$8,550; New Community
7 After-School and Advocacy Program, \$8,550; Howard Theater
8 Restoration, \$8,550; Shaw Community Ministry, \$8,550;
9 Rachel's Women Center, \$8,550; American Classic Inc.
10 Senior Citizens, \$5,000; Shaw Main Street Golf Classic
11 Sponsorship, \$250. If you total those up, they total
12 \$50,000, which was exactly our commitment.

13 I have copies of the canceled checks here on
14 every one of those items. I'd be happy to submit this to
15 the record.

16 I'm sorry they are not Mr. Padro's favorite
17 groups. I've never met with Mr. Padro's favorite groups,
18 and I am the Quadrangle spokesman. Any commitments made
19 in this regard were to come from me, and I never met with
20 his 10 groups.

21 We did have discussions, and our obligation was
22 to make contributions made to the Shaw District. We
23 fulfilled that commitment in its entirety.

24 As for the little stone pieces that he's
25 carrying around, yes, we agreed we were going to preserve

1 those little historic artifacts. We told Mr. Padro that
2 they were available. Shortly after we started
3 construction, they were the first thing that was removed.
4 He said, "I don't know what I am going to do with them."
5 I said, "Okay. We will put them across the street for
6 you, and you can take them when you're ready." So we put
7 them over on the Square 369 site, this site. They sat
8 there, they sat there, they sat there for years. They got
9 broken up and thrown away. I'm sorry about that. They
10 were available to him. He failed to pick them up, even
11 though he had notice that they were available. It was the
12 first thing we did when we were on the site because we
13 didn't want to damage them.

14 And as for our obligations, we have exceeded
15 every one of our obligations with regard to D.C. hiring,
16 both on the construction side, as well as CBRE. We
17 exceeded our goal for hiring CBES. It was \$80 million.
18 We hired actually \$116 million worth of CBES. We have
19 employed -- I believe the initial hiring at the Marriott
20 Marquis accounted for 80 percent of D.C. residents, and we
21 exceeded all of our D.C. residency requirements by far
22 during the construction period.

23 So if you want to talk about facts and figures,
24 we'd be happy to submit all of this for the record, but I
25 take great exception to what was presented here tonight.

1 And you can see that everything I said confirms with the
2 language that's in here. It was presented to the Zoning
3 Administrator. The Zoning Administrator reviewed it, and
4 the Zoning Administrator said that all of this was
5 legitimate, and we showed him our canceled checks.

6 CHAIRMAN HOOD: Okay. That's good. If you can
7 just submit that, so we can have it for the file.

8 Colleagues, any questions?

9 VICE-CHAIRWOMAN COHEN: No.

10 CHAIRMAN HOOD: No questions.

11 Okay. Well, we want to thank you, Mr. Padro.
12 We appreciate it.

13 All right. Ms. Brown, do you have any rebuttal?
14 I think the rebuttal from that issue has been dealt with,
15 so just supply that and the canceled checks for the
16 records.

17 MS. BROWN: Yes, sir. I don't think we have any
18 further rebuttal. I think we've been given a list of
19 issues to address that we will submit, and we'll be happy
20 to provide those items for the record.

21 CHAIRMAN HOOD: Okay. All right. Any other
22 questions up here?

23 [No audible response.]

24 CHAIRMAN HOOD: All right. Did we ask for
25 anything, Ms. Schellin?

1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Oh, we did? Oh, I just asked
3 for something. Okay. Let's get some dates.

4 MS. SCHELLIN: Did you need me to go over the
5 list, or does the Commission want me to go over the list?

6 Commissioner May is looking at me like yes
7 because he probably wants to add something.

8 COMMISSIONER MAY: I like to take things away.

9 MS. SCHELLIN: Oh, you want to take things away?
10 Okay.

11 COMMISSIONER MAY: Well, I don't know about this
12 time around.

13 MS. SCHELLIN: Probably not this time because I
14 may not have captured it correctly.

15 Commissioners May and Miller. The apartment
16 building and part of the hotel penthouses are not set back
17 properly. With regard to the courtyard, it's not a closed
18 courtyard. It's open to the street and therefore needs to
19 be set back properly.

20 Commissioner May. The rooftop, the parapet
21 wall, is it included in the FAR calculations? Is that
22 correct?

23 The rooftop rail is not set back. It's visible,
24 and Commissioner May thinks that needs to be fixed.

25 Commissioner May asked that they study the shaft

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1 where the court relief is needed to see if there's another
2 option.

3 Commissioner May asked if the Green Building Act
4 requires LEED Silver, anyway, to maybe beef up the LEED.

5 COMMISSIONER MAY: I think they could just
6 answer DOE's letter. I think that's sufficient.

7 MS. SCHELLIN: Okay. So we can take that out
8 then.

9 Commissioners May, Miller, and Cohen recommend
10 darker penthouse colors instead of the light color.

11 Cohen and Hood strong urge -- well, Cohen
12 strongly urges the third-party LEED certification.

13 Commissioners Cohen and Hood recommend that they answer
14 DDOE's report.

15 Commissioner Turnbull asked that they provide
16 how much is lost or gained -- and/or gained with the alley
17 closings.

18 Commissioner Turnbull asked that they provide
19 blow-up plans of the roof with sections and perspectives
20 of how they're meeting the regulations.

21 Commissioner Turnbull asked that they provide a
22 rooftop lighting plan to show what's going on up there.
23 He doesn't want it to be a nuisance to the adjacent
24 properties.

25 Commissioner Turnbull as well as some of the

1 other Commissioners agree that the benefits package, they
2 think that it needs to be reworked and restated.

3 Commissioner Turnbull asked that the Applicant
4 try to get a letter from the Quincy Building stating that
5 they no longer oppose the project.

6 Commissioner Hood asked that they add a
7 statement -- I believe it's actually going to be added to
8 the draft order -- that a construction management plan
9 will be entered into with the community -- or the
10 neighbors, rather.

11 Commissioners Cohen, Hood, Turnbull, Miller, and
12 maybe even May would like to see some affordable housing,
13 even though it's not required. Maybe that could be an
14 added benefit.

15 VICE-CHAIRWOMAN COHEN: [Speaking off mic.]

16 MS. SCHELLIN: I take May back then. I didn't
17 have him on there.

18 The canopy. Cohen thinks it's very
19 hard-looking, and May thinks it's just too big.

20 And then Commissioner Hood asked that the
21 canceled checks, the information that was provided in
22 response to the testimony provided by Mr. Padro be
23 provided, a copy of those.

24 MS. BROWN: If I may make one clarification. It
25 was confirmed that we will be getting certification

1 through a third party for LEED. Yes.

2 CHAIRMAN HOOD: Okay. Anything else?

3 MS. SCHELLIN: No, sir.

4 CHAIRMAN HOOD: Okay. Commissioners, any other
5 questions?

6 VICE-CHAIRWOMAN COHEN: No.

7 CHAIRMAN HOOD: I do want to make sure that we
8 get that page, even though it has nothing to do with this
9 case, and the Marriott Marquis. Since it was brought up
10 tonight by Commissioner Padro, the page with one or more,
11 I would like for that --

12 MS. SCHELLIN: That page of the order, could you
13 also provide that?

14 CHAIRMAN HOOD: I'd just like to have that page.

15 MS. BROWN: We'll have that whole package.

16 MS. SCHELLIN: That condition. Okay.

17 CHAIRMAN HOOD: I don't need the whole order. I
18 just need that page.

19 MS. BROWN: That page and the additional
20 information you recited tonight.

21 MS. SCHELLIN: Correct.

22 CHAIRMAN HOOD: Right.

23 MS. SCHELLIN: Good.

24 CHAIRMAN HOOD: All right. Any other questions
25 up here?

1 [No audible response.]

2 CHAIRMAN HOOD: All right. So, with that, I
3 want to thank everyone for their participation tonight.

4 MS. SCHELLIN: Dates.

5 CHAIRMAN HOOD: Didn't we do dates?

6 MS. SCHELLIN: Oh, on, we didn't.

7 CHAIRMAN HOOD: Commissioner May, you finally
8 helped me with something.

9 [Laughter.]

10 MS. SCHELLIN: That's why we keep him around.
11 We need him.

12 How much time do you think you need for this?
13 Two weeks? Three weeks?

14 MS. BROWN: Two.

15 MS. SCHELLIN: Two.

16 Okay. So if we could have everything by
17 February 12th, three o'clock p.m., and then we can allow
18 the ANC, if they choose to do so, to provide a response by
19 3 p.m. on the 19th, but, if possible, could we have draft
20 findings, facts, conclusions of law by the 17th? I know
21 it's kind of off, but in order to have action considered
22 on the 23rd, I really need it.

23 MS. BROWN: We can do that.

24 CHAIRMAN HOOD: Okay. So are we all on the same
25 page?

1 MS. SCHELLIN: I think so.

2 CHAIRMAN HOOD: Okay.

3 MR. KNOPF: The meeting is on the 23rd then?

4 MS. SCHELLIN: Meeting on 2/23, yes, at 6:30.

5 MS. BROWN: And just to clarify for the
6 Applicant here too, that is just the proposed action where
7 there's no testimony taken from the Applicant. They will
8 just review the materials.

9 MS. SCHELLIN: Correct. No public
10 participation, and other than the items asked for, the
11 record is closed.

12 CHAIRMAN HOOD: You can always watch us on the
13 Web if you don't want to come down. Just don't watch us
14 late at night. You might go to sleep.

15 Okay. So anything else?

16 [No audible response.]

17 CHAIRMAN HOOD: All right. So, with that, I
18 want to thank everyone for their participation, and this
19 hearing is adjourned.

20 [Whereupon, at 8:54 p.m., the Public Meeting was
21 adjourned.]

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