

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 07-21C [HHLP Georgetown II Associates, LLC.
- PUD Modification at Square 50.]

6:34 p.m. to 8:47 p.m.

Thursday, January 5, 2017

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6 PETER SHAPIRO, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14

15

16

17

18

19

20

21

22

23

24

25

P R O C E E D I N G S

1
2 CHAIRPERSON HOOD: This is a public hearing
3 of the Zoning Commission for the District of
4 Columbia. Today's date is January 5th, 2017. We're
5 located in the Jerrily R. Kress Memorial Hearing
6 Room.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Miller, Commissioner Shapiro, Commissioner May,
9 and Commissioner Turnbull. We're also joined by the
10 Office of Zoning staff, Ms. Sharon Schellin, the
11 Office of Planning staff, Ms. Steingasser, and Mr.
12 Lawson.

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

18 This hearing will be conducted in -- excuse
19 me, with accordance with provisions of 11Z-DCMR
20 Chapter 4 as follows. Preliminary matters, the
21 applicant's case, report of the Office of Planning,
22 report of other government agencies, report of the
23 ANC, organizations and persons in support,
24 organizations and persons in opposition, rebuttal and
25 closing by the applicant.

1 Would all individuals wishing to testify,
2 would you please rise and take the oath? Chairman
3 Hood, would you please administer the oath?

4 [Laughter.]

5 [Oath administered to the participants.]

6 CHAIRMAN HOOD: Okay. At this time the
7 Commission will consider any preliminary matters.
8 Does the staff have any -- does -- okay. Let's give
9 Ms. Schellin a minute. I've already done the oath.
10 I don't know if you have script, but they're under
11 oath now.

12 At this time the Commission will consider any
13 preliminary matters. Does the staff have any
14 preliminary matters?

15 MS. SCHELLIN: Yes, sir. Sorry about that.
16 I have three clocks and they all said something
17 different.

18 So, we have a party status application at
19 Exhibit 23, submitted for West End Citizen's
20 Association, and we'd ask the Commission to consider
21 that. And the opposition. I'm sorry.

22 CHAIRMAN HOOD: Okay. You know, before we go
23 to that I'm going to ask you to repeat that. I
24 wanted to -- I found out yesterday that one of our
25 employees at the Office of Planning has been ill, and

1 I wanted to ask Ms. Steingasser and Mr. Lawson if you
2 can send them my regards, tell him we wish him a
3 speedy recovery, and that we're thinking about him.
4 I did not know until yesterday. I was informed
5 yesterday. May have been an oversight on my part,
6 but I wanted to make sure if you all can convey that
7 on behalf of the commission.

8 MS. STEINGASSER: Absolutely will. Thank
9 you.

10 CHAIRMAN HOOD: Thank you. Okay, Ms.
11 Schellin, could you repeat that?

12 MS. SCHELLIN: Yes. At Exhibit 23 we have a
13 party status request in opposition from the West End
14 Citizen's Association. Ask the Commission to
15 consider that request.

16 CHAIRMAN HOOD: In that request are they
17 proffering Ms. Kahlow as an expert?

18 MS. SCHELLIN: No.

19 CHAIRMAN HOOD: Okay. Okay. All right.
20 Colleagues, this is a request. Any objections, any
21 comments on it?

22 MR. TURNBULL: Mr. Chair, I think we should
23 approve West End.

24 CHAIRMAN HOOD: Okay. We don't have any
25 objections. Colleagues, any objections?

1 Okay. So, West End is a party in opposition.

2 MS. SCHELLIN: Opposition. Okay. Next, at
3 Exhibit 26, the applicant's affidavit, a posting
4 shows the property was posted late on December 27th.
5 As you know a 40-day notice is required. The
6 applicant, I believe, filed a request for a waiver of
7 that rule and so we'd ask the Commission to consider
8 that waiver request.

9 Colleagues, any objections? No objections?
10 Okay. Considered. We approve it.

11 MS. SCHELLIN: Okay. And then we have the
12 proffered expert witnesses. Mr. Baranes has been
13 previously accepted. Mr. Dettman is here. He's been
14 previously accepted, and I believe I've been told
15 that the lighting expert is not here this evening.
16 And so, that would just be the two experts both
17 previously accepted.

18 CHAIRMAN HOOD: Okay. So, we've already done
19 that and I'm sure unless somebody going to hear
20 something we will not revisit that. Anything else,
21 Ms. Schellin?

22 MS. SCHELLIN: That's it.

23 CHAIRMAN HOOD: Okay. Mr. Collins, if you
24 want to come forward.

25 MS. SCHELLIN: Just to clarify, you swore

1 everybody in?

2 CHAIRMAN HOOD: I did the best I could.

3 MS. SCHELLIN: Okay. I was trying to synch
4 my clock with what's in here.

5 [Pause.]

6 CHAIRMAN HOOD: Okay, Mr. Collins, you may
7 begin.

8 MR. COLLINS: Good evening, Mr. Chairman and
9 Members of the Commission. My name is Christopher
10 Collins with the law firm of Holland and Knight.
11 Seated to my left is Jessica Bloomfield of our
12 office. Also at the table there are three witnesses,
13 Christopher Doyle from Hersha Hospitality, the owner
14 of the property, Shalom Baranes of Shalom Baranes
15 Associates, the architects of the project, and Shane
16 Dettman the Director of Planning Services at Holland
17 and Knight.

18 Mr. Baranes and Mr. Dettman will both appear
19 as expert witnesses. Also, tonight, Mr. Patrick
20 Burkhart of Shalom Baranes Associates, and Mr. Shaun
21 Burchard of Hersha Hospital are both available here
22 if there's any questions that they might be able to
23 answer.

24 This is an application for approval of the
25 upper level sign for the Hilton Garden Inn at 2201 M

1 Street Northwest. Some of you were present for the
2 prior proceedings in this case. I'd like to review
3 those briefly, and I'd like to also touch upon the
4 statements that have been made in the record that
5 there has been some bad behavior by the applicant in
6 this case.

7 The Peabody application for the hotel was
8 filed by Perstar M Street Partners, there was a
9 hearing in 2011. The signage was an issue in that
10 hearing. The PUD order was issued in February 2012,
11 the applicant believed at that time that the order
12 approved the upper level signage. That was reviewed
13 with the Zoning Administrator and he agreed with that
14 position.

15 In February of 2014 the Zoning Administrator
16 again agreed in writing this time to confirm that the
17 upper level signage was approved by the, in his view,
18 approved by the order. And he also wrote to a
19 representative, the 22 West Co-op, sitting in that
20 same position.

21 A permit for the sign was subsequently
22 issued. The sign was installed. The ANC then
23 appealed the issuance of the permit. The Zoning
24 Administrator was here before the BZA, defending his
25 position to approve the signage.

1 The BZA ruled in favor of the ANC in that
2 case and so subsequently the applicant requested a
3 PUD modification to allow the sign. The Zoning
4 Commission set the case for a public hearing and
5 that's the procedure that was followed, and that's
6 the procedure that would normally be followed in such
7 case. There was no deviation from the standard
8 procedure. You get an order, the Zoning
9 Administrator approves something. If it's appealed
10 by the neighbor or whatever, it goes to the BZA, they
11 make a determination. In this case, they made a
12 determination that the sign was not part of the PUD
13 order, and so now we're back here asking for the
14 modification.

15 Perstar M Street, the applicant in the PUD,
16 sold the property to Hersha Hospitality in March of
17 2016. Then therefore Hersha Hospitality has stepped
18 in as the applicant in this case.

19 Mr. Doyle of Hersha Hospital has reached out
20 to the ANC and to 22 West to discuss this matter
21 about the signage.

22 In the 20-day submission that's in the record
23 here, the applicant has agreed to disconnect the
24 power to that sign to address the issues that were
25 raised by the community about light pollution and

1 light disturbance.

2 We understand the BZA's ruling. We are not
3 here to reargue that case. Although this case, the
4 posture of this case is unusual and that the sign is
5 present, we understand that you will review this
6 application as if the sign was not present.

7 We are asking that the Zoning Commission
8 consider this modification in accordance with the
9 applicable PUD criteria. So, with that, unless
10 there's any question, I'd like to go directly to the
11 witnesses.

12 First, is Mr. Doyle. Would you identify
13 yourself and proceed with your testimony?

14 MR. DOYLE: Sure. Good evening. My name is
15 Chris Doyle. I'm an asset manager for Hersha
16 Hospital Trust, so what that means, I'm effectively
17 the owner's representative for a publicly traded real
18 estate investment company based out of Philadelphia.
19 We own 50 or so hotels throughout the US. We
20 actually own six in proper D.C. Some of the
21 surrounding areas as well and we have a privately
22 held management company that actually manages the
23 Hilton Garden Inn M Street for us. Shaun is a
24 representative from our management firm.

25 As Mr. Collins said, we purchased the hotel

1 in March of 2016, so we haven't even owned it for a
2 year. It's unfortunate situation that we've adopted.
3 The sign issue that's getting opposition from the
4 neighborhood, we are generally speaking, across the
5 Board, very much in favor of partnering with local
6 communities. We own and manage an independent hotel
7 brand that is based on getting into local footprint,
8 establishing ourselves as a community representative.
9 So, as I've met with Sally, and I think she can
10 attest, definitely want to be a good neighbor, and
11 dealing with a situation where from a business
12 perspective as an ownership group that has invested
13 significant capital into the business, and also
14 having a brand with Hilton that's saying we have to
15 have a sign on the side of the building, are trying
16 to find a way to retain the sign that was on the
17 building when we purchased it without having to
18 remove it and find another location on the building
19 to actually install a sign that's going to be
20 approved by the brand.

21 Now this hotel is a 238-room hotel. It's
22 highly transient based, which means that we don't
23 have a big sales effort putting a lot of group
24 business in, so we've got a lot of risk associated
25 with the transient business segment. We run about a

1 75 percent transient business mix, which is leisure
2 and people coming to the city. And coupled with that
3 we actually only get brand contribution of about 56
4 percent. So, if you think that three-quarters of our
5 business is coming from a business traveler, or
6 someone coming to the city, and only 50 percent of
7 total sales is actually coming, generated from the
8 brand, just goes to speak to the highly competitive
9 nature of a Hilton Garden Inn type product in a
10 center city location.

11 So, we actually own the Ritz Carlton on
12 Georgetown, which is a completely different animal,
13 and I know it was referenced in one of the exhibits
14 that they've got different signage there. That is an
15 iconic hotel. Luxury, four-star hotels typically
16 aren't in the same competitive landscape where you
17 would have a Hilton Garden and a Courtyard a Hyatt
18 Place, so you know, from our business perspective as
19 an owner we feel that, you know, we need to have a
20 sign that's in alignment with the local competition
21 and the surrounding properties actually have signage
22 on their buildings, illuminated signage that is part
23 of the exhibit. We do feel that the brand, if the
24 sign is not approved for modification, is going to
25 come back and ask us to put it up somewhere else.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 We've got confirmation from that.

2 So, we're at a point now where we're going to
3 need to figure out if we can't get approved here,
4 where is it going to be approved then. So, as an
5 alternative solution, because I know the light levels
6 were a concern, although my understanding from the
7 testimony is, is that the light levels are actually
8 one of the lowest in the area, is that I would
9 completely cut all power to it.

10 So, to avoid having to remove it, the
11 disruption of it, it's still a visible sign, but it's
12 not in the face of the local community. That was not
13 received as something that was a viable option. So,
14 we're here today to see if we can get approval for
15 the modification.

16 Another stat to note. About five to six
17 customers per day actually walk into the hotel and
18 book reservations at the desk. If you played that
19 out for you, that's about \$400,000 of business, of
20 walk-in business on the streets. So, you know, where
21 that comes from is someone who goes to one hotel,
22 it's sold out, they're in the area and they're
23 looking around and they will go to a local
24 competitor. So, we feel that, you know, it's hard to
25 quantify, but having visible signage to the public

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 eye is important and it helps that. Especially in a
2 condensed marketplace with four hotels in that
3 immediate area. And let's see if I have any other
4 points that I wanted to note to you.

5 So, we've talked about -- so, there are four
6 hotels on the three corners. They all have -- I've
7 touched upon that.

8 I think one point on the sign location which
9 is important point and we'll touch on it later is
10 just, from a visibility standpoint, so we actually
11 have a sign that is over the canopy, very small sign.
12 And it really serves as a notification of an entrance
13 point because we actually have two entrances. We
14 have one on M Street, which is Café Deluxe, which is
15 a separate restaurant. And then we have the one on
16 22nd, which is where we have the Procoche (phonetic)
17 and the small Hilton Garden Inn sign.

18 The illuminated sign is actually up on the,
19 towards the rooftop. But the -- which is visible
20 from both intersections as you approach that corner
21 from M Street and 22nd. The sign over the entrance,
22 you can't see from M Street, and it really is
23 difficult to see from 22nd as you're coming up, and
24 it's really a gateway entrance sign to one of the --
25 to interior or exterior entrances to the building.

1 So, that sign that's referenced as the sign
2 on the lower level really isn't sufficient from our
3 view as a building sign that's comparable to what the
4 other hotels in the direct area have.

5 Another alternative would be to remove the
6 sign and put in a projecting blade sign, which is
7 similar to what Marriot and Hyatt Place has. This is
8 theoretically possible. It's not consistent with
9 what the Hilton Garden and brand would require, so we
10 would need to go back to them to get approval. I
11 don't think it's something that the community, from
12 my understanding of the history here, would be
13 supportive of. But that is another alternative if
14 this sign was deemed needed to be moved and
15 relocated.

16 You know, I think just in closing, I know
17 there's a history here that goes back many years.
18 Again, I think Hersha has every intention of being a
19 good neighbor, and you know, it's unfortunate that
20 we're in a position where we're posing the local
21 community and it's obviously not in our best interest
22 long-term. You know, so we're hoping to, however we
23 resolve this, get through this and forge good
24 relationships with the community. So, thank you.

25 MR. COLLINS: I'd like to ask you a question.

1 There was a filing, it's Exhibit 29 in the record,
2 from the ANC, and it shows other hotels, including
3 some on M Street farther west of this site that do
4 not have upper level signage. And could you talk
5 about the distinction between the Hilton Garden Inn
6 and those hotels?

7 MR. DOYLE: Sure. I referenced it a little
8 bit earlier with something in the exhibit, you have
9 the Fairmont, there is the Four Seasons, there's the
10 Park Hyatt, there's our hotel in Georgetown. What I
11 would call these are upper tier, if not luxury
12 hotels, and most of them are, which are really not in
13 the same competitive landscape as a courtyard, a mid-
14 tier hotel in the hotel industry where you've got a
15 very competitive, price-driven, customer profile in
16 the Hilton Garden Inn segment, that mid-tier versus a
17 luxury segment.

18 So, the luxury hotels are positioning
19 themselves in a different way, more either boutique
20 or from an iconic standpoint where the signage is
21 actually counter to what they are looking to do to
22 promote themselves. You know, that, from a brand
23 perspective, they are much more discreet in nature
24 because there is an overall awareness and presence of
25 them, where you have what I -- and you don't want to

1 typically say this in a hotel world, but a more
2 commoditized brand with the Hilton Garden and
3 Courtyards. That signage is, it's actually why the
4 brands require it and they're going to come back and
5 say, well, if you can't put it here, where can you
6 put it because they firmly believe that you need to
7 be able to promote your building to the public eye.

8 And, you know, it's counter to, I think, a
9 lot of the buildings and the hotels that were
10 actually put in the exhibit because they are at a
11 different class level from a hotel standpoint as
12 ours.

13 MR. BARANES: Good evening. So, I was here
14 in 2011, when presenting this project to you. I
15 think several of you were here at the time. And I've
16 had the opportunity over the last few weeks to go
17 back and just refresh my mind, and look at the
18 record, and look at the PowerPoint I presented to
19 you, all the documents. And, I have to say, I don't
20 think I could have been more clear that we had a sign
21 at the top of the building.

22 I talked about it. It's in the transcript.
23 It was clearly indicated on our drawings with
24 specific notes. Not only was the sign just shown on
25 the drawings, but there were additional signs

1 pointing to the sign saying, this is a sign that's X
2 feet by Y feet. It's at the top of the building,
3 there was a note pointing to the other signs that we
4 have on the building. And so, looking back I don't
5 know what we could have done differently to have been
6 more clear about our intent and the signage of the
7 building.

8 And of course, you know, it was approved.
9 And, you know, I'm not a lawyer, but I feel like what
10 I've been seeing over the last few years here now is
11 sort of the unraveling of this PUD that was approved.
12 I'm very perplexed by the whole thing. You know,
13 because I have to ask myself, you know, what should I
14 have done differently in presenting this project to
15 you. And I, quite frankly, it's not clear to me what
16 I could have done to be more clear about the sign.

17 So, you know, I think it's appropriate here
18 perhaps to go back and just talk about, you know, the
19 location of the sign, the size of the sign, and why I
20 continue to believe that. It's an appropriate sign
21 for this particular building.

22 I'll tell you, in the District we -- when we
23 design buildings in the District, because of the
24 height limitation and the floor to floors, it's often
25 hard for us to find an area that has enough vertical

1 height to put a sign on that's legible from a
2 distance.

3 On this building, we made a special effort to
4 create this band, this solid band at the top of the
5 building which is wider than the other bands that you
6 see on the other floors. And we did that very
7 purposefully so that it could accommodate a sign.

8 We had considered signage on other locations
9 in the building. The one we had particularly focused
10 on before deciding on this location is the vertical
11 pier that you see on M Street just off of the corner
12 there, that solid pier. We considered putting a
13 vertical sign there as opposed to the one on the
14 corner. We chose not to do that because of the one-
15 way streets.

16 M Street, as you know, is one-way headed
17 west. Westward. And if the sign had been located on
18 the pier, you wouldn't have seen it until you passed
19 the intersection and then missed the entrance and you
20 would have had to drive all the way around the block.

21 Additionally, a sign on that location would
22 not have been sufficiently visible from 22nd Street,
23 which is also a one-way street, heading north.
24 Again, you would have to be right in the -- almost
25 completely within the intersection before being able

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 to understand that sign and then relate it back to
2 the entrance.

3 So, we picked this location and then
4 essentially developed a design of the building to
5 accommodate that. So, I continue to believe that
6 both in terms of its functionality. In terms of, you
7 know, guiding traffic as it heads westward on M
8 Street or northward on 22nd Street, it's the
9 appropriate place for it, and architecturally as I
10 said, we did our best to integrate it into the design
11 of the building.

12 You know, another point I'd like to make is
13 that the sign is significantly smaller than the
14 building code allows as a matter of right. The
15 building code basically says that you're allowed
16 1/40th of the area of a façade of a building for
17 signage on that particular façade.

18 So, we have a façade that's 11,000, 800,000
19 square feet. What would be allowed would be 295
20 square feet of signage, and the fact is we don't have
21 295 square feet of signage. We only have 42 square
22 feet of signage, which is really 14 percent of what's
23 allowed. And this is all above the 20-foot level
24 that's defined in the code.

25 So, you know, we have a sign that's really

1 significantly smaller than you would see on any other
2 matter of right building. You know, it's small, it's
3 unobtrusive, it's designed in harmony with the
4 building, and I continue to believe that both from an
5 architectural and an urban design standpoint, it's
6 appropriate for this building.

7 I want to just quickly go through a few
8 images showing you signs and other buildings. I
9 think all of us here probably think about signs at
10 the tops of buildings in Washington as being somewhat
11 inappropriate. Somehow out of character with
12 Washington, D.C. But when you actually start to
13 focus on this and you start to look around at
14 buildings, you realize that there are a lot more
15 buildings out there that have signs at the tops than
16 perhaps, you know, we consciously register.

17 So, I'm going to start with a couple of the
18 buildings right here in the neighborhood. Here we
19 are on M Street again, looking at our building, and
20 you see the sign there at the corner of the building.
21 And if we just move a little bit eastward, down M
22 Street, then you can see that the Hyatt Place has a
23 blade sign that's actually quite a bit larger than
24 ours. And then directly beyond that is the Marriott
25 with another sign, which I think is a blade sign

1 there also. And then of course we have our sign
2 there at the top of the building.

3 Here is a close-up of the Marriott, and you
4 can see that they in fact have two major signs at the
5 top of the building and one on 22nd Street on the
6 left, and then the other one on M Street.

7 Here's another view of it. Just moving up
8 the street here, this is the Embassy Suites Hotel,
9 just about a half a block or a block from here. You
10 can see they have a sign at the top of the building.
11 Moving over to P Street, this is a little hard to see
12 but at the top of the white building there you can
13 see on the side, there's a fairly large dark sign
14 there. We're looking westward on P Street here, and
15 this is the south side of P Street.

16 And then directly across the street we have
17 the Palomar, which is a very large sign. Again, just
18 a couple of blocks from where we are. And the
19 Palomar also has a very large sign at the corner of
20 their building as similar to what we're proposing in
21 our building.

22 Up on Connecticut Avenue, now moving a little
23 bit further away from our building, here you see
24 another building, another hotel, a courtyard with
25 high signage. On 14th Street this is another Hilton.

1 Under the arch there in the middle is a large sign.

2 This one is on Rhode Island Avenue, I
3 believe. A Holiday Inn, on the penthouse well above
4 the main cornice line we see more signage.

5 On M Street, again, very large lit sign. The
6 Weston.

7 By the way, I also want to point out that of
8 these 20 or so projects I'm showing you, 18 of them
9 have large signs at the tops of the building which
10 are visible from residential buildings, multifamily
11 residential buildings, either directly across the
12 street or just a little bit down the street.

13 This is a PUD that we presented to you and
14 has been built, the O Street Market. And a little
15 hard to see here, but the main building is the
16 residential building. The building off to the left,
17 along the top, the penthouse there, you can see it
18 says Cambria. So, there you gave us approval to
19 place a sign directly up high on the penthouse,
20 directly across from a residential building. On a
21 reasonably narrow street.

22 Massachusetts Avenue, Homewood Suites.
23 There, you see signs. Massachusetts Avenue again on
24 the corner there.

25 New York Avenue. Hyatt. This has a couple

1 of signs up high.

2 This is in NoMa. I've got again, lit blade
3 signs that you see here. This is just off of New
4 York Avenue, a recently built courtyard. This is
5 another Hyatt near there. This Day's Inn is on
6 Connecticut Avenue. Upper Connecticut Avenue, you
7 know, somewhat residential. I think 4,000 block.

8 South Capitol Street, this sign faces --
9 actually, it faces the U.S. Capital, and it has one
10 of these signs on each side. One on the south side,
11 one on the north side. High up on the building.

12 I don't recall where this one is.

13 [Discussion off the record.]

14 MR. BARANES: Near the ballpark. In the
15 ballpark area. Another one near there.

16 Here, you see another one at the top corner
17 there, as well as on the side. And then back in the
18 neighborhood here, right on Washington Circle, of
19 course, you know, we have the hospital with several
20 large lit sigs at the top of the building, the bottom
21 of the building, and the sides of the building. And
22 then just a block from there, again, another large
23 sign at the top of the building.

24 This one here is right on the circle also,
25 just recently constructed, the Milliken Institute of

1 Public Health, right on Washington Circle. And then
2 very close to that, facing I Street and Pennsylvania
3 Avenue, you can see at the top of this one it says,
4 Pepperdine University up at the penthouse level.

5 So, that's just a series of examples I'd like
6 to show you. You know, they're there. I don't think
7 we're terribly conscious of them, but I think we're
8 surrounding by buildings here in D.C. that have signs
9 at the top, so we tried to be very careful about the
10 design of this one, tried to integrate it as I say,
11 and continue to feel it's an appropriate design and
12 location for this particular sign. Thank you.

13 MR. COLLINS: And just for your reference,
14 Commissioners, these photos and others were in our
15 submission, and there is also a chart that gives the
16 location of each one of those buildings. Mr.
17 Dettman.

18 MR. DETTMAN: Good evening, Mr. Chairman and
19 Members of the Commission. My testimony this evening
20 will focus on demonstrating that the requested PUD
21 modification will indeed satisfy the evaluation
22 standards that are applicable under the Zoning
23 Regulations, including the need to be not
24 inconsistent with the Comprehensive Plan, and to not
25 adversely impact the surrounding area.

1 design of a building and to relate to the surrounding
2 context, and the importance of creating visual
3 interest through, among other things, attractively
4 designed signage.

5 The urban design element has a section called
6 designing for successful neighborhoods and it states
7 that the design of commercial and mixed use
8 developments should be harmonious with its
9 surroundings, and signage, awnings, and other
10 exterior elements should be designed as an integral
11 part of each structure and should avoid negative
12 impacts on the visual environment.

13 The element also encourages aesthetically
14 pleasing and high quality signage and policies that
15 encourage visual interest through well-designed
16 building facades, store-front windows, attractive
17 signage, in addition to promoting high standards for
18 signage.

19 In addition, the attention paid to -- in
20 addition to the attention paid by the urban design
21 element to the importance of signage having to have
22 high aesthetic quality, it also recognizes the value
23 that signage has to a business in establishing and
24 maintaining a unique identity.

25 The requested upper-level signage, hotel

1 signage and ground-floor retail signage are
2 consistent with these Comprehensive Plan policies and
3 objectives. As has been stated, the upper level
4 hotel signage has been designed in conjunction with
5 the architecture of the building. It's composed of
6 high quality materials, and after considering, as
7 testified by Mr. Baranes, after considering the site
8 and the architecture of the facades, and the location
9 of the signage was determined to be the most
10 effective at providing an effective way-finding tool
11 and allowing the applicant to establish a unique
12 identity without actually being overly intrusive with
13 the surrounding community.

14 In addition, after hearing the community's
15 concerns through Mr. Doyle's outreach, the applicant,
16 as submitted in our prehearing statement, the
17 applicant is committed to not only not directly or
18 indirectly illuminating the sign that's up there, but
19 not constructing any additional signage going
20 forward.

21 Finally, the ground-floor retail signage has
22 been designed to be consistent with the existing
23 hotel entrance sign along 22nd Street, so it kind of
24 gives a cohesive design to the ground-level signage
25 as well.

1 With respect to the D.C. Building Code and
2 the signage regulations that are found inside
3 Appendix N of the Building Code, again, Mr. Baranes
4 already spoke to this. With respect to the amount of
5 signage, the square footage of upper level signage
6 that the building code permits, which when you apply
7 the calculations, about 295 square feet of signage
8 above 20 feet on each façade of the building, so it's
9 290 feet -- 295 square feet permitted, approximately
10 42 square feet up on the building right now.

11 With respect to sign content, the building
12 code says that any kind of advertising on exterior
13 signage of a building can only advertise a bona fide
14 business that operates on the premises. Obviously,
15 that's the case here.

16 So, quickly moving into some consistency with
17 general planning considerations related to signage
18 regulations, in our prehearing statement we included
19 some information from a 2001 American Planning
20 Association publication entitled, Context Sensitive
21 Design, which talks about the importance of signage
22 to the successful functioning of a community as well
23 as individual businesses.

24 The study looks at appropriate sign
25 regulation, and is essentially intended to serve two

1 purposes, to encourage regulators to kind of think
2 outside the regulatory framework and see signage as a
3 potential positive tool, communication tool, or way-
4 finding tool, but also to educate sign manufacturers
5 or people in the community that are concerned about
6 signage and concerned about over regulation of
7 signage.

8 And so, similar to the objectives and
9 policies in the Comprehensive Plan that I've briefly
10 described, the study recognizes that there are many
11 ways that signage can contribute positively to the
12 success of an urban environment, and the advantages,
13 or the adverse impacts that signage can have if it's
14 not properly regulated.

15 And so therefore, the study focuses on
16 balancing three needs as a way to approach
17 appropriate signage regulation. One is the needs of
18 the business community to identify and attract
19 customers. The second is the needs for citizens to
20 be able to locate a business, so that's the way-
21 finding aspect of signage. And third, it's the needs
22 of the community to create and preserve a visual,
23 positive visual environment.

24 So, in addition to the Comprehensive Plan
25 given the location of the applicant's hotel, within a

1 mixed-use zone that specifically was designed, under
2 ZR-58 it was a mixed-use CR Zone, right now it's M-U-
3 10. Those zones are specifically designed to
4 encourage a compatibility of compatible land uses.

5 So, I believe another effective way to
6 evaluate whether the applicant's request would be
7 considered whether the -- would be to consider
8 whether the requested sign successfully balances
9 those three needs that that APA study kind of lays
10 out as being important to developing an effective
11 sign regulation package.

12 So, with respect to the applicant's need to
13 identify and attract customers, we've already talked
14 about how -- we included in our prehearing statement
15 how 76 percent of the business of this hotel is
16 comprised of independent travelers or first-time
17 guests. So, it's important to have appropriately
18 designed but visible signage that guests coming to
19 the site that may not be familiar with the District,
20 can successfully get to where they want to be.

21 Mr. Doyle mentioned that the hotel currently
22 -- and there's about five to six same-day walk-in
23 guests. Those are people who don't have a
24 reservation. They're kind of just looking around.
25 They may need to -- the importance of having to look

1 up and seeing a Hilton Garden Inn sign, and having
2 those guests say, we're familiar with that brand,
3 we've like that brand in the past, that's where we'll
4 go.

5 With respect to the community's need to
6 create and preserve a positive aesthetic environment,
7 consistent with the applicant's statement to the
8 Commission during the original hearing for this case,
9 where the applicant said that because of the concerns
10 of the community, the high quality of the urban
11 environment within the District, they were going to
12 go above and beyond what the typical signage package
13 for Hilton Garden Inn is. They weren't just going to
14 slap on the standard design, they're going to go
15 above and beyond that and I think that's what we're
16 looking at today, with respect to the upper level
17 signage.

18 It's been thoughtfully designed and
19 effectively integrated into the design of the
20 building as you can see in the pictures, and that the
21 extent and location of the upper level signage has
22 been minimized to only that which has been determined
23 to be absolutely necessary in order to effectively
24 get what the -- achieve what the applicant wants to
25 achieve in terms of establishing a brand, way-

1 finding, but also to respond to the concerns of the
2 community.

3 So, just as a concluding note there was a
4 question raised in the OP report about the examples
5 of hotels that we were able to identify throughout
6 the District that have upper-level signage and
7 perhaps providing a little bit more surrounding
8 context, information about the context in terms of
9 what are the adjacent uses. And so, in the
10 prehearing statement there were 21 hotels submitted
11 as examples that have upper-level signage. And so,
12 we went back and kind of looked at, what's the
13 surrounding context.

14 And so, of those 21 examples all but three
15 either directly face or are visible from adjacent or
16 nearby residential uses. And so, it's not uncommon
17 where you have a mixed-use neighborhood, where you
18 have a hotel that may have upper level signage that's
19 visible from a residential use and it's the design of
20 that signage that really has to be evaluated.

21 And so, based upon the record and the
22 testimony that we've heard tonight, I believe that
23 the applicant's requested PUD modification satisfies
24 the evaluation standards under the Zoning
25 Regulations. I find the applicant's request to be

1 not inconsistent with the Comprehensive Plan, and to
2 not adversely impact the surrounding neighborhood.

3 And with that, Mr. Chairman, that concludes
4 my presentation.

5 MR. COLLINS: And that concludes our case.

6 CHAIRMAN HOOD: Okay. We thank you very much
7 for your presentation and let's see if we have any
8 comments or questions up here.

9 Okay. Go in our same, normal order?
10 Commissioner May.

11 MR. MAY: Okay by me. All right. So, I have
12 a handful of questions.

13 First of all, Mr. Collins, were you counsel
14 on this project all the way through from the
15 beginning, or did you pick it up somewhere along the
16 way?

17 MR. COLLINS: No, I was counsel with the
18 prior applicant.

19 MR. MAY: With the prior applicant. So, the
20 original 721, or 21A, B, and C?

21 MR. COLLINS: Correct.

22 MR. MAY: All the way through?

23 MR. COLLINS: Yes, sir.

24 MR. MAY: Okay. So, you probably have the
25 strongest institutional memory of that sort of

1 experience with that -- because was there a change of
2 architects between the original and --

3 MR. COLLINS: The original PUD was a
4 different hotel.

5 MR. MAY: Exactly.

6 MR. COLLINS: From an architect and from
7 Florida.

8 MR. MAY: Right. Yeah, I remember there
9 being something -- it was very different.

10 MR. COLLINS: Yeah.

11 MR. MAY: Very different. And when exactly
12 did it move from Perstar to the current owner?

13 MR. COLLINS: That was in March of this year.
14 Of March of 2016.

15 MR. MAY: So, I mean, the sign issue was well
16 known at that time?

17 MR. COLLINS: By that date the request for a
18 modification that we're here tonight for was filed.

19 MR. MAY: Was already filed, right. The BZA
20 had already ruled and all that.

21 MR. COLLINS: Yes, sir.

22 MR. MAY: And the applicant -- so, Perstar,
23 you stated that they had thought that the order
24 approved that sign at the top of the building, right?
25 That's what you said earlier.

1 MR. COLLINS: Well, that's what our filings
2 have said, yes.

3 MR. MAY: Yeah, right. So, I mean, you know,
4 you did make the point that it's not -- it isn't so
5 much about how we got here, but the question now is,
6 is the sign -- you know, should it be here or not.

7 But part of it also is the original question
8 of whether there should have been a sign because it
9 was a matter of some contention at the time, right?
10 Under 721 B, wasn't there significant -- or, was
11 there testimony by neighbors in opposition to signage
12 on the top of the building? Or too much signage on
13 the building?

14 MR. COLLINS: Well, there was -- if you look
15 at the record, and our position tonight to be clear
16 is that, you should look at this application as if
17 the sign is not there. We agree that the BZA has
18 ruled. We agree that there are a variety of
19 different ways you could read the order. But the
20 fact is the way that we read the order, it was
21 capable of -- you know, reasonable people could come
22 to different conclusion as to what the order said.
23 The Zoning Administrator determined that the order
24 allowed the signage.

25 In terms of the --

1 MR. MAY: Okay. So, let's talk about that
2 particularly because there is a very specific
3 statement in there saying that the hotel sign shall
4 be in this location and it shall be nowhere else.

5 MR. COLLINS: What it says is the hotel sign
6 on Exhibit 24. This sign was not in Exhibit 24. It
7 was in Exhibit 36.

8 MR. MAY: It was in a PowerPoint
9 presentation.

10 MR. COLLINS: No, it was an exhibit to the
11 record that was --

12 MR. MAY: Right. But does it say that the
13 plan should be -- that the PUD should be executed in
14 accordance with the PowerPoint?

15 MR. COLLINS: It says, in accordance with
16 Exhibits 24 and 36. Yes, sir.

17 MR. MAY: It says, in the plans, the PUD
18 should be executed in -- according to what's in
19 Exhibit 36, the PowerPoint.

20 MR. COLLINS: It doesn't use the words, "the
21 PowerPoint." It uses Exhibit 36.

22 MR. MAY: No, but it is a PowerPoint, right?

23 MR. COLLINS: Exhibit 36 is a PowerPoint.

24 MR. MAY: Yeah. And in 24, that's where this
25 comes from right? This is --

1 MR. COLLINS: I don't know what that is. I'm
2 sorry.

3 MR. MAY: -- Sheet A1, A2. It's 13I in our
4 current submission, but it came from 24, I thought.

5 [Discussion off the record.]

6 MR. COLLINS: Yes, that is the -- Exhibit 13I
7 is the perspectives.

8 MR. MAY: Right.

9 MR. COLLINS: Drawings, right.

10 MR. MAY: Right. And by your own submission
11 there was no drawing that showed a signage plan. I
12 mean, there's a note on here that refers to signage,
13 but there's no signage that's visible here.

14 MR. COLLINS: The only -- not on this
15 drawing, no.

16 MR. MAY: Right.

17 MR. COLLINS: No, sir.

18 MR. MAY: And there was no signage plan,
19 there was no drawing that showed the signage. There
20 was only the PowerPoint.

21 MR. COLLINS: Well, if we say only the
22 PowerPoint, the PowerPoint included a plan that
23 showed the signage. It was a signage plan that
24 showed the signage plan --

25 MR. MAY: Yeah. Right. I saw it. I saw

1 that. I saw it. Yeah, it was the PowerPoint.

2 MR. COLLINS: But again --

3 MR. MAY: No, don't try to interpret why I'm
4 asking you the questions, just let me ask my
5 questions and then answer them, okay?

6 MR. COLLINS: Yes, sir.

7 MR. MAY: I'm trying to, you know, understand
8 what you're saying and understand what the opposition
9 is saying. So, I'm asking my own questions on that.

10 So, on to the I guess, to Mr. Baranes. First
11 of all, thank you for the tour of bad hotel design in
12 Washington. It's surprising how many of those are
13 not as nicely designed as this one in this case. I
14 mean, I think we all have to be grateful that this is
15 a nicely designed hotel compared to a lot of the
16 other stuff you showed us.

17 And by the way, you referred to the sign in
18 the -- for the Cambria being on the penthouse, but
19 actually that's on an architectural embellishment,
20 right?

21 MR. BARANES: You may be right. I'm not
22 sure.

23 MR. MAY: It's at the penthouse level but
24 it's this sort of extended thing that goes up and
25 over the top, and that has to be an architectural

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 embellishment.

2 MR. BARANES: Unless it's connecting two
3 portions of the penthouse, we've done many times.

4 THE COURT: But then it wouldn't be at the
5 façade of the building.

6 MR. BARANES: Yeah. I think my main point is,
7 it's above the main roofline.

8 MR. MAY: I know. I'm just, I'm nitpicking
9 you on the -- on our long-standing discussions of
10 architectural embellishments and --

11 MR. BARANES: I'll concede that.

12 MR. MAY: -- and penthouses.

13 So anyway, so you reviewed the record. Did
14 you see testimony in your most recent review having
15 to do with the sign itself? Other than what you
16 testified to or what your team testified to, but was
17 there testimony from others about signage?

18 MR. BARANES: I didn't read the complete
19 record, first of all. But I do recall there was
20 discussion back and forth by both sides, certainly by
21 myself and by the neighbors.

22 MR. MAY: Right.

23 MR. BARANES: Concerning the signage.

24 MR. MAY: Right. Okay. So, and then I guess
25 the last question I have, and this is -- I mean,

1 anybody can field this, but I do have to question --
2 I mean, I appreciate the notion of having a sign on
3 the top of the building being important, and being
4 important in sort of a global way of advertising.
5 But in terms of being able to find the hotel, it's
6 very hard for me to accept that because you know,
7 first of all, people don't go looking for hotels by
8 driving around looking for signs. At least not
9 anymore. Right? There may be an era when that was
10 important. Most people are going to be working off
11 their phone or their GPS in their car, or whatever.

12 And furthermore, the visibility of that sign
13 when you're in a car isn't going to be very good.

14 Now I will, you know, slight side note here,
15 I remember hearing a story several years ago about
16 which professions are the worst drivers. And I think
17 number one was lawyers. Sorry to all the lawyers in
18 the room. And number two was doctors. And number
19 three was architects.

20 Number one, you can sort of understand
21 because they're driven Type A persons and they're
22 sort of aggressive drivers. Number two, doctors,
23 they're always trying to read you know, medical
24 journals and keep up with their practice, and they're
25 tired and all that sort of stuff. But architects,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 they couldn't understand. But the guy, you know,
2 they interviewed somebody else and he said, oh, I
3 completely understand that. My father was an
4 architect and he drove like this, all the time.

5 MR. BARANES: That's why I bought a
6 convertible, actually.

7 MR. MAY: Yeah, right. So, maybe that's a
8 useful way for architects to find hotels, but I have
9 a hard time believing that it really is. So, I
10 wonder if there is -- I mean, is there real evidence
11 that that's a way that people find hotels, by seeing
12 them on the top of the buildings, or is it really
13 just about advertising?

14 MR. BARANES: You know, Mr. May, I would just
15 make one comment about that. It's specific to this
16 location.

17 It's been a real merry-go-round in terms of
18 the hotels. You know, one day is the Park Hyatt, the
19 next day becomes the West End and the Park Hyatt is
20 suddenly across the street. One day it's the
21 Fairmont on the north side. Suddenly the Fairmont
22 moves to the south side and you have something else
23 across the street.

24 All these names have changed over time and
25 they've only changed, you know, within two blocks of

1 each other. And it's really hard to remember which
2 hotel is which.

3 So, in this particular location I would argue
4 that the signage on the building is somewhat critical
5 because of the changes, you know, just the intense
6 level of activity relating to change that we've seen
7 over a period of, you know, five to 10 years.

8 And then as you come down M Street, I mean,
9 that sign is very visible. And, you know, I mean,
10 the street signs at night are hard to read. You
11 know, as you're going down M Street you have to take
12 a right on 22nd.

13 You know, it's much easier from three blocks
14 away, you can see the sign, than it is to be looking
15 for that 22nd Street right-hand turn. You miss it --

16 MR. MAY: But at night it's not going to be
17 lit, now, right?

18 MR. BARANES: Well, so perhaps you have the
19 power to give us the lighting back.

20 MR. MAY: Yes, I guess we do, but --

21 MR. COLLINS: Even daytime, I would argue the
22 same thing.

23 MR. MAY: All right. So, I have another
24 question. There was testimony, or rather there was a
25 submission that indicated that -- and this is as of

1 the 16th of December, that the applicant was working
2 to disconnect the power to the sign. And then we
3 heard testimony tonight that you will cut off power
4 to it. So, it's been three weeks since the 16th.
5 Was that correct, that you were working to do it, or
6 is there -- I mean, how complicated is it?

7 MR. DOYLE: It's not that complicated, but
8 when I spoke to Florence and Sally about it and was
9 told that while it's a nice offer, the bottom line is
10 their position is the sign needs to come down. I
11 wasn't going to, with the hearing coming, cut the
12 power to then go into the hearing.

13 MR. MAY: Right.

14 MR. DOYLE: So, I made the decision not to do
15 it and wait and you know, it's an offer that I stand
16 behind and will do, but at that point it just wasn't
17 a good decision to do it then.

18 MR. MAY: Okay. Thank you for clarifying
19 that. That's it for my questions. Thank you.

20 CHAIRMAN HOOD: Commissioner Shapiro.

21 MR. SHAPIRO: I have no questions.

22 CHAIRMAN HOOD: Okay. Commissioner Turnbull.

23 MR. TURNBULL: Thank you, Mr. Chair.

24 Mr. Dettman, thank you for briefing us on the
25 building code tonight. I greatly appreciate that.

1 You do realize, of course, that the Zoning Commission
2 can impose regulations on signage on a PUD that they
3 feel are in the best interest of the community and
4 the impacts of that. Okay.

5 MR. DETTMAN: I do.

6 MR. TURNBULL: Okay. And when you said that
7 there's not an adverse impact to the neighborhood, I
8 would argue right now that we have two groups here
9 that obviously feel that there are an adverse impact.

10 I guess, and again I do appreciate your tour
11 also of the bad hotel design. My only question is,
12 and I don't want to get into, as Mr. Collins alluded
13 to, the whole issue of what the order said, which
14 order said what and what order did not. But, did you
15 ever think about a different, more architecturally
16 oriented lettering, sign, at the top of the building
17 rather than the standard one that you have to make it
18 more fit in with the neighborhood? I think, better
19 fit in with your building.

20 You seem to -- Mr. Baranes seemed to think
21 that it was appropriate with your building. I think
22 it doesn't work. I think it could be a little bit
23 more elegantly designed lettering at the top of the
24 building to fit in better with the context of your
25 building. And, I'm just wondering, is there any

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 thought been given about offering the possibility of
2 redoing or coming up with a better appropriately
3 designed lettering? Not lit. Not illuminated.

4 MR. BARANES: You know, one thing we've done
5 in the past, and this is terracotta we're looking at,
6 is you know, we've incised the letters into the
7 terracotta. As I said, we didn't do it here but we
8 have looked at doing that on other buildings.

9 One reason we didn't do it here is because I
10 don't feel like that would be visible enough, in
11 terms of what we're trying to achieve with this sign.
12 And we were also trying to work with some of the
13 graphics that we see in the Hilton branding.

14 Now, that's not to say we couldn't go back
15 and try to come up with a different design for this
16 sign, that may use different graphics. And I assume
17 you would be amenable -- or our client would be
18 amenable to that, as an option, as a possibility.

19 MR. TURNBULL: Okay. I'm just trying to --
20 if we were to think about going ahead with signage on
21 the building at this height, and I say if, I don't
22 know whether the rest of the colleagues, the rest of
23 my colleagues feel, my only concern would be
24 something more in keeping with some of the other
25 signs that I saw that were presented that were less,

1 not garish. I don't want to call your signage
2 garish, but something a little bit less -- more in
3 keeping with the scale of the building; the
4 architecture of the building.

5 MR. BARANES: More architectural lettering.

6 MR. TURNBULL: More architectural lettering
7 that would fit in a little bit better in the context
8 of the building.

9 MR. BARANES: I mean, I would say that's a
10 possibility, certainly.

11 MR. TURNBULL: Okay. Thank you. Mr. Chair.

12 CHAIRMAN HOOD: Vice Chair, you have any
13 questions?

14 MR. MILLER: Sure. Thank you, Mr. Chairman.

15 I wasn't on the original 2011 case, although
16 I did review parts of it when I watched you, I think,
17 at the BZA proceeding. I watched that entire
18 proceeding.

19 CHAIRMAN HOOD: I was wondering if anybody
20 remembered that. Mr. Collins, did you remember that?
21 I've been here with you through this whole case. Did
22 you remember that?

23 MR. COLLINS: I didn't hear the discussion.
24 I'm sorry.

25 MR. MILLER: I said the Chairman was the

1 Zoning Commission member on the BZA --

2 MR. COLLINS: Correct. Yes, that's true.

3 MR. MILLER: -- case. So, I was familiar
4 with the issues going back to that case.

5 So, I mean, you said we should look at this
6 application as if the sign wasn't there. You made
7 that same -- and this is what you're asking for the
8 sign to be there.

9 MR. COLLINS: That's correct. We understand
10 what the BZA said.

11 MR. MILLER: Right.

12 MR. COLLINS: We understand the context of
13 this case and where it is.

14 MR. MILLER: That's the posture we're --

15 MR. COLLINS: And we understand the
16 community's feeling.

17 MR. MILLER: That's the posture we're in.

18 MR. COLLINS: And we ask that you look at
19 this as if the sign is not there.

20 MR. MILLER: And I think that is a good way
21 to look at it and I think it would have been helpful
22 if the sign wasn't there after the BZA case, if the
23 sign was gone because that's what was determined to
24 be not lawful at that point. Or at least to be
25 turned off.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 So, I see all the examples that are given and
2 I think it is relatively benign compared to the other
3 examples. Is the Marriott -- I think the Marriott
4 sign nearby is illuminated, right? Both of those
5 awful signs are illuminated, right?

6 MR. BARANES: I believe they are, yes. Yeah,
7 just the red.

8 MR. MILLER: Just the red part, yeah. So, I
9 mean, I think it -- so, you said 21, there are 21
10 other hotel signs and all but three face nearby
11 residential areas. So, I guess -- and the Marriott
12 nearby would fit into that.

13 Of those 18 that are nearby, how many of them
14 are illuminated? Are all of them illuminated or many
15 of them, most of them?

16 MR. BARANES: I would have to guess. I
17 didn't count.

18 MR. MILLER: Yeah.

19 MR. BARANES: Yeah.

20 MR. MILLER: You know, so I don't really have
21 any other comments. I guess I would associate myself
22 with the later part of Commissioner Turnbull's
23 comments that if there's a way to -- if there's a way
24 to make the signage more architecturally
25 complimentary to the building I don't see how -- I

1 think that might be a benefit. I don't know if the
2 community, if that would be helpful to the community
3 at all. I doubt it at this point, and I certainly
4 don't think it should be illuminated. And probably a
5 lot of those other signs that are nearby residential
6 buildings should not be illuminated at night. So,
7 those were probably mistakes that we shouldn't
8 repeat.

9 And I would associate myself also with --
10 although I can see how if you're riding down M
11 Street, several blocks away and you're lost and
12 you're looking for a hotel, it might be something
13 you'd look up at. But I agree with Commissioner May
14 that it's not really a way finding. It seems like
15 it's more of a competitive thing that -- branding.
16 It's a competitive branding thing that hotels in this
17 category would like to have, and that's
18 understandable, and that's fine.

19 So, I guess I don't have any other questions
20 and those are just my brief observations, Mr. Chair.

21 CHAIRMAN HOOD: All right. I'm going to try
22 not to go. I've been with this case all the way
23 through so I'm not trying to rehash some of the other
24 things that have already been said. And I understand
25 the record, and I understand what former Commissioner

1 Slater said, I understand all that.

2 But let me go to the applicant. You
3 mentioned that, and I want to make sure I quote you
4 correctly. I might not get it exactly, verbatim.
5 But you mentioned that you -- if it was basically not
6 approved in this process you would figure out a way
7 to get it done. So, is that -- did I mischaracterize
8 your statement? No, this -- yes.

9 MR. DOYLE: Well, in speaking with the brand,
10 the brand specifically said if this sign is not
11 allowed to be up, we need proof or ruling to say that
12 no building signage is allowed anywhere on the
13 building in order for us to not have it be a brand
14 requirement for the hotel.

15 So, you know, let's say we take it down, then
16 I'm going to have to go back to the brand and say
17 look, you know, this sign was improved here. I don't
18 have another sign up, and then I'm going to have to
19 go through some exercise to show them that a sign is
20 not allowed on the building, because the brand
21 standard is that an owner builds a building, they put
22 a brand standard sign on the building, gets it
23 approved through the process. So, because we've told
24 them that there's been opposition to this. Both OTO,
25 from my understanding, and of dialog with them is,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 both OTO and Hilton believe that the sign was
2 approved and put up there. So, in their mind they're
3 saying, how can this possibly be still an open issue.

4 It is what it is. But we're telling them
5 we're at, you know, a hearing now where it possibly
6 could be ruled that it needs to come down. And they
7 said, well if that's the case, you have to prove to
8 us that it can't go up anywhere else because we're
9 going to hold you accountable for that brand
10 standard.

11 CHAIRMAN HOOD: I kind of agree with the Vice
12 Chair. Once the BZA did their ruling, why are we
13 just waiting around? How come we didn't turn the
14 lights off? How come we didn't -- I know we're in
15 the process. How come we didn't take it down or do
16 something? How come some measure was not done? Why
17 are we here now, I think, for me, maybe the fifth or
18 sixth hearing, dealing with a sign?

19 MR. COLLINS: Well, it was shortly after the
20 BZA hearing and vote that the request for the
21 modification was filed to allow the sign to remain.

22 CHAIRMAN HOOD: Okay.

23 MR. COLLINS: And so --

24 CHAIRMAN HOOD: Let me say this, Mr. Collins.
25 There is a thing in this city, and I think, Mr. Doyle

1 you mentioned it. I don't know if you mentioned it
2 like I'm going to mention it, but there is a thing,
3 you want to be a good neighbor. I always say the
4 good neighbor policy. And that's one way you get
5 started, by being a good neighbor. There was a
6 ruling given, and I think that would have showed some
7 type of good faith effort to the community who had
8 very serious concerns early on in this process.

9 But you know what? I don't want to really
10 get back into that because I did my own homework on
11 what was presented versus what was said in the order.
12 I went through all that through the BZA hearing.

13 But let me just ask you this question,
14 though, because I noticed this keeps showing up.
15 Exhibit 13J, and I may have to -- I'm not putting Ms.
16 Schellin on the witness list, but Mr. Collins, what
17 is Exhibit 13J? What is the purpose of 13J?

18 MR. COLLINS: The purpose of 13J?

19 CHAIRMAN HOOD: Yes.

20 MR. COLLINS: This is the drawing that shows
21 the signage plan for the hotel that was presented at
22 the hearing.

23 CHAIRMAN HOOD: 13J? Are you sure? Or was
24 that presented -- what is the purpose of this being
25 done by the Office of Zoning? What is the actual

1 purpose?

2 MR. COLLINS: Well, I'm reading Ms.
3 Schellin's certification that this is a true copy of
4 Exhibit 36, enlarged on one slide on page 4, that
5 what the -- this was -- these slides were -- this was
6 the PowerPoint that was shown at the public hearing.
7 And when we submitted the PowerPoint presentation to
8 the record there was four slides on a sheet.

9 CHAIRMAN HOOD: But she's not authenticating
10 anything on those slides. She's not authenticating
11 anything. That's not the purpose. She's not
12 authenticated anything that's behind this. She's not
13 having anything to do with the design, the signs, or
14 anything in this rendering. Am I correct?

15 MR. COLLINS: She did not design -- no, this
16 came from Shalom Baranes Associates.

17 CHAIRMAN HOOD: No, no, no, you missed my
18 point. I didn't say design. I know she didn't
19 design it. She's not authenticating anything that's
20 done in this rendering.

21 MR. COLLINS: This came from the exhibit that
22 was submitted into the record.

23 CHAIRMAN HOOD: Okay. But why is this being
24 presented to us?

25 MR. COLLINS: Why is it being presented?

1 CHAIRMAN HOOD: Hold on, let me do this. Ms.
2 Schellin, can you help me so I can understand? I'm
3 not putting you on, I'm just asking. Why do you do
4 these? What is the purpose?

5 MS. SCHELLIN: A lot of times the applicant
6 will ask for certified copies because the Zoning
7 Administrator's office requires them to get them.
8 And so, they asked me to certify an exhibit in the
9 record. And so, that's all I do is certify that it
10 was a true copy in the record.

11 And so, in this case, they just wanted one
12 page of the PowerPoint presentation certified.

13 CHAIRMAN HOOD: It had nothing to do with how
14 many signs was on there.

15 MS. SCHELLIN: No.

16 CHAIRMAN HOOD: It was on the top. It was on
17 the bottom.

18 MS. SCHELLIN: No.

19 CHAIRMAN HOOD: How many cars were out in
20 front. How many bicycle stands was out -- it had
21 nothing to do with any of that?

22 MS. SCHELLIN: No, I don't look at that.

23 CHAIRMAN HOOD: Okay. All right.

24 MS. SCHELLIN: Just the fact that it was a
25 page in the record.

1 CHAIRMAN HOOD: Okay. I think I'm going to
2 leave that right there. Commissioner Shapiro?

3 MR. SHAPIRO: Thank you, Mr. Chair. I do
4 have one quick question. Does the brand require an
5 illuminated sign, and have you discussed with them
6 the possibility of not having an illuminated sign?

7 MR. DOYLE: The brand requirement would be
8 illuminated. Have not discussed it, but willing to
9 fight that battle with them. We wouldn't go and ask
10 for brand approval on it. We would do it and move
11 forward, and you know, if we have a ruling, I think
12 that's support enough I have for the brand to get
13 acceptance behind it.

14 The brand is always going to say, we want an
15 illuminated sign that people can see when they're
16 walking up to the hotel at night, and you know, I
17 know the notion of wayfinding, it's a valid one. You
18 know, I do personally, from a business transient
19 standpoint, believe that you know, people aren't
20 coming there. But there is a marketing aspect to it
21 which is why the brand is going to want it
22 illuminated.

23 So, you know, have we had the discussion
24 about pulling the power? No. But we would do it and
25 it would be a much better resolution, I think, from a

1 brand than having no sign at all.

2 MR. SHAPIRO: Thank you. Thank you, Mr.
3 Chair.

4 CHAIRMAN HOOD: But let me ask, Mr. Doyle,
5 let's continue that discussion. Isn't that better
6 served off the highway, or like in Houston, Texas
7 where you have the different express lanes? Isn't
8 that better served? Because I know that's when I do
9 look up. But not downtown D.C.

10 MR. DOYLE: Yeah, you would think so, Mr.
11 Hood, but actually we own a hotel in Boston called
12 the Boxer Hotel, it's independent hotel. And we put
13 up a very decorative, aesthetically appealing banner
14 sign. And it's not illuminated, and you wouldn't
15 believe the number of comments we get about, we don't
16 know where the hotel is, we don't see it at night.
17 And especially in an area where it's a walking city
18 and D.C. being, you know, you're going out to
19 restaurants, you're walking around. You're not
20 walking back from dinner looking at your GPS to
21 figure out, where is it. You're looking for the
22 building sign.

23 So, you know, we're going through a process
24 where we're trying to up light a banner sign because
25 we've had so many complaints from guests saying, we

1 have no idea where your building is. It's dark at
2 night. So, in the old days yes, I think that was the
3 initial purpose because it was highways, you know,
4 you're driving by. But I think there is an element
5 from a business perspective from the customer that
6 they want to know where the building is and you're
7 illuminating your business. Just like Exxon, across
8 the street, is illuminating their business and
9 Walgreens across the street is illuminating their
10 business. I own a hotel, I run a hotel. I'm not a
11 developer, but I'm trying to illuminate my business
12 as well.

13 So, I do think it's, the business has evolved
14 for the, you know, I guess the typical old highway
15 drive sign. But I would stand to argue that it is
16 important.

17 CHAIRMAN HOOD: Okay. All right. Any other
18 questions up here? All right. Thank you.

19 ANC, you have any cross? Chairman Kennedy,
20 are you -- okay. Okay. You want to come -- you have
21 any cross-examination? Come up and identify
22 yourself. Okay. You can come identify yourself.

23 In the original case you were the chair at
24 the time, I believe. Yeah. Okay.

25 MS. HARMON: Actually, I was the chair but

1 Rebecca Koder (phonetic) was the Commission for the
2 single-member district and Rebecca should be joining
3 us shortly, but they redistricted us because so many
4 new people, residents are moving in. So, my district
5 used to go down into Foggy Bottom but it now goes up
6 into West End, the east side. And Rebecca has the
7 west side. 23rd Street is the divider now.

8 CHAIRMAN HOOD: Okay, Commissioner Harmon,
9 could you identify yourself before you get started?

10 MS. HARMON: Oh, sure, sure. I'm Florence
11 Harmon. I'm the ANC Commissioner for ANC District
12 06, and Hilton Garden Inn is now in my single-member
13 district.

14 The one question I wanted to ask, I guess the
15 architect or the expert from Holland and Knight,
16 would you consider Courtyard Marriot a luxury hotel
17 brand?

18 MR. DOYLE: From my opinion, no.

19 MS. HARMON: Okay. In our PowerPoint
20 presentation that we uploaded into IZIS you'll see
21 that one of the hotels we've worked with on signage,
22 because we usually have a really good relationship
23 with all the hotels that operate in our area, is a
24 Courtyard Marriot in Foggy Bottom. So, it's not just
25 luxury hotels that have straight level signage. It

1 is brands such as Hilton Garden Inn, Courtyard
2 Marriot, that level of hotels that do have just
3 street-level signage.

4 CHAIRMAN HOOD: Ms. Harmon, are you going to
5 present that -- you're going to be presenting that in
6 your -- when you do all your presentation.

7 MS. HARMON: Yeah. Yeah, I will.

8 CHAIRMAN HOOD: Just ask any questions that
9 you have.

10 MS. HARMON: Okay. That's my only question
11 then.

12 CHAIRMAN HOOD: And we'll look forward to
13 hearing that again when you come back up.

14 Okay. Let's go to the -- we don't have DDOT?
15 Okay. Let's go to the Office of Planning. Mr.
16 Lawson.

17 MR. LAWSON: Good evening.

18 CHAIRMAN HOOD: I'm sorry. How can I forget
19 the expert? Ms. Kahlow, do you have any -- I mean,
20 Ms. Maddox, you don't have any questions? Okay.

21 Mr. Lawson.

22 MR. LAWSON: Sorry. Joel Lawson with the
23 Office of Planning. In the interest of time I'm
24 essentially going to stand on the record with our
25 report. OP does not support the application for the

1 retention of the hotel signage at the top of the
2 building. We don't have an issue with requested
3 replacement of the retail signage at the ground
4 floor. And with that I'm available for questions.
5 Thank you.

6 CHAIRMAN HOOD: All right. Thank you. Mr.
7 Lawson, colleagues, any questions of the Office of
8 Planning? Does the applicant have any cross of Mr.
9 Lawson?

10 MR. COLLINS: No, sir.

11 CHAIRMAN HOOD: Okay. The ANC. Ms. Harmon,
12 you have any cross?

13 Now, who's going to be speaking -- oh, okay.
14 Ms. Kahlow, you have any cross?

15 [No audible response.]

16 CHAIRMAN HOOD: Okay. Thank you. Okay.
17 Let's go to the ANC's report.

18 [Pause.]

19 MS. HARMON: As I mentioned, my name is
20 Florence Harmon. I'm with the ANC 2A-06. I want to
21 apologize. I just got word that Rebecca Koder has
22 the flu, so she is not coming. She had planned to
23 come and I think she submitted some testimony.

24 We also uploaded, into IZIS, the ANC
25 resolution which you have. We've uploaded the

1 PowerPoint presentation that our former commissioner,
2 now administrator, will be showing some of the slides
3 of while I speak.

4 I'm not going to go through a lot of my
5 testimony. It's in the record, I uploaded it. But
6 just on the procedural history, and I know all of you
7 know the procedural history very, very well, but the
8 thing that we're concerned about is, you know, Mr.
9 Collins says the sign is present. And I think some
10 of you noted your concerns with that. We have the
11 same concern. We thought that the BZA order was
12 quite clear.

13 We thought that the original 2012 Zoning
14 Commission order could not have been clearer. And
15 the fact that there wasn't a process where Hilton
16 Garden Inn engaged with us, Mr. Collins engaged with
17 us. I think if they had come to us and said, you
18 know, been a little more transparent, it would have
19 been a different sort of process than the one that we
20 have right here.

21 And this is a PUD case, as you know, and a
22 number of the factors that you would consider were
23 considered by the Zoning Commission in 2012. And,
24 I'm sure you were familiar with the character of the
25 neighborhood there. Quite frankly, the residential

1 component of it has grown since then. There's no
2 evidence of industry practice, an industry practice
3 change by this type of hotel. We haven't had
4 evidence of any kind of financial information from
5 the hotel that their business is suffering. We just
6 don't think there's a reason to reopen the case at
7 this point.

8 One thing I want to make -- point I want to
9 make, and I don't think I've put it in the record,
10 but I'm sure Sally Blumenthal will talk about it, one
11 of the residents of 22 West, is we have a really good
12 relationship with the Marriot, and we've supported
13 them, actually on some Public Space applications that
14 actually got turned down. It was a portico share
15 issue.

16 But we developed such a great relationship
17 with them that they've agreed to take that banner
18 sign that's illuminated down, and put up new signage.
19 And I'm sure Sally will talk about that in more
20 detail. So apparently, the Marriot folks feel it is
21 not as, you know, integral to their business plan to
22 have an illuminated sign that shines into residents'
23 windows.

24 The other thing we haven't heard of tonight
25 is any sort of medical testimony that there are

1 issues with the light shining in, with sleep. There
2 are issues with light -- like, for example, my mother
3 has epilepsy, you know, this kind of thing, you know,
4 as she gets older she's 89 years old. You know,
5 lights shining in at night is something that can be
6 problematic.

7 We've tried to work with developers. We
8 supported the Library Renaissance Group. I mean,
9 excuse me, we've supported the East Bank Developers
10 through years and years of legal challenges by the
11 Library Renaissance Group. So, we like to work with
12 developers and we have a very different commission
13 than over 10 years ago. We've got lawyers and
14 business people, doctors, students who go to G.W.
15 We've supported G.W. in many of their regulatory
16 processes.

17 So, we do try to work with people and we just
18 felt there was a little lack of candor here that has
19 led to a situation where we're worried that the
20 language of the 2012 Zoning Commission order was so
21 clear. I don't think it could have been clearer.
22 And we're just afraid that if you -- if the
23 Commission permits this sign, or even if it's not
24 illuminated, that this sends a signal that you don't
25 have to pay attention to the orders, and you can get

1 the second bite at the apple. And it's in the
2 PowerPoint presentation but we had a situation with
3 the Hyatt Place, which is not a PUD, where we thought
4 we had a written agreement, and you'll see the
5 agreement from their counsel who was really
6 wonderfully, really tried to work with us. But, you
7 know, that they weren't going to illuminate that
8 sign.

9 Guess what? They just went ahead and
10 illuminated the sign, and it was embarrassing to the
11 counsel.

12 So, we're concerned about a result where they
13 would -- there would be an order saying that they
14 wouldn't have to -- you know, that the sign could
15 stay because we do feel like the sign should have
16 come down after the BZA hearing. Or, it shouldn't
17 have been put up there in the first place.

18 Just some other points. Let me go through
19 this. Let's see.

20 Oh, and my testimony we cited some of the
21 Zoning Commission regulations that you'd have to make
22 findings under, and we don't think the evidence is
23 there to make those findings.

24 On point one of the -- one of the members
25 mentioned about the signage being an aid for

1 directions to get to the hotel, people don't drive
2 with their -- hopefully they're not driving with
3 their, you know, face up in the sky. And people use
4 apps, people use Uber, people use taxis. We just, we
5 don't see how this really is a directional aid.

6 And when some of the photographs in their
7 exhibit like, aren't taken from the middle of M
8 Street. They're off to the side and I think it's
9 very hard coming down M Street or New Hampshire, or
10 some of the other approaches, to even see the sign.

11 I mentioned the Courtyard Marriott. There's
12 other brands that are of a same caliber hotel that
13 don't have the sign that appear successful.

14 And I mentioned the Marriot sign is coming
15 down. I mentioned that we have concerns about, you
16 know, the sign not being lit because we think it will
17 be lit.

18 But we mainly thought we had this condition
19 in the 2012 order, and it wasn't enforced, and we're
20 here four years later, and the sign's still up. And
21 we really haven't heard anything new, but I'm sure
22 the Zoning Commission, you all considered the
23 Comprehensive Plan at the time, the building code.
24 The economy has gotten better. So, we're not seeing
25 any financials that had been filed that shows that

1 they're about to go under. I don't think a new group
2 would have bought them if there was a severe
3 financial problem from people not being able to find
4 the hotel.

5 I'm sure they did their due diligence when
6 they purchased, you know, the Hilton Garden Inn. So,
7 we're just concerned that if the sign is approved and
8 it's up there, even if it's on the -- it's ratifying
9 conduct that wasn't as transparent as it should have
10 been.

11 There's no reason to reopen your 2012
12 decision. The 2012 order, as I said, was absolutely
13 clear. And then in the BZA in 2014, ruled that the
14 sign wasn't permitted. It's still there. That
15 doesn't create a lot of goodwill with the community.

16 So, if you permit the sign to stay there, we
17 have a lot of concerns. So, we'd respectfully urge
18 the Board -- one thing I -- oh, let me just mention,
19 in the PowerPoint presentation there are a lot of
20 examples of other hotels in the area that do not have
21 this signage, and we do have the Courtyard Marriot.

22 We've got, as I said, the Hyatt Place example
23 where they said in writing, they weren't going to
24 light the sign. They lighted the sign. Want to note
25 again, that the Marriot sign is coming down. That's

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 an example of working with the community and forming
2 a relationship that generates good will. And if you
3 have good will with the neighbors, then your business
4 might even do better because the neighbors are going
5 to say to their family and friends when they come,
6 there is this wonderful hotel just across the street,
7 why don't you stay at it? But I don't think people
8 in this community feel that way right now.

9 So, we'd ask the Commission to give great
10 weight to the ANC's position and to deny the
11 applicant's PUD minor modification request and order
12 that this sign come down, whether it's lighted or not
13 lighted.

14 If you have any questions I would be happy to
15 answer them.

16 MR. KENNEDY: Good evening, Chairman Hood and
17 Members of the Commission. My name is Patrick
18 Kennedy. I serve as the Chairperson of ANC 2A. I
19 have been the chairperson since 2014.

20 And I will say, by way of reference to my
21 single-member district that the Marriot and the
22 Courtyard Marriot at 515 20th Street is across the
23 street from my apartment building. So, I'm certainly
24 very familiar with issues of illumination and signage
25 on adjacent properties.

1 consideration of all new projects that come before
2 us, whether the regulatory context is the Public
3 Space Committee, or a zoning proceeding.

4 The reason is that backlit signs like the
5 applicant's mounted high above street level, can
6 significantly impair the ability of residents to
7 enjoy the comfort of their living spaces due to light
8 pollution. What's more, the characteristics of this
9 particular site renders such a highly-positioned sign
10 ineffectual and unnecessary, due to sight lines that
11 obscure it from most angles or an individual looking
12 for the property could comfortably set their eyes
13 upon it. I'll note that this is right after a bend
14 in M Street. So, cars coming westbound on M Street
15 cannot view the subject property until well into the
16 succeeding block, the next block over, because M
17 Street changes position.

18 And the massing of the Ritz Carlton building
19 located across the street is such that there isn't
20 really a sight line up 22nd Street either. So, with
21 a clarification on that, in such a dense cluster
22 residents and visitors locate properties such as the
23 applicant's by observing ground-level signage, which
24 the applicant has and which should be sufficient for
25 their purposes.

1 In view of the above, the ANC negotiated the
2 condition in the original PUD agreement specifically
3 restricting exterior signage for the hotel to the one
4 sign located immediately above the entrance. Such a
5 condition was of considerable importance to the
6 community and specifically the adjoining neighbors,
7 and 22 West is I think a prime example of that.

8 My colleagues, Commissioner Harmon and
9 Commissioner Koder, who was mentioned cannot be here,
10 worked with the original developers of the property
11 to secure this condition which represented a
12 thoughtful compromise between the neighbor's
13 sensitivity to light pollution, and the applicant's
14 business interest in conspicuous exterior signage.

15 Although the concept presented in the
16 original PUD changed from something of a boutique
17 hotel to a more conventional business hotel property
18 with a flag chain, the only permutation that has
19 proved concerning is the applicant's drive through a
20 succession of several owners to sanction the
21 placement of a sign that expressly violated the PUD
22 conditions. The ink was barely dry on the original
23 zoning order before the applicant approached the
24 Zoning Administrator in order to receive a favorable
25 determination three years ago that found that sign

1 permissible.

2 This determination elevated consideration of
3 a vague, barely perceptible, isolated rendering
4 exhibited for less than 30 seconds in the original
5 hearing, over the plain language of the order. And
6 based on this determination the applicant erected a
7 rooftop sign that has, as mentioned, remained on the
8 site ever since.

9 Even when the community succeeded in getting
10 this determination letter reversed through a
11 unanimous ruling on its impressibility by the Board
12 of Zoning Adjustment, the sign remained up. It took
13 over two full years for the enforcing order to be
14 issued declaring the sign impermissible. It was
15 finally issued in November.

16 During this process, approximately one year
17 ago, the applicant sought to sanction the sign
18 through a request to this Commission to deem the
19 sanctioning as an agreeable minor modification. At
20 that time the Commission rightly found this request
21 to be inappropriate, and so now here we are with the
22 applicant having exhausted all other possibilities.

23 We thank the Commission for its thoughtful
24 consideration of our interest in previous matters,
25 and we respectfully request that you come to the same

1 conclusion regarding the underlying merits of this
2 modification request now. That it is detrimental to
3 residential quality of life, and put forward contrary
4 to the spirit and plain language of the original PUD
5 order. The issue is important to our community and
6 it should be important as a matter of principle, to
7 residents of the District of Columbia. Communities
8 need to know that when they participate in a PUD
9 process in good faith, that the conditions negotiated
10 to allow applicants a considerable degree of
11 flexibility in zoning are durable and enforceable.

12 In that spirit, ANC 2A respectfully requests
13 that you deny the modification request so that the
14 impermissible sign that the applicant has had use of
15 for three years can be removed as was intended in the
16 governing PUD order.

17 Thank you very much for your consideration of
18 our perspective, and I'm happy to answer any
19 questions that you might have.

20 CHAIRMAN HOOD: Okay. We want to thank you
21 both. We appreciate your testimony to us. Let's see
22 if we have any follow up comments or questions, or
23 any follow up. Commissioner Shapiro.

24 MR. SHAPIRO: Thank you, Mr. Chair. I'm just
25 trying to get clear on what I'm hearing on the

1 opposition. First of all, the illuminated sign,
2 you're all very clear, would have a negative impact.
3 The non-illuminated sign, the only thing that I'm
4 hearing is it's a kind of rewarding of bad behavior
5 because you feel like it's -- that they have
6 subverted the process in some way. But you're not
7 concerned about any negative impact beyond that from
8 a non-illuminated sign.

9 MS. HARMON: My written testimony goes into
10 the fact that even if it's not lighted, the sign
11 design is not appropriate for this particular
12 neighborhood.

13 MR. KENNEDY: Yeah, and I would add that I
14 think enforceability is key for us because this was,
15 I think from our perspective, fairly straight forward
16 and that it was logically not permitted. And despite
17 a BZA ruling that was unanimous that it wasn't, it
18 has taken two years and counting to enforce that.

19 So, I think enforceability is key for us and
20 if there is a sign that has electrical components, or
21 even if they don't have electrical components, we
22 found out that the sign was being installed after
23 brackets were installed. You know, it was actually
24 an adjoining neighbor, I believe Ms. Blumenthal, that
25 discovered that.

1 So, you know, if there is a sign there I
2 think the temptation is always going to be to light
3 it. And given the succession of owners on this
4 property so far, we could be dealing with our second
5 or third owner from now in a matter of 10 years. And
6 when the institutional knowledge goes away, we think
7 the temptation is going to be to pursue a lit sign
8 once again. And I think the sign just remaining
9 there is going to be cat nip for that.

10 MR. SHAPIRO: Thank you. Thank you, Mr.
11 Chair.

12 CHAIRMAN HOOD: Any other comments or
13 questions from up here? Vice Chair.

14 MR. MILLER: Thank you, Mr. Chairman. And I
15 just wanted to thank the ANC for your lengthy
16 resolution which recapped the history of this case,
17 which I was having trouble, even though I followed it
18 from the beginning, even though I wasn't here at the
19 beginning, I was having trouble remembering it, but
20 it was very comprehensive in its' recapping of all
21 the time and effort that you have spent on it, and I
22 appreciate that.

23 So, I had a question unrelated to the top of
24 the Hilton Garden Inn sign. Apparently, part of this
25 -- and someone can correct me if I'm wrong. But part

1 of this application, OP report references it, and I
2 think the applicant's statement references it, that
3 the ground level retail signage, I think for Café
4 Deluxe, they're requesting, according to OP's summary
5 of it, to allow the -- they want to -- part of what's
6 before us is a request to allow retention of that
7 ground level restaurant sign on the east elevation
8 facing 22nd Street, rather than on the south
9 elevation facing M Street Northwest. And OP does not
10 have an objection to that and the applicant's
11 statement indicates that this has not been issue that
12 you've all raised any concerns about but they wanted,
13 I think as part of this application, we're being
14 asked to approve the location and dimensions of that
15 restaurant signage, assuming that it complies with
16 all other signage regulations.

17 Do you have any comment on that signage
18 which --

19 MS. HARMON: I don't think we have an
20 objection to that. I'd like to engage with more
21 dialog with them on it, but we actually worked with
22 them on the sign that's there. I think it -- Rebecca
23 Koder would remember better than me because she was
24 the single-member district commissioner at the time.
25 But my memory is there were some things that, from a

1 Public Space standpoint, they needed a break on, and
2 we actually supported it. So, I don't think we have
3 an issue with it.

4 But just given the history of this, the
5 ownership there, I just want to make sure I really
6 understand what they want to do, you know.

7 MR. MILLER: Is that sign illuminated?

8 MS. HARMON: I believe it is. Sally would
9 know better, but I'm sorry, I can't --

10 MR. MILLER: I can say going by at the ground
11 level you do notice --

12 MS. HARMON: You can see it.

13 MR. MILLER: You do notice that and --

14 MS. HARMON: Yeah, it's --

15 MR. MILLER: -- having a Café Deluxe --

16 MS. HARMON: -- has some big letters.

17 MR. MILLER: Having a Café Deluxe in my
18 neighborhood, with a much smaller illuminated --

19 MS. HARMON: Yes, exactly.

20 MR. MILLER: -- sign, I was surprised at how
21 large it was. But you do notice it, but that's
22 helpful to know whether -- that you don't have any
23 particular objection --

24 MS. HARMON: I don't think we do.

25 MR. MILLER: -- and you did work with them.

1 MR. KENNEDY: Yeah, and Commissioner Miller,
2 I would add that we negotiated. I mean, ABRA is of
3 course not a global settlement of zoning matters but
4 we certainly had a conversation with Café Deluxe when
5 they opened in that establishment, and we discussed
6 issues like whether their windows would be open, and
7 potential noise impacts related to that.

8 They mention their sign because I think they
9 were coming in just as this issue was taking on a new
10 life so to speak. So, I think we've had an amicable
11 working relationship. We certainly want the
12 restaurant to succeed. I don't think this Commission
13 has an objection to that, but having not -- this
14 specific request having not come before the
15 commission, I don't want to speak for my colleagues.
16 But we just have not had any complaints about the
17 status quo in regards to that sign.

18 MR. MILLER: Okay. Thank you. Thank you for
19 your testimony.

20 CHAIRMAN HOOD: Okay. Any other follow up
21 from up here? Commissioner Turnbull.

22 MR. TURNBULL: Yeah, Mr. Chair. Thank you
23 for your presentation. I think you're very clear on
24 where you're going.

25 One question. On the first-floor ground

1 floor lettering, if the applicant came back and
2 wanted to make a change on their entry signage, not
3 lit, but something or something modified, you're not
4 opposed to them coming back to meet with you on a
5 change, considering they would lose their upper
6 level?

7 MR. KENNEDY: I can't speak for Commissioner
8 Harmon, but I think we're always open for dialog with
9 our applicants and we've facilitated a process with
10 the Marriot as they go through their own renovations
11 to try and accommodate their needs. So, I think
12 we're always open for the dialog.

13 And there's no, certainly, hard feelings. I
14 mean, it is what it is.

15 MR. TURNBULL: Yeah. Okay. Thank you.

16 CHAIRMAN HOOD: Anybody else? Okay.

17 Let's see, does the applicant have any cross?

18 Okay. West end? Okay.

19 All right. Thank you all very much. We
20 appreciate your testimony.

21 MR. KENNEDY: Thank you.

22 CHAIRMAN HOOD: Okay. Let's go to
23 organizations and persons who are here who would like
24 to testify in support, if you could come forward.
25 Organizations and persons who are in support, if

1 you'd like to come forward.

2 Okay. Let's go to the party in opposition.
3 West End, if you can come forward and present your
4 case. And how much time?

5 MS. KAHLOW: For once I'm going to be brief.

6 CHAIRMAN HOOD: Okay.

7 MS. KAHLOW: I'm Barbara Kahlow. I live at
8 800 25th Street Northwest, and I'm testifying on
9 behalf of the West End Citizen's Association. For
10 Mr. Shapiro's knowledge it's the oldest citizen's
11 association in Foggy Bottom/West End area.

12 The WCA is primarily interested in
13 maintaining the quality of life for the existing
14 residential community and Foggy Bottom/West End. The
15 WCA includes members and almost every condominium
16 near the 2201 M Street Hotel, and the reason
17 everybody else knows this is because we're here all
18 the time on other cases.

19 My testimony, which you're going to see,
20 talks about the long history of this. The WCA was
21 the party in support in the beginning. In 2007 we
22 sent a letter in support. In 2008 we asked for party
23 status, testified in support. 2010 we sent a letter
24 in support for a two-year extension.

25 But before the hearing in 2011 we had a

1 meeting. If you turn to my -- and then I'll get back
2 to that after. As you turn to my long paragraph,
3 today we support the ANC's position. And as to not
4 be repetitive I want to include some new information
5 that has not been discussed so far today.

6 On May 13th, 2011, I made a site visit with
7 the then developer representative to another Hilton
8 Garden in Northeast. On June 6th, WCA President,
9 Sarah Maddox, who is behind me, and I met with seven
10 developer representatives, including two staff
11 members of Shalom Baranes, one of whom is at the
12 table, and Attorney Chris Collins.

13 So, I want you to know two of the people I'm
14 going to be talking about were in the room then, in
15 2011. Having seen the objectionable signage on May
16 13th we specifically discussed the signage as a
17 condition of our support in the 2011 hearing. And
18 they -- and you talk about no signage to the roof,
19 the development team agreed, and we were then certain
20 there was never going to be any roof signage.

21 The actual transcript for the hearing, I
22 happened to pull the discussion, and it says, and
23 quoting me, and I personally had been promised they
24 were not going to have the sign you saw today because
25 I think it's awful. And then it goes on from there.

1 So, the WCA was obviously surprised by the
2 post-order installation near the roof top, and
3 stunned that despite the Commission's clear
4 conditional order in 2012, the BZA's 2014 oral
5 decision and followed by the BZA's written decision,
6 that the signage wasn't removed. I was thrilled to
7 hear Commissioners Miller and Hood today say, they
8 had the similar concerns. Why was no action taken
9 after it was judged unlawful by the BZA? That's a
10 really important question and I think this body has
11 to grope -- to handle, especially with a PUD.

12 So, I thank you for your consideration of
13 your views. I am available to take questions. Thank
14 you.

15 CHAIRMAN HOOD: Okay. Thank you very much.
16 Let's see any comments or follow up? Okay. Does the
17 applicant have any cross-examination? Does the ANC
18 have any cross?

19 Thank you very much, Ms. Kahlow.

20 MS. KAHLOW: Thank you.

21 CHAIRMAN HOOD: Okay. Let's go to
22 organizations and persons who are in opposition, if
23 you'd come forward. Is there anyone else who's here
24 in opposition? If you'd come forward at this time.

25 Okay, Ms. Blumenthal, it looks like you're

1 it. Okay, you have a PowerPoint? Okay.

2 [Pause.]

3 MS. BLUMENTHAL: Good evening, Chairman Hood
4 and Members of the Commission. For the record, I'm
5 Sally Blumenthal. I've been here before but I'm now
6 President of the 22 West Homeowner's Association.
7 Sharon is brining my testimony around. I'm not going
8 to read it. I'm going to summarize it and react to
9 some things that I heard this evening.

10 The Commission may wonder why there's such
11 strong opposition to this Hilton Garden Inn sign by
12 22 West and the community during the PUD process, as
13 well as our readiness to appeal the Zoning
14 Administrator's decision to the BZA. In fact, a
15 majority of the owners in our building voted to spend
16 homeowner's association funds to hire counsel and
17 prosecute that appeal, and it wasn't inexpensive.

18 We believe the presence of this illuminated
19 rooftop sign, of which there are only three in the
20 West End, is detrimental to the quality of our life.
21 We are not a historic district. We do not have the
22 protection of the Historic Preservation Review Board,
23 the Commission of Fine Arts, the National Capital
24 Planning Commission. So, as residents of 22 West we
25 rely on the ANC, the BZA, and the Zoning Commission

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 to balance our residential needs with the other needs
2 of the building.

3 For example, this sign would not be permitted
4 on Pennsylvania Avenue. The J.W. Marriot on
5 Pennsylvania Avenue does not have a lighted sign.
6 Things have gotten a little slack in the last little
7 bit. I understand there's a new hotel in an old post
8 office building that has a sign, but not quite as big
9 as they want it.

10 An aside, Café Deluxe supported -- I mean, 22
11 West supported the Café Deluxe sign. We worked with
12 their representatives. And the sign over the hotel's
13 entrance is illuminated, it's just the illumination
14 is not working, so it' doesn't look like it's
15 illuminated.

16 I think the other underlying thing is that we
17 don't want to see the West End be transformed into a
18 situation like the Verizon Center. And therefore,
19 we, the ANC, the neighborhood, breathed an enormous
20 sigh of release when the zoning order in 21B was
21 issued, and it contained the specific language that
22 said, "The sign," singular, "The sign," not signage,
23 "will be located over the door and will be not at
24 another location and illuminated," et cetera, et
25 cetera.

1 In late 2013, and if you would go to Exhibit
2 No. 1, it's got a little tab on it, it was noticed by
3 22 West that brackets had been installed and wiring
4 was hanging down from the corner of the building.
5 That bracket has a span of about 15 feet. And we
6 started to make inquiries of the hotel counsel around
7 Christmas time.

8 We were advised that that was in fact for a
9 sign. This was in early 2014. And that the Zoning
10 Administrator had made a determination that it was
11 permitted under the zoning order and that the
12 justification was this alleged PowerPoint slide,
13 which was on the screen for about 30 seconds. If you
14 would go to the very last page of Exhibit 2, it's
15 four pages? You'll see a PowerPoint slide which
16 Sharon Schellin testified is part of the record.

17 I actually saw that slide myself. I came
18 down and reviewed the file. You have to look very
19 hard to see that there are red marks at the roof. It
20 doesn't look anything like the exhibit that was being
21 waived around, where it's a full page and legible.

22 It struck me when I was listening to Chris
23 Collins's testimony, there was something a little odd
24 about his sequence relative to the brackets and the
25 Zoning Administrator's decision. Why would you

1 install brackets and wiring in 2013 if you didn't
2 have authority to put a sign there, you didn't have a
3 sign permit, you didn't have a Zoning Administrator
4 decision until February of 2014? How -- this is what
5 troubles us. This is what the ANC is talking about.
6 The whole process has been a little bit crazy.

7 I want to jump now, because most of my other
8 points have been made by the ANC testimony. I want
9 to talk about the three hotels, The Hilton Garden
10 Inn, the Marriot, and the Hyatt Place. Could you put
11 the one that shows the Hyatt Place and the Marriot at
12 night both together? I think that's in -- you know
13 which one I mean? That one.

14 This is taken from inside a resident's
15 apartment. The owner of the -- the Marriot has been
16 around forever. I mean, it's been there since
17 Blackies was there. Or left. The Hyatt Place is
18 locally owned. The owner reached out. It's a by-
19 right development. The owner reached out to us, met
20 with us, and we had no problem with the hotel. We
21 were supportive of it. The only point of contention
22 between -- and it was a fairly large group of
23 residents, was the lighted sign. We objected to it.

24 In my thing there is an exhibit, it's been on
25 the PowerPoint. It's a letter from David Avitabile,

1 their counsel, saying as a gesture of goodwill we
2 won't light it. Lo-and-behold, it started being
3 lighted this past April. The switch went on.

4 This is why we're so concerned about it being
5 up here and the switch off, because we don't know if
6 the next owner will do that. That's why we want this
7 sign down.

8 Now, let's talk about the Marriot. If you go
9 to the last two pages of my submission, these are
10 renderings that have been given to us by the
11 architect who is -- the architect for the renovation
12 currently under way by the new ownership. And we
13 asked, and they said we could consider it. Would you
14 take down the two blade signs, the one on M Street
15 and the one on 22nd Street, and consider using your
16 current sign standards and logo, and put your sign at
17 pedestrian street level, like the sign on the Marriot
18 marquis, which is the Flagship's Convention Center
19 hotel on Massachusetts Avenue, which does not have a
20 sign on its roof.

21 They agreed. And these renderings represent
22 what they are going to do. They are taking the blade
23 signs down. There will be a new sign, standard sign
24 on M Street over at the second level, facing us,
25 which you can see on this page. And you'll see in

1 one place it looks like there's the M logo, Marriot
2 M, with the letters underneath it. The architect for
3 this project has advised me they're going to put the
4 M up but they are not going to spell Marriott
5 vertically. So, they are totally revamping how this
6 building will be signed.

7 So, I think what's important to understand is
8 we have three hotels in our neighborhood, all of
9 which have approached the neighborhood and their
10 signage differently. The Hilton Garden Inn is
11 attempting to grandfather a sign using the amended
12 PUD process; a sign that's been found to be illegal.
13 Marriott -- I mean, the Hyatt Place has blown us off
14 and is lighting a sign that they said would not be
15 lighted in a by-right development that there's no --
16 there is no recourse in that development.

17 And the Marriot, in the spirit of a good
18 neighbor coming into the neighborhood is removing
19 probably one of the most offensive signs in the city.

20 So, I would be happy to answer questions. I
21 think I've probably exceeded my three minutes.

22 CHAIRMAN HOOD: Okay. Actually, Ms.
23 Blumenthal, you had five minutes.

24 MS. BLUMENTHAL: I did?

25 CHAIRMAN HOOD: Yeah.

1 MS. BLUMENTHAL: Oh.

2 CHAIRMAN HOOD: You may have exceeded that a
3 little bit, but I --

4 MS. BLUMENTHAL: Did I exceed that too?

5 CHAIRMAN HOOD: Yeah, possibly.

6 MS. BLUMENTHAL: But it was fun.

7 CHAIRMAN HOOD: Anyway, it's just, you know,
8 we kind of dictate on how many people we have and you
9 were the only person, so you were fine.

10 Okay. Any comments or questions from up
11 here? I will tell you that I am glad that your
12 finding of dealing with -- behind your exhibit -- oh,
13 I'm sorry. You have -- I'm sorry. Okay. Let me --
14 I'm getting ready to get into some of it but I'm
15 going to let the Vice Chair go first. I'm sorry.

16 MR. MILLER: Okay. Thank you, Mr. Chair. I
17 just had one quick question. Thank you for your
18 testimony.

19 MS. BLUMENTHAL: Yes, certainly, Mr. Miller.

20 MR. MILLER: And thank you for your
21 condominium's perseverance for many years on this
22 issue.

23 Just on the Marriot. So, their M that
24 they're going to -- they're getting rid of those
25 awful two --

1 MS. BLUMENTHAL: Yeah, the two big --

2 MR. MILLER: -- illuminated --

3 MS. BLUMENTHAL: -- obnoxious things.

4 MR. MILLER: But they still want to have the
5 capital M at the top. Is that going to be
6 eliminated? We can't hear you.

7 CHAIRMAN HOOD: Turn your mic on.

8 MS. BLUMENTHAL: It would be better without
9 it, but getting rid of those giant ones, and it
10 doesn't really -- it's because of the architecture of
11 their building, it's that little funny corner. It
12 kind of doesn't really face anything. So, it's our
13 compromise back to them.

14 MR. MILLER: Okay. Thank you.

15 MS. BLUMENTHAL: Uh-huh.

16 CHAIRMAN HOOD: Any other comments up here?
17 Questions?

18 I want to thank you for your presentation
19 that you put together, because some of your findings
20 are, especially how in Tab 2, were some things that I
21 -- our findings were exactly similar. So, I
22 appreciate that.

23 Let's see, do we have any --

24 MS. BLUMENTHAL: And the BZA decision order
25 is in here.

1 CHAIRMAN HOOD: Okay.

2 MS. BLUMENTHAL: It wasn't in your packet as
3 I understand it.

4 CHAIRMAN HOOD: Okay. Does the applicant
5 have any cross?

6 MR. COLLINS: No, sir.

7 CHAIRMAN HOOD: Okay. West End have any
8 cross? I'm sorry, the ANC have any cross?

9 [No audible response.]

10 CHAIRMAN HOOD: Does the West End have any
11 cross?

12 [No audible response.]

13 CHAIRMAN HOOD: Okay. Thank you all very --
14 thank you, Ms. Blumenthal, very much. We appreciate
15 it.

16 MS. BLUMENTHAL: Thank you.

17 CHAIRMAN HOOD: Okay. Mr. Collins, you want
18 to do rebuttal and closing?

19 [Pause.]

20 CHAIRMAN HOOD: We're going to take a two-
21 minute break.

22 [Off the record from 8:28 p.m. to 8:30 p.m.]

23 CHAIRMAN HOOD: Okay, Mr. Collins, we're
24 ready?

25 MR. COLLINS: Yes, sir.

1 CHAIRMAN HOOD: Let's go back on the record.
2 You may begin.

3 MR. COLLINS: Thank you. Just a few points,
4 preliminarily. The discussion by the West End
5 Citizen's Association about a discussion that was had
6 about a commitment not to install signage on the
7 upper level of the building. I frankly do not recall
8 that discussion. And if that discussion was had,
9 then I'm curious as to how then we would have, we,
10 the applicant and counsel, would have then submitted
11 a plan for the signage so shortly after that if there
12 was a commitment to do that. So, I do not recall
13 that discussion.

14 We looked at -- there was a question raised
15 about how many of the signs shown in the hotels in
16 our PowerPoint tonight were illuminated, and I think
17 the answer was 19. Eighteen of 21, of the signs are
18 illuminated.

19 You've heard their discussion tonight about
20 their need for the sign, that this hotel is different
21 from other signs, other hotels that are in the
22 PowerPoint of the ANC, given the different clientele,
23 the different market segment that they are pursuing.
24 Some of the other hotels do not need the upper level
25 sign. Signage is dependent upon the actual location

1 of the hotel, vis-à-vis the street intersection and
2 visibility. All those issues come into play and that
3 was discussed during the course of our presentation.

4 Excuse me. You've heard the signage is
5 necessary for the hotel. Mr. Doyle has testified
6 that you've heard Mr. Baranes talk about the
7 possibility of other signage locations and ability to
8 accommodate signage on the building. You've heard
9 Mr. Dettman talk about the importance of signage for
10 a hotel, and the importance of signage as recognized
11 in the Comprehensive Plan.

12 We understand. We've heard the discussion
13 tonight, we've heard your questions tonight. And we
14 would like to talk about the possibility of looking
15 at another sign, another replacement sign for this
16 hotel, and I'd let Mr. Doyle address that issue.

17 MR. DOYLE: Sure. I didn't -- I don't know
18 if they were put up but I didn't get to see the
19 architectural drawings of the Marriot sign. I can
20 tell you, though, that we own the Marriot Mystic up
21 in Connecticut and Marriot has changed their monument
22 signage standards. So, we're being -- all full-
23 service hotels, including that one are being required
24 by the brand to change their sign. So, I don't know
25 what it actually looks like, but as I've stated from

1 the beginning in my testimony, I think that from a
2 business standpoint as the owner and manager of the
3 hotel, a sign is important to us.

4 If the community is not supportive of, and
5 candidly in the best interest of me having a non-
6 illuminated sign at the top of my building really
7 doesn't do me a whole lot of good for half of the
8 day. Especially when most of the customers check in
9 at 4:00 and later.

10 So, with that, though, the sign that is over
11 the canopy is not sufficient for hotel signage. It's
12 blocked by trees. It's got up lighting. It's small.
13 It's nothing like the courtyard sign that was shown.
14 So, what I would be open to if we can't keep the sign
15 in place as is, would be an opportunity to reevaluate
16 and work with the ANC on finding a solution similar
17 to -- I'll study the Marriot sign, similar to what
18 Marriot is proposing, because at the end of the day
19 if they're comfortable with what Marriot is
20 proposing, why wouldn't they be comfortable with us
21 doing something in the same vein on our building.

22 I feel that would at least not put my
23 business at a competitive disadvantage to the two
24 hotels that are adjacent to me. I think it's a
25 compromise solution that seems fair for everyone, and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 give us a chance to go at this from a fresh start.
2 This is something that we inherited, unfortunately,
3 with a legacy issue, and I'm sensitive to all that.
4 And so, I'd like to give an opportunity to do it the
5 right way. You know, we would as, Hersha's owners,
6 we would have done this the right way if we were
7 going to do it. So, that would be something I'd ask
8 for consideration if the sign is deemed something
9 that we can't keep up at the top of the building.

10 CHAIRMAN HOOD: I think that's a good way to
11 move forward. I'm not sure what our procedures are.
12 I think we can amend this modification. I don't see
13 -- I'm just talking. I haven't asked my colleagues
14 yet. I think we can amend the modification, give you
15 time to work with the community, the ANC, the party
16 in opposition, and work with the community and create
17 that good neighbor policy that I always talk about,
18 and I think things will be a lot easier. That will
19 definitely make our decision easier, and I think it
20 will make the community a little happier. And then
21 everybody will have some buy-in. And they will do
22 the recommendation of telling people to come to your
23 -- some of their family members, when they come to
24 town, to stay at your hotel. So, I think that's very
25 admirable to do it that way and have those

1 discussions.

2 But let me open it up. Any comments on what
3 was just said? Commissioner Shapiro?

4 MR. SHAPIRO: Thank you, Mr. Chair. I agree
5 with you and I would commend that approach. And
6 we'll have to see where we are as a body. I see that
7 as a separate -- as unrelated to what action we might
8 take tonight. So, if we support or don't support
9 this sign, that's a process that I think that the
10 applicant could or would still engage in.

11 CHAIRMAN HOOD: Okay. The way I see it is
12 that he would amend this modification after working
13 with the community. We can hold this in abeyance and
14 amend it. Meanwhile, he can be taking the signs down
15 and doing all that other stuff. And then we would
16 have another hearing.

17 And I'm not sure what all our procedures are.
18 I'm sure I'm probably just talking out of school, but
19 we would have another hearing, limited scope hearing
20 on the -- or we can do some -- you know, I'm talking
21 out loud so let me finish talking out loud,
22 everybody. Or we can do a submission. Especially if
23 everybody, you know, is coordinated and agreed. If
24 not, we might have to have a limited scope hearing if
25 we have to flush out a few more issues. But from

1 what I'm hearing I don't think we're going to have to
2 flush out a little more hearings. We will do an
3 amendment to this modification. Okay?

4 All right. Let me open it up. Commissioner
5 May.

6 MR. MAY: So, Mr. Chairman, yeah. I mean, I
7 think you're proposing a reasonable course. I mean,
8 if we were to decide this, you know, right now I
9 would be prepared to essentially to deny the
10 modification if we took a vote tonight. And I don't
11 know that -- you know, I mean until we heard this I
12 think the offer from the applicant, I was totally
13 prepared to go down that road and just dispose of
14 this case right away.

15 But, if they are willing to work on a sign
16 that would be acceptable to the community, and
17 assuming that the community members are also willing
18 to engage in the discussions and come up with
19 something that would be an appropriate sign that
20 meets the needs, or is a reasonable compromise.
21 Then, yeah, we can consider that and it would be
22 ideal if they came up with a design that could be
23 handled in a submission with a submissions of
24 endorsement from the party in opposition and from the
25 ANC, and from others, and that way we would not

1 actually have to have another hearing; that we could
2 simply take it up as a decision making matter at a
3 future meeting.

4 CHAIRMAN HOOD: Okay. Vice Chair, you want
5 to add something?

6 MR. MILLER: No, I just wanted to support
7 both -- all of your comments on that issue. I
8 appreciate you coming forward with that and I
9 personally would suggest that you cut the light on it
10 as soon as possible as a good faith measure so that
11 those discussions can be productive. I think they'll
12 be much more productive, even though they know you
13 can -- unless they actually see those electrical
14 wires being cut, they know you can pull the switch
15 back up. But I think it would be a good faith
16 measure to the conversation and getting an outcome
17 that's good for everybody.

18 CHAIRMAN HOOD: Okay. Mr. Turnbull.

19 MR. TURNBULL: Yeah, I would concur with my
20 colleagues. I think your choice of going this route
21 is highly commendable. I think it saves us an issue
22 of totally putting you out of the ballpark right now
23 with signage. So, I think it puts you back in play
24 to meet with the neighbors and come up with something
25 that hopefully meets your needs and also represents

1 or respects the concern of the community. So, I
2 commend you on going down that route, and hopefully
3 be able to engage in some meaningful dialog over the
4 next month or two, whatever it takes. But, I would
5 be in support of this, Mr. Chair.

6 CHAIRMAN HOOD: Let me ask, Commissioner
7 Harmon, how does that proposal sound, and Ms. Kahlow?

8 MS. HARMON: We absolutely would love to have
9 a dialog and I think we could work something out.

10 CHAIRMAN HOOD: Okay. Great. Ms. Kahlow?

11 MS. KAHLOW: A dialog is fine, but the sign
12 has to come down. Not just unlit. It has to come
13 down at the roof before we can actually be at the
14 table.

15 CHAIRMAN HOOD: Ms. Kahlow, you put something
16 -- actually, I mean, I'm sure you all going to all
17 discuss that. But let's get to the table and I'm
18 sure that that will be worked out, and I'm sure the
19 sign will come down. I'll ride by one day after it's
20 over and look up and make sure. But let's get to the
21 table first, because Commissioner Harmon said she'd
22 love to. I'm sure we all including Ms. Blumenthal in
23 on that conversation, and hopefully we can have a
24 win/win for the community.

25 MR. TURNBULL: But at least it should be

1 unplugged.

2 CHAIRMAN HOOD: Can you unplug it when you go
3 back this evening?

4 MR. DOYLE: I'll see what I can do. Yeah.

5 CHAIRMAN HOOD: Okay. All right.

6 MR. MAY: So, Mr. Chairman, in order to make
7 sure that this actually happens, I mean, maybe we
8 actually, we need to set a decision date and you
9 know, we can take action to disapprove this
10 modification if we don't see that there actually is
11 progress within a couple of months or something.

12 CHAIRMAN HOOD: We can do it as-is.

13 MR. MAY: As-is, yeah.

14 CHAIRMAN HOOD: Yeah. And let me ask, how
15 much time do you think you need? And then also I
16 want to find out from the community together, because
17 I know the ANC has to meet, and you have a meeting
18 once a month. Or do you all meet twice a month?

19 MS. HARMON: We just meet once a month.

20 CHAIRMAN HOOD: But I know, we might meet
21 once a month and okay. So, how much time do you
22 think you would need, allowing them their monthly
23 meeting times?

24 MR. DOYLE: To get something presented to you
25 with their monthly, I would think two to three

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 months, realistically. We've got to get someone
2 engaged to design it and go back to the brand,
3 present it to them, meet with them. I'd like to do
4 it as quickly as possible just to get this behind us.

5 CHAIRMAN HOOD: So, you're looking at March?

6 MR. DOYLE: Probably.

7 CHAIRMAN HOOD: Sometime in March. Okay,
8 that's kind of what I was thinking. So, are we all
9 in agreeance with that, that way we can get them on
10 the agenda at WECA, or we can get them on the agenda
11 at ANC 2A. Is it 2A?

12 UNIDENTIFIED SPEAKER: Yes.

13 MS. HARMON: Yeah.

14 CHAIRMAN HOOD: 2A. Okay. I mentioned you
15 all last night in a hearing, and I think that was an
16 ANC 6C. So, I'm getting confused. Okay.

17 All right. Ms. Schellin, can we work some
18 dates out?

19 MS. SCHELLIN: Yes. So, we have two meetings
20 in March. We have the 13th and the 27th. So, Mr.
21 Collins, which one do you want to shoot for, the
22 first or the later?

23 MR. COLLINS: When is the ANC meeting in
24 March?

25 MS. HARMON: We meet the third Wednesday of

1 every month. So, I think for us, the end of March
2 would be the better meeting.

3 CHAIRMAN HOOD: Let's do last meeting.

4 MS. SCHELLIN: Okay.

5 CHAIRMAN HOOD: Twenty-seventh.

6 MS. SCHELLIN: The 27th. So, you guys would
7 meet, obviously before then. I mean, we would need
8 the submissions, though, that's going to really cut
9 it tight.

10 MR. COLLINS: Is it possible to go into early
11 April, then?

12 MS. SCHELLIN: We don't have a meeting in
13 early April. We have one and it's at the end of the
14 monthly because of Jewish holiday. And then another
15 holiday.

16 CHAIRMAN HOOD: But here's the thing --

17 MR. MAY: But the ANC meeting is on the 15th.

18 CHAIRMAN HOOD: -- if we need to move it to
19 April, if we need to move it to April we'll do
20 whatever it needs to take for everybody to get on the
21 same page.

22 MS. HARMON: Yeah, why don't we move it to
23 the end of April. And then you're going to have to
24 have an architect or somebody design this thing.
25 That's going to take a while. And, then we'll have

1 to meet with everybody, then we have to go to the
2 ANC. So, I think end of April is probably more
3 realistic. And then hopefully we will have generated
4 good will and you will never see us again.

5 CHAIRMAN HOOD: Now, the last statement, I
6 don't think so.

7 MR. TURNBULL: Oh, yeah. We always want to
8 see the ANCs.

9 CHAIRMAN HOOD: Okay. So, I think more is
10 better in this case. So, that gives everyone
11 opportunity. And here's the simple thing is if you
12 need more time just send us a letter and we'll do
13 that.

14 MS. SCHELLIN: So, is that anticipating that
15 -- are you guys anticipating having everything done
16 so the ANC can have it at their March meeting? Is
17 that what you guys are shooting for?

18 MR. COLLINS: From my view that's probably
19 the best approach, right?

20 MS. SCHELLIN: Okay. And then we can have
21 submissions from the ANC and the applicant and WECA.
22 Then if their meeting then is March 22nd, I'm
23 assuming WECA would have a meeting sometime in March
24 also. So, you guys would need to coordinate and make
25 sure that you've got your plans and everything to

1 them in time for their meeting. And then if we could
2 have responses from all of the parties, your
3 submissions and the parties, by -- let's see, our
4 meeting is the 24th of April. If we could have that
5 by, all the submissions by 3:00 p.m. on April 11th,
6 two weeks before.

7 MR. COLLINS: Just so I'm clear, the
8 applicant, or all parties at the same time? Or the
9 applicant first and then the --

10 MS. SCHELLIN: Well, I'm assuming you're
11 going to give them their stuff prior to their
12 meetings.

13 MR. COLLINS: Right. Right, but --

14 MS. SCHELLIN: Yeah.

15 MR. COLLINS: -- April 11th is for submission
16 date for who?

17 MS. SCHELLIN: For everybody.

18 MR. COLLINS: Okay. That's what I'm asking.

19 MS. SCHELLIN: I mean, you can submit yours
20 at the same time you send it to them.

21 MR. COLLINS: Right.

22 MS. SCHELLIN: Which is fine. And then they
23 can make their response by the 11th, and I'm assuming
24 you're going to respond on the meeting that you --
25 the follow up to the meetings you have with them,

1 also.

2 MR. COLLINS: Sure. We'll be --

3 MS. SCHELLIN: So, you can make your
4 submission at the same time that you serve it on them
5 if you want. And then on April 11th you can make a
6 submission of your follow up meetings with them.

7 MR. COLLINS: So, our first submission date
8 is what then?

9 MS. SCHELLIN: Whenever you send it to them.

10 MR. COLLINS: Okay.

11 MS. SCHELLIN: I'm not going to put one down
12 there because you don't know when you're going to
13 meet with the architect. You could submit it in
14 February, you might not submit it until the beginning
15 of March. So, I'm going to just leave that to you
16 guys to do.

17 MR. COLLINS: All right. Very good. Thank
18 you.

19 MS. SCHELLIN: Okay?

20 MS. HARMON: I just want to say one thing. I
21 think it would be a really good idea instead of just
22 -- you know, and this isn't part of the process, this
23 is just something informal. But before you submit it
24 that we meet and we come to an agreement, because if
25 you just submit it and we haven't seen it, or there's

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 still issues, then we're going to be back where we
2 were.

3 MR. COLLINS: That's where I was trying to
4 get the clarification. What I envisioned is several
5 discussions or several --

6 MS. SCHELLIN: Well, you -- I think that's
7 what Chairman Hood said.

8 MS. HARMON: It could be a --

9 MS. SCHELLIN: You guys are going to come to
10 the table --

11 MS. HARMON: Yeah, it's going to be --

12 MS. SCHELLIN: -- and meet.

13 MS. HARMON: -- an agreed upon submission.

14 MS. SCHELLIN: I think everybody understands
15 that. You guys are going to be meeting. The
16 applicant, I think, understood that. You guys are
17 going to meet --

18 CHAIRMAN HOOD: Well, let me say this. Let
19 me just say -- let me help this process along.

20 MS. SCHELLIN: Yeah.

21 CHAIRMAN HOOD: Because we don't want to be
22 here until next week talking about this process. I
23 think right after this meeting, you all will get
24 together and outline your process.

25 MS. SCHELLIN: Yes.

1 CHAIRMAN HOOD: That's not really for us.
2 Okay?

3 MS. SCHELLIN: Exactly.

4 CHAIRMAN HOOD: Outline your process of how
5 you're going to move forward. We're going to meet
6 this day before we submit. Let's have a discussion.
7 We're going to submit. Then we're going to get back
8 together and see whatever the findings were once you
9 submit it to the corporation or whatever. Okay?

10 All right. Anything else on this? All
11 right. Anyone have any questions?

12 Okay. So, with that I want to thank everyone
13 for their -- everyone for their participation
14 tonight, and this hearing is adjourned.

15 [Hearing adjourned at 8:47 p.m.]

16

17

18

19

20

21

22

23

24

25