

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :  
: :  
: :  
JEMAL'S UP AGAINST THE WALL LLC: Case No. :  
: 07-18D :  
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Thursday,  
May 02, 2013

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 07-18D by the District of Columbia Zoning Commission convened at 06:30 p.m. in the

Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- MARCIE COHEN, Vice Chair
- MICHAEL G. TURNBULL, FAIA,  
Commissioner (AOC)

ZONING COMMISSION MEMBERS PRESENT: (CONT'D)

PETER MAY, Commissioner (NPS)

ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,

Development Review & Historic

Preservation

STEPHEN MORDFIN

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF

PRESENT:

JAMIE HENSON

The transcript constitutes the  
minutes from the Public Hearing held on March  
02, 2013.

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

6:31 p.m.

CHAIRMAN HOOD: Good evening,  
ladies and gentlemen. This is the public  
hearing of the Zoning Commission for the  
District of Columbia for Thursday, May 2,  
2013.

My name is Anthony Hood. Joining  
us this evening are Vice Chairman Cohen,  
Commissioner Miller, Commissioner May and  
Commissioner Turnbull.

We're also joined by the Office of  
Zoning staff, Ms. Sharon Schellin, who I think  
is out making copies.

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

The subject of this evening's  
hearing is Zoning Commission Case No. 07-18D.  
This is a request by Jamal's Up Against the

1 Wall, LLC, for Approval of a Modification to  
2 a Previously Approved PUD for property located  
3 at 1000 F Street, N.W.

4 Notice of today's hearing was  
5 published in the D.C. Register on March 8,  
6 2013, and copies of that announcement are  
7 available to my left on the wall near the  
8 door.

9 The hearing will be conducted in  
10 accordance with the provisions of 11 DCMR 3022  
11 as follows: preliminary matters; Applicant's  
12 case; report of the Office of Planning -- and  
13 let me just back up. We're also joined by the  
14 Office of Planning, Ms. Steingasser, Mr.  
15 Mordfin and the District Department of  
16 Transportation, Mr. Henson. The agenda also:  
17 report of other government agencies; report of  
18 the ANC -- in this case it's 2C; organizations  
19 and persons in support; organizations and  
20 persons in opposition; rebuttal and closing by  
21 the Applicant.

22 The following time constraints

1 will be maintained in this meeting: the  
2 Applicant, 15 minutes; organizations, five  
3 minutes; individuals, 3 minutes.

4 All persons appearing before the  
5 Commission are to fill out two witness cards.  
6 These cards are located to my left on the  
7 table near the door. Upon coming forward to  
8 speak to the Commission, please give both  
9 cards to the reporter sitting to my right  
10 before taking a seat at the table.

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

18 The decision of the Commission in  
19 this case must be based exclusively on the  
20 public record. To avoid any appearance to the  
21 contrary, the Commission requests that persons  
22 present not engage the members of the

1 Commission in conversation during any recess  
2 or at any time.

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

6 Would all individuals wishing to  
7 testify please rise to take the oath. And I'm  
8 going to ask Ms. Schellin if she could  
9 administer the oath.

10 (Whereupon, all the witnesses were  
11 sworn.)

12 CHAIRMAN HOOD: Ms. Schellin, do  
13 you have any preliminary matters?

14 MS. SCHELLIN: The Applicant has  
15 uploaded their affidavit of maintenance. It's  
16 in order. And I believe that they are  
17 proffering experts and they've all three been  
18 -- actually, I don't see Mr. Sher here tonight  
19 -- but Osborne George and Patrick Burkhart,  
20 they've both been previously accepted.

21 CHAIRMAN HOOD: Any other  
22 preliminary matters?

1 (No audible response.)

2 CHAIRMAN HOOD: Okay. Well, I'll  
3 take this preliminary matter.

4 I just want to announce and  
5 congratulate you and Paul on your anniversary.  
6 It slipped my mind on Monday. But I think  
7 your anniversary is Wednesday. Okay.

8 So from all of us,  
9 congratulations. Tell him to watch this  
10 tonight before he goes to sleep on his way to  
11 sleep. But I want to congratulate you on your  
12 anniversary.

13 Okay. Ms. Batties -- do we have  
14 copies? Okay.

15 So I think all of the experts that  
16 you're proffering tonight have been accepted  
17 previously. So unless someone objects, I  
18 don't think we need to go through that action.

19 MS. BATTIES: Mr. Chair, I do have  
20 a couple of preliminary matters that I need to  
21 --

22 CHAIRMAN HOOD: Okay.

1 MS. BATTIES: -- set forth before  
2 we do our presentation.

3 For the record, Leila Batties with  
4 the law firm of Holland & Knight.

5 First of all, the application and  
6 our request is for a modification of the PUD  
7 to allow for 34 parking spaces. There is a  
8 typo in the Office of Planning report. It  
9 indicates 35, but our plan shows 34. And  
10 that's been the same number of parking spaces  
11 since our pre-hearing statement. And the  
12 Office of Planning is aware of that.

13 The second item is that we're  
14 going to obviously proceed with the public  
15 hearing tonight, but we have asked ANC 2C to  
16 hear this presentation at their next public  
17 meeting which is on May 15th.

18 And we needed to do this -- I  
19 wasn't privy to the discussions with the ANC  
20 back in December, but there was a  
21 misunderstanding with the ANC in terms of the  
22 number of parking spaces that could be

1 accommodated on the site plan. I think the  
2 misunderstanding was that we were going to  
3 have 34 lifts that would allow for a total of  
4 68 parking spaces. But in actuality, we're  
5 providing a total of 34 parking spaces, 14 of  
6 which will be accommodated by lifts.

7 So the ANC letter that was issued  
8 is not correct. It doesn't reflect the plans  
9 that have been submitted to you. And also,  
10 the ANC has changed because of the  
11 redistricting. So we have a whole new slate  
12 of commissioners on ANC 2C.

13 So given those two things, we  
14 think it's prudent that we go back to the ANC.  
15 They're aware that the hearing -- the public  
16 hearing was tonight. They didn't have issue  
17 with us going forward with our presentation  
18 tonight understanding that we would go back to  
19 them on May 13th. So I wanted to make you  
20 aware of that. On May 15th. I'm sorry.

21 CHAIRMAN HOOD: So you're asking  
22 of us to keep the record open for the ANC

1 report which I think is good. That's a good  
2 move.

3 MS. BATTIES: Okay.

4 Third, we've submitted to Ms.  
5 Schellin -- and you've received copies of two  
6 sheets -- A3A and A3B, which reflect modified  
7 or revised versions of the modified layout for  
8 parking level one. These drawings were  
9 prepared in response to DDOT and the Office of  
10 Planning's report. They show where the  
11 bicycle shower and changing rooms will be  
12 located on the west side of the garage. And  
13 they also show the five-foot wide bicycle  
14 parking access aisle and the two-tiered  
15 bicycle parking racks. That would allow us to  
16 increase the total number of bicycle parking  
17 on the property from 16 to 32 as requested by  
18 DDOT.

19 And I believe those revised sheets  
20 actually address all of the conditions and  
21 comments listed on page seven of the Office of  
22 Planning's report with the exception of the

1 third condition relating to access to the  
2 hybrid parking space as well as the handicap  
3 parking space. When Patrick Burkhart goes  
4 through the layout of the parking garage, he  
5 will explain in detail how those spaces will  
6 be accessed.

7 And then finally, in addition to  
8 the flexibility for parking, we are also  
9 requesting flexibility to use the historic  
10 portion of the building for either office or  
11 retail. It was noted in the Office of  
12 Planning's report on page four. However, our  
13 drawings need to be revised to reflect either  
14 office or retail use. And should the  
15 Commission grant that request for flexibility,  
16 we will have that reflected on the final set  
17 of consolidated plans that we submit to the  
18 Zoning Commission.

19 Okay? Those are preliminary.

20 CHAIRMAN HOOD: Does anyone have  
21 any questions up here thus far?

22 (No audible response.)

1 CHAIRMAN HOOD: Okay. So we're  
2 ready then.

3 MS. BATTIES: Okay. Great.

4 VICE-CHAIR COHEN: The first floor  
5 will definitely be --

6 MS. BATTIES: Yes. I think the  
7 option or the flexibility relates to the  
8 second floor only.

9 Sorry. I wasn't clear.

10 Okay. Again, this is the  
11 application to modify the PUD previously  
12 approved at 1000 F Street, N.W. While the  
13 primary modification includes the flexibility  
14 to provide six zoning compliant spaces or a  
15 total of 45 are required, the Applicant is  
16 able to achieve a total of 34 parking spaces  
17 on the site. And as noted in DDOT's report,  
18 the reduction is consistent with DDOT's  
19 current policies, especially when offset by  
20 the increase in the number of bicycle parking  
21 spaces from 16 to 32.

22 Again, we're also seeking

1 flexibility to have either office or retail  
2 use on the second floor of the historic  
3 structure at the corner of 10th and F Streets.

4 And finally, there have been some  
5 minor modifications to the building facade  
6 which Patrick will explain during his portion  
7 of the presentation.

8 There are two conditions that were  
9 in the original PUD approval that will be  
10 affected by the proposed changes in this  
11 application. The first is obviously the  
12 condition relating to the number of parking  
13 spaces. And then the second is the condition  
14 requiring a car-sharing space. Because the  
15 operations of the parking garage have changed,  
16 we have traded in that car-sharing space for  
17 an LEV hybrid dedicated space in the garage.  
18 And that change was made with the consultation  
19 of the Office of Planning and DDOT.

20 All of the other conditions that  
21 were originally approved with the project will  
22 remain unchanged.

1 Douglas Development is represented  
2 this evening by Mr. Paul Millstein and Andrea  
3 Gourdine who are here to answer any questions.

4 The architect for the project is  
5 Patrick Burkhart from Shalom Baranes who will  
6 give a brief presentation and overview of the  
7 proposed modifications to the PUD.

8 And the traffic consultant Osborne  
9 George is available to answer any questions  
10 that you may have.

11 With that, I'll turn it over to  
12 Patrick.

13 MR. BURKHART: Okay. Good  
14 evening, Chairman Hood and Members of the  
15 Commission. My name is Patrick Burkhart, and  
16 I'm a design principle with the Shalom Baranes  
17 Associates.

18 I want to thank you for the  
19 opportunity to present to you this evening  
20 some modifications that we propose to a  
21 previously approved PUD that we presented to  
22 you in 2008. And I'd like to just begin with

1 a very brief kind of overview of the concept  
2 so that those of you who were not with the  
3 Commission at that time have a little better  
4 understanding of the design.

5 So perhaps we can deal with the  
6 lights.

7 So the project that you see here  
8 is located at the southwest quadrant at the  
9 intersection of 10th and F Streets in downtown  
10 Washington, D.C. It's a project that  
11 incorporates a two-story historic building at  
12 that corner. And it's essentially an 11-story  
13 office building with groundfloor retail space.

14 Here you can see in the aerial  
15 photo the site is bounded with the yellow  
16 stitched lines. It's bordered by F Street on  
17 its north side which is what we see here, and  
18 by 10th Street on the east property line. And  
19 it's diagonally opposite of the historic  
20 Ford's Theater on 10th Street. And so the  
21 site is actually included in the downtown  
22 historic district as well as the Pennsylvania

1 Avenue National Historic District.

2 Here we see a couple of  
3 photographs of the context of the site. I'll  
4 only point out the one that we see in the  
5 upper left here again with the depiction of  
6 the current condition of the two-story  
7 historic building on the corner.

8 There are six buildings on the  
9 site, but it was deemed only that this  
10 building at the corner and the Waffle Shop  
11 which is just to the south of the building  
12 that we're saving at the corner is located  
13 here. This has been dismantled and will be  
14 relocated to square 450 west in downtown D.C.

15 Here we see in this sort of the  
16 street plan of the site toned in the tan area  
17 that you see here. And what I really want to  
18 point out is the site is actually very  
19 accessible to public transportation. It is  
20 one block south of Metro Center and two blocks  
21 to the west of Gallery Place. And it's well  
22 served by the bus routes and circulator routes

1 as well as established bicycle lanes.

2 I'd also like to point out that  
3 square 347, which is this square, has an alley  
4 access system which begins at the north end  
5 off F Street and continues down to Midpoint  
6 and then extends over to 11th Street. And  
7 this is essentially an alley system that with  
8 the completion of our building will be 20 feet  
9 wide and provide two-way access to loading and  
10 parking on the square.

11 And so here we see a perspective  
12 rendering of the project in 2008. And as  
13 Leila described, with regards to the primary  
14 street facades which we see here on the 10th  
15 Street and F Street side, we are proposing no  
16 significant changes.

17 There are only two minor  
18 adjustments that we seek which are related to  
19 the groundfloor, the first of which can be  
20 seen in this -- the elevation of the F Street  
21 facade. And we want to increase the retail  
22 frontage. So what we are doing is extending

1 the previously approved plan which indicated  
2 retail to a line here to add one additional  
3 bay to extend that retail frontage another 12  
4 feet towards the west. And as a consequence,  
5 the office entrance exposure would be reduced  
6 by that amount.

7 The second minor adjustment on 10th  
8 Street is here at the southeast corner where  
9 we are positioning an exit door from the stair  
10 towers within the building in substitution for  
11 a narrow retail window at that edge.

12 But the primary exterior  
13 modifications really focus on both the south  
14 elevation which we see here which is actually  
15 an interior lot line elevation above and  
16 adjacent to a historic building. In the image  
17 on the left, we see the approved design which  
18 in composition with material took a brick  
19 facing and terminated here at the edge of the  
20 fenestration. From this point towards 10th  
21 Street, we were working with a terra cotta  
22 cladding through this series of five punch

1 windows. What we'd like to do as indicated in  
2 this proposed modification is to extend that  
3 brick treatment from this point to this edge  
4 of the window closest to 10th Street thus  
5 creating a five-foot return of the terra cotta  
6 material, this being a little bit more of a  
7 traditional relationship of terminating a  
8 street facade with a side elevation. In here  
9 you can see it in a perspective view looking  
10 to the north on 10th Street.

11 The other modifications to the  
12 exterior really focus on the alley elevation,  
13 the approved design as indicated on the left  
14 side. And there were two areas of adjustment,  
15 the first of which is that for the  
16 fenestration, you'll notice that we have a  
17 very narrow slot of windows here right at the  
18 corner of the alley with F Street. We've  
19 eliminated that narrow slot in the proposed  
20 design and have taken the five uniform  
21 windowed bays and positioned them here, this  
22 in accommodation with the adjustments to the

1 core relating to the proposed garage layout  
2 and then articulated this bay with a double  
3 height expression very much like the initial  
4 proposal.

5 The other areas of adjustment  
6 really deal with the loading area to the  
7 building where we've increased the height of  
8 the access to the loading berth within the  
9 building from the alley. And then also here  
10 as we've modified the garage design, we've  
11 included a garage elevator door adjacent to  
12 the garage ramp entry door. And these changes  
13 will be minimally visible from F Street.

14 But the real focus of the  
15 modification deals with the parking provisions  
16 for the building. And as Leila was  
17 describing, the approved plan indicated 61  
18 parking spaces in a four-level, below-grade  
19 garage which we see in the section drawing on  
20 the left. The proposal is to reduce the  
21 parking from 61 self-parked spaces to 34  
22 valet-operated spaces being accommodated on

1 two levels below-grade which we see in the  
2 drawing on the right.

3 This is a plan of the approved  
4 garage lay out which is the self-parking. As  
5 you can basically see, it's a relatively  
6 inefficient floor plan given the small site  
7 and the subtraction of the footprint of the  
8 historic building from the property line. It  
9 just became economically not feasible and very  
10 inefficient to work with this particular  
11 layout.

12 So as we begin the discussion of  
13 the garage design, I just want to point out a  
14 few things about the overall concept. Now  
15 this proposed valet-operated garage will be  
16 for the tenants of the building. It's not  
17 going to be open commercially to the public.  
18 So therefore those users of the garage will be  
19 familiar generally with the layout because  
20 they'll be using it on a regular basis.

21 And I'd like to begin the  
22 discussion here with just a comparison of the

1 approved groundfloor plan which we see on the  
2 left with the revised plan proposed on the  
3 right. The gray areas are really the back-up  
4 house service areas for the building. And the  
5 tan areas include both the office area as well  
6 as the proposed retail.

7 In the approved plan, the retail  
8 would incorporate the historic building plus  
9 new construction adjacent to it and wrapping  
10 it to a point really midpoint in the plan  
11 north/south. So about half of the overall  
12 footprint would be dedicated to retail.

13 In the modified program, we've  
14 basically increased the retail area by  
15 incorporating the strip I mentioned here  
16 earlier on F Street into the area, reduce the  
17 office lobby area somewhat and then created  
18 all of the back-up house spaces again along an  
19 alley.

20 But the biggest adjustment is  
21 really here at the garage entrance where in  
22 the previous proposal with self-parking we had

1 a 20-foot wide, two-way ramp. It's now  
2 replaced with a 12-foot wide, one lane  
3 signaled ramp and a car elevator located here.

4 And what I'd like to do is just  
5 talk a little bit about the operation of the  
6 garage. And beginning with the B1 level, as  
7 cars then enter through the one-way ramp in  
8 the morning, in working with our traffic  
9 consultant, the rate of inbound during the  
10 morning rush from 7:00 to 10:00 is about 15 to  
11 20 cars per hour. So that would indicate that  
12 cars would travel down the alley, down the  
13 one-way ramp and the valet operator would  
14 locate the first car driven by the driver up  
15 to the north end of the garage. And  
16 subsequently we can accommodate an additional  
17 eight spaces on that plan immediately such  
18 that over 25 percent of the garage can  
19 basically be quickly taken in off the alley  
20 and located on the B1 level.

21 On this B1 level, the valet  
22 operator would take those cars in sequence and

1 park them into these double-stacking lifts of  
2 which we have a total of seven -- two here,  
3 three here and two here -- providing a total  
4 of 14 spaces. In addition, we have a van  
5 passenger-loading zone here in an accessible  
6 van space such that again coming into the  
7 garage, the valet operator would direct the  
8 driver to this location. The assistance would  
9 be the exit of the passenger that requires an  
10 accessible lane here would occur. And then  
11 the valet operator would take the van and/or  
12 car and park it in one of those locations  
13 indicated on the plan here.

14 We also have two compact spaces  
15 positioned here as well as the LEV hybrid  
16 space here. And again, we anticipate this  
17 would be operated on a first-come, first-  
18 served basis for tenants in the building.  
19 We've also provided the opportunity for a  
20 charging station. So again, if there's more  
21 than one vehicle requiring charging, the valet  
22 operator would sequence the time that the cars

1 would be positioned to recharge in that  
2 location.

3 This is just a quick view of the  
4 lifts that we are indicating may accommodate  
5 a full-sized vehicle and up to most large  
6 SUVs. And the garage elevator which provides  
7 access from the alley grade down to the B1 and  
8 to the B2 level accommodates full-sized  
9 vehicles and SUVs. It's operating rate is at  
10 about 50 feet per minute. Our grade change  
11 from the alley to the lowest level is only 14  
12 feet. So we anticipate about a 25-second  
13 turnaround time.

14 And that elevator would then take  
15 you down to the B2 level which we see here  
16 where from the garage elevator point of  
17 access, cars would then be parked in one of 16  
18 spaces which include a combination of  
19 standard, compact, tandem and spaces that are  
20 partially within vault space along F Street to  
21 the north and 10th Street to the south.

22 Now we had a couple of questions

1 from the Department of Transportation and also  
2 the Office of Planning really relating to  
3 bicycle parking. And I just wanted to  
4 indicate how we've accommodated the request  
5 for a full-changing facility which we now have  
6 located here on the west side of the plan  
7 that's detailed as seen here fully  
8 accommodating access to a shower, changing,  
9 toilet and sink.

10 And also, we have increased the  
11 parking for bicycles to 32 using a stacked-  
12 lift system which is what we see here in the  
13 lower left. It is actually an assisted lift  
14 design which requires less effort by the user  
15 so it's relatively easy to use. It has a plan  
16 dimension of just slightly 18 feet which we  
17 are accommodating as seen here. And finally,  
18 we have increased access to that bicycle  
19 parking space working with a three-foot  
20 dimension which was too narrow and are now  
21 providing a five-foot dimension by reducing a  
22 garage attendant.

1                   And with that, that concludes my  
2                   portion of the presentation. And we would be  
3                   happy to answer any questions.

4                   Thank you.

5                   CHAIRMAN HOOD: Are you finished,  
6                   Ms. Batties?

7                   MS. BATTIES: Yes, we're finished  
8                   with our presentation to the Zoning  
9                   Commission.

10                  CHAIRMAN HOOD: Okay.  
11                  Commissioners, let me open it up for any  
12                  questions or comments. Anybody want to talk  
13                  about the garage elevator or anything like  
14                  that?

15                  Commissioner May?

16                  COMMISSIONER MAY: Well, now that  
17                  you mention it.

18                  CHAIRMAN HOOD: Okay. That saved  
19                  me from doing it.

20                  COMMISSIONER MAY: I'm just  
21                  curious. Because we're going to see more  
22                  garage elevators over time. And I know

1 they're widely used in other cities.

2           Especially what about the  
3 reliability of these systems? I mean, there's  
4 no other way to get a vehicle in or out in  
5 this circumstance. You've only got the one  
6 elevator that goes to the second floor. So  
7 are they absolutely reliable?

8           MR. BURKHART: Yes. Our  
9 understanding of them from the manufacturer is  
10 that they are very frequently serviced to make  
11 sure that they are always up and operating.  
12 And usually that servicing occurs after hours  
13 in the case of this valet garage. So we do  
14 have a downtime from probably 10:00 p.m. to  
15 6:00 in the morning where any kind of  
16 maintenance issues can be dealt with.

17           COMMISSIONER MAY: Right. Okay.

18           All right. That's it.

19           CHAIRMAN HOOD: All right. Thank  
20 you for asking that question. That was my  
21 question other than I've seen that presented  
22 before previously. And for some reason -- I

1 think it was on H Street -- and it went away.  
2 I'm just curious if it's actually going to get  
3 done this time. Side note. Okay?

4 MS. BATTIES: I'm sorry.

5 CHAIRMAN HOOD: Mr. Millstein, you  
6 want to tell me?

7 MS. BATTIES: Yes.

8 CHAIRMAN HOOD: Was it done on the  
9 one on H Street?

10 MR. MILLSTEIN: Sorry. I was  
11 actually trying very hard not to talk too much  
12 tonight.

13 But anyway, yes, the DRI building  
14 at the corner of 8th and H next to the  
15 historic church, there is a car elevator  
16 there. They built it.

17 CHAIRMAN HOOD: Yes.

18 MR. MILLSTEIN: I actually was  
19 parking on the street the other day and  
20 watched a car go in and go down because this  
21 is a first for us as well. And I'll tell you,  
22 it took a lot of convincing from our

1       standpoint because the fears you have -- a  
2       tenant that can't get to their car and they're  
3       going to be very angry and they want to go  
4       home. And that's a lot of drama we don't want  
5       to deal with over the next 20 years.

6                 But we feel very confident after  
7       the information we've received and researched.  
8       That was done by Greg Verzakly. The DRI  
9       corner building, that does have a car  
10      elevator. Right.

11                CHAIRMAN HOOD: That's good to  
12      know. I remember that.

13                MR. MILLSTEIN: Yes, sir.

14                CHAIRMAN HOOD: Okay.

15                COMMISSIONER MAY: Maybe you could  
16      have a bike you could lend them if somebody  
17      gets stuck.

18                MR. MILLSTEIN: Actually it's a  
19      good idea. For those that are driving, it may  
20      be a little far. But it could work out.

21                VICE-CHAIR COHEN: And just make  
22      sure the manufacturer doesn't do -- is it the

1 same as our escalator manufacturer in the  
2 District?

3 CHAIRMAN HOOD: Okay. Any more  
4 advice or questions from up here?

5 (LAUGHTER.)

6 CHAIRMAN HOOD: Commissioner  
7 Miller?

8 COMMISSIONER MILLER: Thank you,  
9 Mr. Chairman.

10 So you're no longer seeking the  
11 flexibility -- which I think I saw in your  
12 April 12 submission -- to use that LEV hybrid  
13 space for either that or for eight additional  
14 bicycles? It's the LEV?

15 MS. BATTIES: Correct.

16 COMMISSIONER MILLER: Obviously  
17 that was the result of your consultations with  
18 --

19 MS. BATTIES: Correct. And the  
20 result of being able to put in a two-tiered  
21 bicycle structure. We are going to double the  
22 number of bicycle spaces right there in the

1 garage.

2 COMMISSIONER MILLER: And my only  
3 other question is regarding the Waffle House.  
4 I know you have under the current order  
5 another year to relocate it. Is that on track?

6 MR. MILLSTEIN: On track is a  
7 relative term. So I would say that we have a  
8 location that we want to do it on that which  
9 we control the real estate on. We've designed  
10 a building. We're moving forward for permit  
11 plans. So I think we are. We intend to do  
12 that.

13 There's a lot of people tracking  
14 that very carefully. So I expect to deliver  
15 on time.

16 CHAIRMAN HOOD: Okay.  
17 Commissioner Turnbull?

18 COMMISSIONER TURNBULL: No, I just  
19 wanted to thank the Applicant. I think the  
20 changes are very well done. I think the  
21 outlook changes -- the additional retail -- I  
22 think it's all very well. So I congratulate

1 you on that.

2 CHAIRMAN HOOD: Do we have anyone  
3 here from ANC 2C? I know they're going to be  
4 looking at it I think in the next couple of  
5 days or so. Anyone here from ANC 2C?

6 (No audible response.)

7 CHAIRMAN HOOD: Okay.

8 Let's go to the report of the  
9 Office of Planning. Mr. Mordfin?

10 Let's do the Office of Planning  
11 and DDOT together -- Mr. Mordfin and Mr.  
12 Henson.

13 MR. MORDFIN: Good evening,  
14 Chairman and Members of the Commission.

15 The Office of Planning finds that  
16 the modified application continues to be  
17 nonconsistent with the comprehensive plan and  
18 that the Applicant has met the conditions  
19 contained within the staff report from the  
20 setdown and therefore recommends that the  
21 Commission approve the application.

22 Thank you.

1 CHAIRMAN HOOD: Thank you.

2 Mr. Henson?

3 MR. HENSON: Good evening. My  
4 name is Jamie Henson. I'm a planner with the  
5 District's Department of Transportation.

6 The Applicant worked with DDOT,  
7 went through the process of scoping and  
8 producing an analysis for the project.

9 DDOT had only one relatively minor  
10 concern around bike parking. The Applicant  
11 addressed it, addressed concerns around valet  
12 parking, has proposed putting utility vaults  
13 in the alley, and is reducing the parking from  
14 the initial PUD.

15 We're very pleased with this  
16 project and are welcome to take questions if  
17 you have further questions of us.

18 CHAIRMAN HOOD: Okay.

19 Commissioner May?

20 COMMISSIONER MAY: I have a  
21 question for DDOT. Your report says that  
22 you're opposed to vault spaces, but they're

1       okay here.  Is that right?

2                   MR. HENSON:  This was an approved  
3 PUD.  And you're right.  That's not our  
4 favorite thing.  We tend not to like to see  
5 vault spaces.

6                   But there's two things going on  
7 here, one of which this is pre-approved.  And  
8 so, it was pre-approved with a vault space.  
9 But two, if you look at the parking ratios  
10 that this Applicant is proposing, these are  
11 incredibly aggressive.  So this is one of  
12 those places --

13                   COMMISSIONER MAY:  That doesn't  
14 carry any weight with me because it's not  
15 consistent with the zoning regulations.  So I  
16 mean, I know you like it.

17                   But the real question I'm after is  
18 you have a policy opposing it.  Have they  
19 already gone through the public space process  
20 to be able to have them, or do they have to go  
21 through the public space process to have them,  
22 and is that going to fly?

1 MR. HENSON: Well, I can't speak  
2 for the committee because I'm not the  
3 committee. DDOT's general position has been  
4 when these things are pre-addressed and that  
5 they have been approved -- and this is  
6 actually an older case -- is that we don't  
7 oppose them.

8 COMMISSIONER MAY: Okay. That's  
9 what I wanted to be sure of because I know  
10 that a lot of times what we say doesn't really  
11 affect what the public space committee does.

12 MR. HENSON: Right. And we take  
13 into account that this is already approved and  
14 we're not going to hold it up.

15 COMMISSIONER MAY: All right.

16 CHAIRMAN HOOD: Okay. Any other  
17 questions of the Office of Planning or DDOT?

18 (No audible response.)

19 CHAIRMAN HOOD: I want to thank  
20 Mr. Mordfin and Mr. Henson.

21 Report of other government  
22 agencies? No, I'm sorry.

1                   Does the Applicant have any cross  
2 examination of either the Office of Planning  
3 or DDOT?

4                   MS. BATTIES: No, we don't.

5                   CHAIRMAN HOOD: Okay. Report of  
6 other government agencies?

7                   (No audible response.)

8                   CHAIRMAN HOOD: I don't know if I  
9 saw anything. Did my colleagues see anything  
10 that I may have looked at and kept moving?

11                   (No audible response.)

12                   CHAIRMAN HOOD: Okay.

13                   Report of the ANC 2C? We've heard  
14 Ms. Batties' discussion earlier about this  
15 letter that we received here. They're going  
16 to go back out. And because of the  
17 redistricting and some other factors, they're  
18 going to go back out and hopefully come back  
19 with a favorable letter again from 2C as what  
20 they had previously.

21                   I don't think we have any  
22 organizations or persons who are here in

1 support.

2 Any organizations or persons who  
3 are here in opposition?

4 (No audible response.)

5 CHAIRMAN HOOD: I don't think you  
6 have any rebuttal, Ms. Batties. Do you have  
7 any closing?

8 MS. BATTIES: No.

9 CHAIRMAN HOOD: Or do you have any  
10 rebuttal? You may have.

11 MS. BATTIES: I don't have any  
12 rebuttal.

13 I would just say that we  
14 respectfully request the Commission's  
15 favorable review or approval of the  
16 application.

17 Of course, we would ask that the  
18 record remain open for the letter from the ANC  
19 and also give the Applicant the opportunity to  
20 submit a final consolidated set of drawings.

21 That's it.

22 CHAIRMAN HOOD: Any other final

1 questions, Commissioners, of the Applicant?

2 (No audible response.)

3 CHAIRMAN HOOD: Okay. I think  
4 we'd be advised not to do anything tonight as  
5 we're waiting for that letter from the ANC.  
6 Is it still 2C? Okay. ANC 2C. And we'll  
7 move at that point. I don't want to cramp  
8 what they may do. We want to give them the  
9 courtesy.

10 And I do want to applaud the  
11 Applicant for going back out to talk to them.  
12 I think that's very key.

13 Any other thing we need up here,  
14 Commissioners?

15 (No audible response.)

16 CHAIRMAN HOOD: Okay. All right,  
17 Ms. Schellin, do we --

18 MS. SCHELLIN: Could we set some  
19 dates then?

20 I think she said they were meeting  
21 on the 15th of May. So if we could leave the  
22 record open until the 22nd for those documents

1 -- for the ANC report and the consolidated set  
2 of plans -- and then allow until the 29th for  
3 the Applicant to provide a response to the ANC  
4 report if it chooses to do so. And draft  
5 findings, facts, conclusions of law also due  
6 by the 29th, 3:00 o'clock p.m., deadlines for  
7 both days. And then we can put this on for  
8 consideration at the June 10th meeting.

9 CHAIRMAN HOOD: Okay. Do those  
10 dates all work for everyone?

11 (No audible response.)

12 CHAIRMAN HOOD: Good. With that, I  
13 want to thank everyone for their  
14 participation.

15 Do we have anything else, Ms.  
16 Schellin?

17 (No audible response.)

18 CHAIRMAN HOOD: I want to thank  
19 everyone for their participation tonight. And  
20 this hearing is adjourned.

21 (Whereupon, at 7:95 p.m., the  
22 hearing was adjourned.)

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 05-02-13

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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Court Reporter

**NEAL R. GROSS**

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