

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
 :
REVIEW AND APPROVAL OF PUD : Case No.
MODIFICATION AT 1616 RHODE : 02-51A
ISLAND AVENUE :
----- :

Thursday,
December 14, 2006

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

The Public Hearing of Case No.
02-51A by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room at 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Vice Chair, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Vice Chair
GREGORY JEFFRIES Commissioner
MICHAEL G. TURNBULL Commissioner (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
ARTHUR JACKSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes from the Public Hearing held on December 14, 2006.

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A-G-E-N-D-A

	<u>Page No.</u>
Preliminary Matters, SHARON SCHELLIN	8
PHIL FEOLA	8
Applicant's Case	
Questions from the Commission	11
Report of the Office of Planning.	32
ARTHUR JACKSON and JENNIFER STEINGASSER	
Report of Advisory Neighborhood	38
Commission 2B, MARK BJORGE	

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

2 6:40 p.m.

3 VICE CHAIR HOOD: Good evening,
4 ladies and gentlemen. This is the public
5 hearing of the Zoning Commission of the
6 District of Columbia for Thursday, December
7 14, 2006.

8 My name is Anthony J. Hood, and
9 joining me this evening are Commissioners
10 Gregory Jeffries and Michael Turnbull.

11 We are also joined by Sharon
12 Schellin and Donna Hanousek from the Office of
13 Zoning to my left.

14 The subject of this evening's
15 hearing is Zoning Commission Case No. 02-51A.

16 This is a request by Rhode Island Avenue
17 Associates for approval of a modification to a
18 previously approved PUD to grant first stage
19 PUD relief for property located at 1616 Rhode
20 Island Avenue, N.W., and known as Lots 82 and
21 83 in Square 182.

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1 Notice of today's hearing was
2 published in the D.C. Register on August 25,
3 2006. Copies of today's hearing announcement
4 are available to you and are located to my
5 left in the wall bin near the door.

6 This hearing will be conducted in
7 accordance with the provisions of 11 DCMR
8 3022. The order of procedures will be as
9 follows. Preliminary matters, Applicant's
10 case, Report of the Office of Planning, Report
11 of Other Government Agencies, Report of
12 Advisory Neighborhood Commission 2B,
13 organizations and persons in support,
14 organizations and persons in opposition.

15 The following time constraints
16 will be maintained in this meeting.
17 Preferably, the Commission is going to ask,
18 possibly we will be staying on the record and
19 asking questions, but I will read what's here,
20 the Applicant 45 minutes, organizations five
21 minutes, individuals three minutes. The

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1 Commission intends to adhere to the time
2 limits as strictly as possible in order to
3 hear the case in a reasonable period of time.

4 The Commission reserves the right to change
5 the time limits for presentations if
6 necessary, and notes that no time shall be
7 ceded.

8 All persons appearing before the
9 Commission are to fill out two witness cards.

10 These cards are located to my left on the
11 table near the door. Upon coming forward to
12 speak to the Commission, please give both
13 cards to the reporter sitting to my right
14 before taking a seat at the table.

15 Please be advised that these
16 proceedings are being recorded by a court
17 reporter and is also webcast live.
18 Accordingly, we must ask you to refrain from
19 disruptive noises or actions in the hearing
20 room.

21 When presenting information to the

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1 Commission, please turn on and speak into the
2 microphone, first stating your name and home
3 address. When you are finished speaking,
4 please turn your microphone off so that your
5 microphone is no longer picking up sound and
6 background noise.

7 The decision of the Commission in
8 this case must be based exclusively on the
9 public record. To avoid any appearance to the
10 contrary, the Commission requests that persons
11 present not engage the members of the
12 Commission in conversations during any recess
13 or at any time. The staff will be available
14 throughout the hearing to discuss procedural
15 questions.

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

19 Will all individuals wishing to
20 testify please rise to take the oath.

21 Ms. Schellin, would you administer

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1 the oath?

2 SECRETARY SCHELLIN: Do you
3 solemnly swear or affirm that the testimony
4 you will give in this evening's proceeding
5 will be the truth, the whole truth, and
6 nothing but the truth?

7 Thank you.

8 VICE CHAIR HOOD: Thank you.

9 At this time, the Commission will
10 consider any preliminary matters. Does the
11 staff have any preliminary matters?

12 SECRETARY SCHELLIN: Just to
13 advise that the Applicant has filed their
14 affidavit of posting, or maintenance, I'm
15 sorry.

16 VICE CHAIR HOOD: Thank you.

17 Mr. Feola, do you have any
18 preliminary matters?

19 MR. FEOLA: The only preliminary
20 matter, Mr. Chairman, is the identifying of
21 expert witnesses, and ask that the Commission

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1 identify those persons that we identified in
2 our July 27th filing as experts. Guy Martin
3 is the Project Architect, Marty Wells as the
4 Traffic Engineer, and Patrick Phillips as the
5 Economic Analyst.

6 VICE CHAIR HOOD: Okay. Mr. Wells
7 I know has been before us many times before.
8 I'm sure we have a consensus on that.

9 But, let me -- I had that in front
10 of me previously, and I really didn't think I
11 was going to get to that tonight, but, who are
12 the other two, Mr. Feola?

13 MR. FEOLA: Guyman Martin, M-A-R-
14 T-I-N, he's an architect with Studios.

15 VICE CHAIR HOOD: Okay.

16 MR. FEOLA: I believe he's
17 appeared before this Commission in the past.

18 VICE CHAIR HOOD: He's been
19 before? Okay.

20 MR. FEOLA: And, Patrick Phillips
21 with ERA, Economic Consultant.

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1 VICE CHAIR HOOD: Has he -- has
2 Mr. Phillips been here before?

3 MR. FEOLA: I don't believe so,
4 no.

5 VICE CHAIR HOOD: We've accepted
6 Mr. Martin before previously, obviously,
7 right?

8 MR. FEOLA: Yes.

9 VICE CHAIR HOOD: Okay. Any
10 objections to Mr. Martin?

11 Any objections to Mr. Phillips?

12 Okay, thank you, your witnesses
13 are expert, proffered as expert witnesses.

14 Mr. Feola, let me just say, I was
15 giving you a heads up, my colleagues and I
16 have agreed to, basically, ask questions,
17 unless you just have an outstanding
18 presentation that you want to give us, we are
19 more than willing to hear it for 45-60
20 minutes, but if you would like for us to just
21 ask questions, we'll go that route.

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1 MR. FEOLA: Well, I did have this
2 just tremendous opening statement to make, but
3 I think I can forgo it, and we would be happy
4 to stand on the record and answer questions.

5 VICE CHAIR HOOD: If you have an
6 opening statement, I don't want to deprive you
7 of that.

8 MR. FEOLA: No, sir, I'm just
9 kidding.

10 VICE CHAIR HOOD: Okay, all right.
11 Okay.

12 Colleagues, let's --

13 MR. FEOLA: One thing, Mr.
14 Chairman, we do have a slide show, as you can
15 see, we are happy to turn in the hard copy for
16 the Commissioners and the record.

17 VICE CHAIR HOOD: Yes, that would
18 be good. Can we get those now while we are
19 doing this?

20 MR. FEOLA: Absolutely.

21 VICE CHAIR HOOD: Okay, that would

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1 be good, thank you.

2 Okay, well, I'll start it off.

3 Mr. Feola, have you had a chance
4 to look at the -- let me get it in front of me
5 first -- the Office of Planning's report dated
6 -- is it December the 4th? As soon as I find
7 my copy here. Here it is.

8 There were five recommendations.
9 I don't know how my other colleagues feel, but
10 I kind of -- I don't know where you are with
11 this, and I hadn't had a chance to review
12 everything that was submitted tonight, so it
13 may be already covered. Four out of the five
14 I was wondering if you would accept, and I had
15 questions myself on the one that says that the
16 Applicant will determine whether the D.C.
17 Department of Transportation proposal to set
18 aside approximately 5 percent of vehicle space
19 in the proposed garage parking for car sharing
20 vehicles such as Zip and Flexcars being
21 accepted.

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1 I'm not sure, that's not being
2 proffered, but I was just wondering maybe if
3 the Applicant would even consider it.

4 MR. FEOLA: Yes, sir. Actually,
5 the other four the Applicant has agreed to
6 abide by. That particular one, 5 percent of
7 this garage, there are 90 car -- there are 90
8 parking spaces in this garage, 5 percent is a
9 little less than five spaces.

10 what we have proposed to the
11 Office of Planning and DDOT, and we haven't
12 heard back from DDOT, is that we would set
13 aside two spaces for Zip or Flexcars, and the
14 other three spaces would be for fuel efficient
15 vehicles, special spaces for cars that are not
16 powered by gasoline exclusively.

17 VICE CHAIR HOOD: Okay. So, we
18 are looking at alternatively fueled vehicles
19 also?

20 MR. FEOLA: Yes, sir.

21 VICE CHAIR HOOD: Oh, okay.

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1 Great. Sounds great. Is that --

2 MR. FEOLA: We have not heard back
3 from DDOT.

4 VICE CHAIR HOOD: DDOT, okay,
5 that's good, alternative fuel. Okay.

6 The other thing is, I'm looking at
7 the rendering, and maybe you can answer, or
8 the architect, Mr. Phillips -- is it Phillips?

9 Mr. Martin, I'm sorry. I'm not good on this.

10 But anyway, I'm looking at the overhang, I
11 don't like to call it overhang, I need Mr.
12 Parsons tonight, but I'm looking to the left
13 side, and it's like a black little oval --
14 yes, a circle of -- could you just explain to
15 me what that is? You might need the
16 microphone.

17 MR. FEOLA: That's existing.

18 VICE CHAIR HOOD: That's existing.

19 Okay. Okay, I'm clear now, I thought it was
20 --

21 MR. MARTIN: Guyman Martin, 3117

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1 Woodley Road, N.W., Washington, D.C.

2 The item in question is the
3 cornice of the tower of the existing
4 University of California building.

5 VICE CHAIR HOOD: Okay. Okay.
6 Right, okay, I should have looked over there.
7 I was looking over here. All of that looked
8 like it was new to me. Okay. All right.

9 That's all the questions I have at
10 this moment. I will turn it over to Mr.
11 Jeffries.

12 COMMISSIONER JEFFRIES: I'm going
13 to also refer to the OP report, but before I
14 get to that, I want, if someone could just
15 walk me through the rationale, I believe there
16 was some rationale around why we are looking
17 at office here as opposed to residential, and
18 I just wanted someone to, you know, just state
19 for the record again, you know, why we are --
20 why this site is more conducive to office than
21 residential.

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1 MR. MARTIN: I can certainly start
2 by addressing the design difficulties of
3 putting residential on the site. It's a deep
4 site, with buildings on either side, so it's
5 very --

6 MR. FEOLA: Excuse me, Mr. Martin,
7 why don't you put a site plan up, I think that
8 would be helpful.

9 MR. MARTIN: There is the
10 photograph of the site as it exists now, and
11 you can see it's deep and it has buildings
12 either side.

13 It makes it -- has a narrow
14 frontage, so if you develop it for a
15 residential project, getting good light and
16 air is very difficult. So, it just is -- it's
17 a very difficult site to develop as
18 residential.

19 COMMISSIONER JEFFRIES: How narrow
20 is the frontage? I mean --

21 MR. MARTIN: The front itself,

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1 because it's at an angle, it's 100 feet
2 across. You get about three and a half, maybe
3 four units, you know, on the face, but the
4 site being as deep as it is you don't get the
5 -- let me just jump ahead for a minute if
6 you'll excuse the rapidity of the slide show,
7 essentially, you have this frontage for good
8 light, and then you've got all of this space
9 in here that you really --

10 COMMISSIONER JEFFRIES: Okay,
11 that's a much clearer representation. Okay, I
12 see it now, you couldn't -- I got you. Okay.
13 Okay.

14 And also, I would imagine, I know
15 to the east of this building is the Human
16 Rights Building.

17 MR. MARTIN: That is correct, yes.

18 COMMISSIONER JEFFRIES: So --
19 which is also office, and so there's pretty
20 much surrounded by office, I guess the
21 University of California has some temporary

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1 housing?

2 MR. MARTIN: It does.

3 COMMISSIONER JEFFRIES: Yes.

4 MR. MARTIN: I believe we have, if
5 you look at this site plan, this has housing
6 in it on the upper floors.

7 COMMISSIONER JEFFRIES: Okay.

8 MR. MARTIN: It has, I believe --

9 MR. FEOLA: There are 99
10 apartments, actually.

11 COMMISSIONER JEFFRIES: Oh, okay.

12 MR. MARTIN: And then, this is, of
13 course, the Courtyard Hotel. This is office,
14 this is all office in here, back in that
15 building, these original Project Sumner
16 Square.

17 COMMISSIONER JEFFRIES: Okay. My
18 other question is, and, perhaps, this is a
19 question for Mr. Feola, but, you know, we are
20 looking at this as a first stage PUD, correct?

21 MR. FEOLA: That's correct.

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1 COMMISSIONER JEFFRIES: And,
2 obviously, you've gotten very far along with
3 the design and architecture, I mean, you know,
4 I thought normally we look at first stage PUDs
5 more conceptually and so forth, and there
6 seems to be, you know, relatively -- I mean,
7 the design is, you know, the perspectives and
8 so forth, I mean, I know we can see a lot more
9 detail, but it seems like it's moved pretty
10 far along, and that's just due to the history
11 of this deal, I would take it.

12 MR. FEOLA: Partly, Commissioner
13 Jeffries, and also I think part of the
14 critique we took away from the Commission
15 about a year ago was the design which was much
16 more modern, needed to look more in context
17 with Dupont Circle. I don't remember which
18 Commissioner said it, but it was something
19 that was addressed by the Commission, so we
20 didn't think we could come back here with just
21 a block model, and be able to carry the day.

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1 COMMISSIONER JEFFRIES: Well, I
2 certainly didn't tell you -- I mean --

3 MR. FEOLA: I would suggest it may
4 be one of the missing Commissioners.

5 COMMISSIONER JEFFRIES: Okay,
6 because --

7 MR. FEOLA: Maybe both of them.

8 COMMISSIONER JEFFRIES: Yes,
9 because I would -- I love modern, so, okay,
10 well I just --

11 MR. FEOLA: Well, we had -- we
12 felt we had to come with some concept that was
13 more than just a square box, and that's why
14 it's a little bit more refined. But, it is
15 not design, I mean --

16 COMMISSIONER JEFFRIES: Yes.

17 MR. FEOLA: -- it's not been
18 designed.

19 COMMISSIONER JEFFRIES: Yes, I
20 know, I have that, and it's probably a
21 question that I will pose to the Office of

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1 Planning, because with the amenities package
2 there seems to be a bit too, more than what
3 I'm accustomed to in the first stage.

4 My other question is retail. I
5 note here on page three of the Office of
6 Planning's report, under Development Proposal,
7 you have the five bullet points, and then the
8 last sentence says, "The building continues to
9 be entirely commercial office, with the
10 possibility of ground floor retail." So, what
11 are we talking about in terms of retail? And,
12 obviously, it's a possibility, can anyone
13 speak to what we are looking at there?

14 MR. GOULD: I can.

15 MR. FEOLA: Mr. Gould, from Gould
16 Properties, certainly can.

17 MR. GOULD: Kingdon Gould, 1725
18 DeSales Street, I'm with Gould Property
19 Company, which is an affiliate of 1616 Rhode
20 Island Avenue. We are the owners and
21 developers.

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1 We've designed the first floor so
2 it meets the District's preferred criteria for
3 height for retail, so that we can put that in.

4 But, I'd note that there is no retail on this
5 block, and I'd like to do retail, but I don't
6 want to be held to it because there's not a
7 natural retail sequence that comes up the
8 block.

9 We've designed it so if we can
10 find a nice restaurant, or a good piece of
11 retail, we can put them in, designed our
12 loading so we can do that, but we don't want
13 to be held to that because we think it may end
14 up being isolated and not be successful.

15 COMMISSIONER JEFFRIES: Well, yes,
16 and that's why I asked the question, I mean,
17 just from where I sit, it seems like the only
18 thing that could, perhaps, go there is a
19 restaurant. I mean, I don't know what other
20 retail use, I mean it might be -- I don't
21 know, I would agree with you, I mean, just

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1 knowing that area and so forth, I mean, it
2 seems to be somewhat unusual and, perhaps, the
3 Office of Planning, I'll get their thoughts on
4 it. But, you know, it does seem to be
5 somewhat of a challenging location for retail.

6 And my question is that, if
7 there's not retail there then what does this
8 base look like?

9 MR. GOULD: Well, we don't know.
10 The space would be designed to keep it in any
11 event, and it would probably be something like
12 what the Human Rights has next door, where
13 they have reception areas, and actually
14 present a fairly active street experience
15 there, because that's where they have their
16 commotions and what not. So, we would hope to
17 be able to do something like that to use it
18 for as active a use as we can.

19 COMMISSIONER JEFFRIES: Okay.

20 MR. GOULD: And, we think,
21 actually, the height will help in whatever use

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1 we put there. So, we just can't force the
2 retail.

3 There is some restaurant on the
4 block, as you probably know.

5 COMMISSIONER JEFFRIES: Right,
6 across the street.

7 MR. GOULD: In the hotel across
8 the way.

9 So, I don't know whether there's a
10 need for more. Love to have it.

11 COMMISSIONER JEFFRIES: As many
12 restaurants, I don't think you can have enough
13 restaurants, but anyway, okay.

14 Okay, that's it.

15 And, Mr. Martin, I would say, I
16 mean, one of my favorite buildings is the
17 Human Rights Building. I really like the
18 design there, and I do think your design is in
19 keeping with that.

20 So, that's all I have.

21 Thank you.

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1 VICE CHAIR HOOD: Okay, thank you,
2 Commissioner.

3 Let me also do a housekeeping --
4 also I omitted to mention, we are joined by
5 Mr. Ritting from the Office of Attorney
6 General, and also Office of Planning to my
7 right.

8 Mr. Turnbull, do you have any
9 questions?

10 COMMISSIONER TURNBULL: Yes, thank
11 you, Mr. Chairman.

12 Why, I would think that although
13 it's a first stage, I thought the drawings
14 were sketchy, but this latest package,
15 obviously, fleshes out a lot of the little
16 sketches that we had before and we weren't
17 sure. So, thank you for this package. This
18 is a lot clearer.

19 I just wanted to go back and
20 looking at some of the new documents that came
21 in, and the ANC's letter related to what's

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1 being proffered in the amenities. It looks
2 like the green package has gone up
3 substantially to 400K. Is that -- and it
4 looks like on the roof plan that I see in the
5 new package am I seeing a green roof now?

6 MR. MARTIN: Yes, you are, sir.

7 COMMISSIONER TURNBULL: Okay.
8 And, I guess the only other question related
9 to the green building and to the lead, is that
10 although we are not going for lead
11 certification on this, you -- there was a
12 minimum amount of points being set before.
13 What is the point level we are going for now
14 as far as lead guidelines?

15 MR. MARTIN: What we have put here
16 on the list we submitted in the package, under
17 the will do column, we have 22 points at this
18 point.

19 COMMISSIONER TURNBULL: How many?

20 MR. MARTIN: Twenty-two.

21 COMMISSIONER TURNBULL: Twenty-

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1 two, as far as will do.

2 MR. MARTIN: As far as will do.
3 Some of those are cross dependent, if you know
4 about how the lead program works.

5 COMMISSIONER TURNBULL: Yes.

6 MR. MARTIN: But, you know, we
7 should be certainly in a range of 20 points,
8 if you were to try and do a lead calculation.

9 COMMISSIONER TURNBULL: Okay. I
10 guess, in going on into what's being
11 proffered, as far as the amenity package, I
12 just was curious, on Item 7, \$220,000 to
13 constructing plan improvements in Stead Park.

14 MR. MARTIN: Yes, sir.

15 COMMISSIONER TURNBULL: What's
16 involved in that, or what's the scope of where
17 that's going?

18 MR. FEOLA: Well, the ANC is here,
19 and they could probably express more
20 specifically the projects. I think what we
21 had hoped to do, quite frankly, we came to

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1 this agreement with the agency yesterday, to
2 take the time between stage one and stage two
3 to actually get the projects lined up.

4 COMMISSIONER TURNBULL: Okay.

5 MR. FEOLA: But, I believe the
6 construction of -- the reconstruction of Stead
7 Park is substantially more than that \$220,000.

8 COMMISSIONER TURNBULL: Okay, I
9 was just curious. We don't have to get into
10 the whole -- I was just curious.

11 And then, on the Scott Circle
12 Park, \$25K I think is being proffered.

13 MR. FEOLA: Yes.

14 COMMISSIONER TURNBULL: Is that,
15 again, working with the community?

16 MR. FEOLA: Working with the
17 community and the Park Service, part of their
18 property, what kind of plans.

19 COMMISSIONER TURNBULL: I was just
20 wondering, who is controlling that or who is
21 leading that, it would be the Park Service?

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1 MR. FEOLA: It would be the Park
2 Service's property, we would work with them.

3 COMMISSIONER TURNBULL: Right.
4 Okay.

5 On your landscape plan, the most
6 recent one that was submitted, I just happened
7 to notice on this, again, this is again
8 conjectural or it's planned. I see two or
9 three large trees and then some smaller trees,
10 crape myrtles.

11 MR. MARTIN: What you can see,
12 yes, is these are street trees which are in a
13 street tree zone out here, and then in here
14 exactly, we would propose some crape myrtles
15 and some low planting around them and areas
16 for benches and so on, so there's sort of a
17 quiet zone between -- we are trying to keep
18 the public circulation out here.

19 COMMISSIONER TURNBULL: Right.

20 MR. MARTIN: Because also it
21 protects them from vehicles coming in and out

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1 of that alley, and then some planting here to
2 further secure that, because Human Rights
3 Commission is set back in here, and there's a
4 large planted area that they have now
5 landscaped.

6 COMMISSIONER TURNBULL: Okay. All
7 right.

8 Thank you. That's all I have.

9 VICE CHAIR HOOD: I wanted to ask
10 Mr. Phillips, and I don't know, I can't
11 exactly remember the question that Mr. Parsons
12 mentioned, or did you already ask that, about
13 the hotel?

14 Mr. -- I don't want Mr. Phillips,
15 his work that he did to go unnoticed and not
16 be able to come up and say something about it.

17 I do know that Commissioner Parsons had
18 mentioned about the market, and if you could
19 just give us a brief explanation of what you
20 have here that we see this evening.

21 MR. PHILLIPS: Sure, Mr. Chairman,

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1 I'd be glad to. I'm Patrick Phillips, 4440
2 Van Ness Street, N.W., in Washington.

3 The fundamental conclusion on the
4 market is that while the market across the
5 District has recovered nicely in the last few
6 years, there are two really significant
7 challenges to hotel development on this
8 particular site.

9 One is that it exists in a sub-
10 market that traditionally has performed less
11 well than the average across downtown D.C.,
12 and that's primarily due to the very large
13 supply, in our view, of existing hotel product
14 within a short distance of the site. We have
15 some numbers in our submittal, but there's
16 hundreds of hotel rooms, dozens of hotels
17 proximate to the site. The site is very well
18 -- or the area is very well served by hotel
19 uses. There are two hotels on the same block.

20 So, that's one challenge. That challenge is
21 only going to be exacerbated with the new

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1 Convention Center Hotel opening up soon.

2 The second challenge is related to
3 development feasibility. We've seen over the
4 last couple years dramatic increases in
5 construction costs, well above the growth in
6 the revenue side of the hotel business. And
7 so, in all of the newer hotels in town, at
8 least those that have been built from the
9 ground up, have had significant public
10 incentives, including tax increment financing,
11 or lower cost land. So, it's very difficult
12 to develop a new hotel, based on those
13 patterns.

14 VICE CHAIR HOOD: Thank you for
15 providing that, and also for your sheet here,
16 your submittal.

17 Thank you.

18 Are there any other questions,
19 colleagues?

20 Okay. The ANC cross examination.

21 Anyone here from ANC that has any cross -- do

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1 you have any cross examination for the
2 Applicant?

3 Okay, thank you. Let the record
4 reflect ANC said they had no cross
5 examination.

6 With that, let's go to the Report
7 of the Office of Planning.

8 MR. JACKSON: Mr. Chairman,
9 Members of the Commission, my name is Arthur
10 Jackson, and I'm the Development Use
11 Specialist for the District of Columbia Office
12 of Planning.

13 We can stand on the record, and
14 make ourselves available for any comments or
15 questions that you have of our report or
16 anything else related to this project.

17 VICE CHAIR HOOD: Okay.
18 Colleagues, any questions of the Office of
19 Planning?

20 COMMISSIONER JEFFRIES: Well, I
21 just, you know, want to follow up, if someone

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1 could just speak to probably less to design
2 and more to sort of the amenities package.

3 You know, out of stage one PUD is
4 it really customary that we get that level of
5 detail, or is it can really happen in stage
6 one or stage two?

7 MS. STEINGASSER: It could happen
8 in stage one or stage two, but you might
9 remember this PUD has a particularly complex
10 history of having been a consolidated PUD that
11 came back for modification.

12 COMMISSIONER JEFFRIES: Okay.

13 MS. STEINGASSER: So, it had an
14 amenities package in progress, so they just
15 continued that.

16 COMMISSIONER JEFFRIES: Okay, so
17 just the history of this thing. I mean, it's
18 sort of ahead of itself, but, you know --

19 MS. STEINGASSER: Both ahead and
20 behind.

21 COMMISSIONER JEFFRIES: Okay,

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1 right. Okay, that's it.

2 Thank you.

3 VICE CHAIR HOOD: Any other
4 questions of Office of Planning?

5 Mr. Jackson, I don't believe that
6 in your report you mentioned about the Zipcar.

7 Did you hear the response, even though I
8 don't think it's being proffered, did you hear
9 the response from Mr. Feola?

10 MR. JACKSON: Well, first let me
11 clarify what our interest was. The District
12 of Columbia Department of Transportation gave
13 their recommendation. The recommendation was
14 very favorable to this development. However,
15 they did make a couple of suggestions, make a
16 suggestion, and that suggestion had to do with
17 the Zipcar.

18 Now, at the time I'm sure that the
19 Department of Transportation made that because
20 they thought it would enhance the parking
21 potential of the site, and I believe they were

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1 also trying to limit the number of trips that
2 would be generated during the day. So, around
3 midday, instead of having a number of new cars
4 coming in and out, people would borrow a
5 Zipcar, use it to come back, and so forth.

6 So, that seemed to be of interest
7 to the Department of Transportation, and we
8 thought the applicant should respond to that,
9 to see whether they could use that in their
10 system, and if so whether that addressed the
11 Department of Transportation's concern.

12 So, we really were just looking
13 for a response from the Department of
14 Transportation that would continue the
15 dialogue that was started when they -- that
16 should have been continued when they submitted
17 their report.

18 At this point, it sounds -- their
19 recommendation sounds reasonable, but, of
20 course, the Department of Transportation is
21 the final arbiter on transportation issues.

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1 So, we could see that this could
2 be resolved between now and the point where
3 they are submitting their second stage,
4 because they have thought it through and have
5 made a positive response, in my opinion.

6 VICE CHAIR HOOD: Okay. I would
7 agree.

8 Thank you, Mr. Jackson.

9 MR. JACKSON: Sure.

10 VICE CHAIR HOOD: Any other
11 questions of Office of Planning?

12 Thank you. You know, I have to
13 say this publicly, it's so good to have Ms.
14 Schellin, because, you know, I haven't been
15 the Chairman since 2000, even though I do it
16 every so often, sometimes you don't remember
17 everything, and Ms. Schellin keeps me on the
18 ball.

19 I didn't mean to put you on the
20 spot, but I appreciate that.

21 Cross examination ANC? Any cross

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1 for the Office of Planning? Come to the
2 microphone and identify yourself, and this is
3 just cross examination. You'll have a time to
4 give testimony.

5 Turn your mic on for us and
6 introduce yourself.

7 MR. BJORGE: Hello. My name is
8 Mark Bjorge. I'm the Single Member District
9 Commissioner for 2B-05. This Rhode Island
10 Avenue property falls within my district, and
11 I've been tasked by ANC 2B to represent them
12 in this matter.

13 On cross examination, if you would
14 be so kind as to define the parameters, I may
15 offer a comment on the car sharing proposal
16 talked about by Arthur Jackson, but put
17 forward by DDOT, whom is not here.

18 VICE CHAIR HOOD: What we can do
19 when you come up for testimony, you can give
20 us any information you have that can add to
21 it, but right now anything that he's testified

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1 to you can maybe respond to it in testimony
2 when it's your time to come up.

3 MR. BJORGE: Thank you, I'll do
4 that.

5 VICE CHAIR HOOD: Okay. All
6 right, thank you, Mr. Bjorge.

7 Do we have any other report of any
8 other Government agencies, besides -- I think
9 we had a report of BDOT, which was dated some
10 time back, I don't know the date, but we did
11 have a report.

12 My colleagues, do you see anything
13 else? If not, Mr. Bjorge, Report of Advisory
14 Neighborhood Commission 2B.

15 We do have a letter. We have two
16 letters, but I'll let you comment.

17 MR. BJORGE: I would just say that
18 ANC 2B has found it a pleasure to work with
19 Rhode Island Avenue Associates over the past
20 years, and enthusiastically supports this
21 proposal as it is in its current form.

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1 VICE CHAIR HOOD: Okay. The only
2 thing, Mr. Bjorge, I was looking at the letter
3 that came in, I guess, yes, today, and I know
4 previously when you were in opposition it
5 stated what the vote was. For the record, can
6 you provide us with the vote, because we want
7 to make sure you get your -- and I'll ask Ms.
8 Schellin to work with you, make sure that this
9 is carried as great weight, because right now
10 I don't see it.

11 SECRETARY SCHELLIN: I think they
12 just met last night.

13 VICE CHAIR HOOD: Oh, okay.

14 SECRETARY SCHELLIN: And so, they
15 haven't submitted an actual report yet with
16 their resolution.

17 MR. BJORGE: The vote was
18 unanimous.

19 VICE CHAIR HOOD: All right, thank
20 you. We just want to make sure you guys get
21 the great weight that you are accorded.

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1 MR. BJORGE: That you.

2 VICE CHAIR HOOD: Okay.

3 SECRETARY SCHELLIN: But again, we
4 need the written report to be given great
5 weight.

6 MR. BJORGE: I believe that the
7 written report will be, of course, received
8 shortly. I can probably get it faxed to you.
9 I rather felt that you would have it today.

10 VICE CHAIR HOOD: Okay. All right.

11 Anything else, Mr. Bjorge?

12 MR. BJORGE: No, just to reiterate
13 our great support.

14 VICE CHAIR HOOD: Okay. Thank
15 you.

16 Did you still want to testify,
17 because you said you wanted to comment on --
18 why don't you do that now while you are here,
19 because I do -- unless you thought you wanted
20 to come back up because you are on the witness
21 list also, but why don't we take care of that

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1 now.

2 MR. BJORGE: Just only responding
3 to the point that Arthur Jackson relayed for
4 DDOT regarding the shared cars, I'll note that
5 our ANC, just in the past year, had four
6 Zipcars placed on Batan, which is, perhaps, 75
7 yards maybe, right across the street from this
8 site. Those four cars represent a great
9 proportion of the Zipcars available in our
10 neighborhood, and they are concentrated at
11 this one spot.

12 Of course, we support the car
13 sharing concept. I've been a member of Zipcar
14 and Flexcar for many years, not owning a car
15 myself, and I know many people like that, but
16 such a concentration in this one particular
17 area I don't see the particular benefit to it.

18 VICE CHAIR HOOD: Thank you, that
19 was very helpful for me. I appreciate that.

20 Any questions for Mr. Bjorge?

21 COMMISSIONER JEFFRIES: Well, I

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1 guess, what do you base that on? I mean, is
2 it anecdotal or what?

3 MR. BJORGE: I'm sorry, could you
4 just --

5 COMMISSIONER JEFFRIES: In terms
6 of, you know, it's not beneficial, you said,
7 to have increased number of Zipcar spaces?

8 MR. BJORGE: Well, no, I wouldn't
9 state it that broadly. I would say that, of
10 course, as a general principle more shared
11 vehicles would be beneficial.

12 However, given the population
13 distribution in our ANC, and most of the
14 population density, frankly, is a bit north of
15 here, to concentrate such a high percentage of
16 the available shared vehicle stock in this one
17 area, in this, essentially, one block, I think
18 we are seeing a diminishing return for every
19 additional unit here.

20 COMMISSIONER JEFFRIES: So, in
21 terms of, you know, population density is to

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1 the north, I mean how far north, are we
2 talking two, three blocks?

3 MR. BJORGE: Well, my home is
4 approximately two and a half blocks north of
5 here. You could say that the General Scott is
6 what, a block and a half, and aside from the
7 General Scott, and then way further south, for
8 example, the Presidential, essentially, I'm
9 the southern-most resident in my district.

10 COMMISSIONER JEFFRIES:
11 Interesting. Okay, thank you.

12 COMMISSIONER TURNBULL: So, are
13 you saying you really don't care one way or --
14 I mean, it sounds like it's --

15 MR. BJORGE: I'm not saying that I
16 don't care. I am saying, without saying that
17 I don't care, that I think there are probably
18 better spots for these.

19 COMMISSIONER TURNBULL: Okay.
20 Okay.

21 COMMISSIONER JEFFRIES: But, you

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1 are not speaking on behalf of the ANC, you are
2 speaking on behalf of yourself as a citizen.

3 MR. BJORGE: I'm speaking on
4 behalf of myself as a citizen, and I am
5 speaking as a citizen who is responsible to
6 recommending -- or for recommending to DDOT
7 where these cars were placed.

8 So, based on, in an indirect way,
9 my recommendation, those cars are now where
10 they are. We got a few more there than we
11 anticipated in the recommendation process, and
12 I'll just say again, I'm not certain that
13 having six cars there is going to increase the
14 utility of the shared vehicle concept, unless
15 you think that people, perhaps, will use them
16 during lunch or something.

17 COMMISSIONER JEFFRIES: Well, but
18 I guess, you know, the reason I asked about
19 whether this is anecdotal, I mean, has there
20 been -- I mean, has DDOT or has someone
21 stepped forward, an institution, that said

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1 that there's a clear demand for Zipcar spaces
2 in this area, and this is the number that we
3 need.

4 And I mean, I just, I mean I
5 understand, you know, you live so many blocks
6 away and so forth, but I just, you know,
7 wanted to make certain that this is just not
8 based on something anecdotal, but, you know,
9 someone has actually taken a second or two to
10 figure out whether there is clearly a demand
11 for this number of Zipcars.

12 MR. JACKSON: Well, one of the
13 things that can happen, again, this will be an
14 ongoing dialogue with DDOT and the Applicant,
15 and this is an issue that can be forwarded to
16 them, particularly, in that they are making a
17 specific response to a project, and may not
18 have made a broader assessment of the
19 available resources beyond this project. So,
20 we can just make sure that that's been taken
21 into account when they make a final reaction

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1 to the recommendation by the Applicant.

2 COMMISSIONER JEFFRIES: And, if
3 you need, Mr. Kingdon Gould, I mean, that
4 would just be -- if you didn't have all those
5 Zipcar spaces, I mean, you'd just use them as?

6 MR. GOULD: We'd use them as
7 regular parking spaces, but I've got an idea,
8 why don't I call up Zipcar and ask them if
9 they need the spaces there, or if they'd
10 rather have them disbursed someplace else.

11 I know the Zipcar people, they are
12 right down in my neighborhood in Penn Quarter,
13 so I'd ask them. They are the ones that know
14 what their usage is.

15 COMMISSIONER JEFFRIES: Yes.

16 MR. GOULD: Is this a good usage
17 place? Great. If it's not, let's move them
18 up to R Street or wherever they are going to
19 get used.

20 COMMISSIONER JEFFRIES: Right.

21 MR. GOULD: That's the thing.

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1 COMMISSIONER JEFFRIES: I just
2 wanted to make certain that there was some
3 measure from Zipcar, don't get me wrong.

4 MR. BJORGE: i think that's a
5 marvelous idea.

6 VICE CHAIR HOOD: Okay, now that
7 we've solved the Zipcar discussion --

8 MR. GOULD: Flexcar, too.

9 VICE CHAIR HOOD: Oh, Flex --
10 alternative fuel, let's name it all.

11 Okay, thank you, Commissioner, we
12 appreciate you coming in and testifying.

13 Okay. I have one name on the list
14 as a proponent, persons -- a person in
15 support, Kingdon Gould III.

16 MR. GOULD: I had signed up, it
17 said I was supposed to -- if I wanted to
18 testify, I wrote down yes.

19 VICE CHAIR HOOD: Well, I don't
20 want to --

21 MR. GOULD: I'm happy to go home

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1 to dinner.

2 VICE CHAIR HOOD: Okay. Anyone
3 else that wants to testify in support?

4 Seeing none, anyone that wants to
5 testify in opposition? Anybody in opposition?

6 Seeing none, hold on a second,
7 please.

8 All right, Mr. Feola, do you have
9 any closing remarks?

10 MR. FEOLA: No, sir, I would just
11 say at this point I think we've got a project
12 that has satisfied a lot of concerns. As
13 you've heard, we've come to a resolution with
14 some of the issues with the ANC, and the
15 Dupont Circle Citizens Association, our
16 immediate neighbors, have letters of support
17 in the record.

18 The Office of Planning thinks that
19 this project should go forward, so we think
20 the whole package together makes this a very
21 good project, and we would encourage and ask

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1 you to let us go to second stage so we can
2 come back here fairly quickly with what I'll
3 call a real building proposal, and we can move
4 it forward.

5 And, if we can get that vote
6 tonight, that would be wonderful.

7 Thank you.

8 VICE CHAIR HOOD: All right, thank
9 you.

10 Let me just say, though, you
11 definitely made -- from previously to now,
12 there's definitely been a lot of -- lot of
13 forward movement, because at first we had the
14 ANC in opposition, and now the ANC is in
15 support. So, it looks like both sides and the
16 community worked very well together. You
17 definitely made our lives easier tonight.

18 So, I want to thank you and I
19 appreciate all the work that everybody put
20 into it.

21 And, with that, I would move

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1 approval of the first stage PUD of the Zoning
2 Commission Case No. 02-51A and ask for a
3 second.

4 COMMISSIONER JEFFRIES: Second.

5 VICE CHAIR HOOD: It's been moved
6 and properly seconded.

7 All those in favor?

8 (Ayes.)

9 VICE CHAIR HOOD: Any opposition?
10 So ordered. Staff, would you record the vote?

11 SECRETARY SCHELLIN: Staff would
12 record the vote 3:0:2 to approve proposed
13 action for first stage PUD, in Zoning
14 Commission Case No. 02-51A, Commissioner Hood
15 moving, Commissioner Jeffries seconding,
16 Commissioner Turnbull in favor, and
17 Commissioner Mitten and Commissioner Parsons
18 not present, not voting.

19 VICE CHAIR HOOD: Ms. Schellin,
20 before I adjourn, is everything in order?

21 SECRETARY SCHELLIN: Yes, sir.

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1 VICE CHAIR HOOD: Okay, I thank
2 you, and I thank everyone for their
3 participation this evening. Have a nice
4 evening.

5 (Whereupon, the above-entitled
6 matter was concluded at 7:20 p.m.)

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