

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:          |
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Consolidated PUD and Map   |
Amendment @ Square 119, Lot 26 - | Case No.
International Monetary Fund HQ2 | 01-13C
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Thursday,  
January 24, 2002

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

The Public Hearing of Case No. 01-13C by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner

COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC

OTHER AGENCY STAFF PRESENT:

Andrew Altman, Director, Office of Planning  
Ellen McCarthy, Deputy Director,  
Office of Planning  
David McGETTIGAN, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Patricia Young, Esq.

Zoning Commission Case No 01-13C

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WHEREUPON:

CHAIRPERSON MITTEN: Good evening ladies and gentleman. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, January 24, 2002.

My name is Carol Mitten. Joining me this evening are Vice Chairman Anthony Hood and Commissioners Peter May and James Hannaham. Commissioner Parsons will not be joining us this evening, but will read the record in this case.

Notice of today's hearing was published in the D.C. Register on November 9, 2001 and in the Washington Times on November 5, 2001.

A hearing was set and conducted on January 7, 2002. This evening's hearing is a continuation of that hearing.

This hearing will be conducted in accordance with the provisions of 11-DCMR, Section 3022 for contested cases.

The subject of this evening's hearing is Zoning Commission Case Number 01-13C. This application is a request by the International Monetary Fund for a consolidated review and approval of a Planned Unit Development and Map Amendment under Chapter 24 of the District of Columbia Zoning Regulations for property located at 1900 Pennsylvania Avenue, N.W.

Copies of today's hearing announcement are available to you and are located to my left, near the door where you entered.

1           The order of procedure this evening will be as  
2 follows, preliminary matters and we'll pick up where we left off  
3 with the report of the Office of Planning, reports of other  
4 government agencies, report of Advisory Neighborhood Commission  
5 2A, parties and persons in support, parties and persons in  
6 opposition and followed by rebuttal by the applicant.

7           The following time constraints will be maintained  
8 in this hearing. Parties will have 15 minutes, organizations  
9 will have 5 minutes, individuals will have 3 minutes.

10           The Commission intends to adhere to these time  
11 limits as strictly as possible in order to hear this case in a  
12 reasonable period of time.

13           The Commission reserves the right to change the  
14 time limits for presentations if necessary and notes that no  
15 time shall be ceded.

16           All persons appearing before the Commission are  
17 to fill out two witness cards. These cards are located on the  
18 table in front of us.

19           Upon coming forward to speak to the Commission,  
20 please give both cards to the reporter who is sitting to my  
21 right.

22           The decision of the Commission in this case must  
23 be based exclusively on the public record. To avoid any  
24 appearance to the contrary, the Commission requests that persons  
25 present not engage the members of the Commission in conversation

1 during any recess or at any other time.

2 The staff will be available throughout the  
3 hearing to discuss procedural questions and you can direct any  
4 questions to Mr. Bastida.

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

7 At this time, the Commission will consider any  
8 preliminary matters. Mr. Bastida, do we have any preliminary  
9 matters?

10 SECRETARY BASTIDA: Madam Chairman, the staff has  
11 no preliminary matters. The staff only would like to point out  
12 that we have a representative of the police department and the  
13 Department of Public Works here tonight to either testify or try  
14 to answer any questions the commissioners might have.

15 CHAIRPERSON MITTEN: Thank you. Mrs. Kahlow.

16 MS. KAHLLOW: I'm sorry, I have a question.

17 CHAIRPERSON MITTEN: Just begin by stating your  
18 name for the record.

19 MS. KAHLLOW: I'm Barbara Kahlow. I'm representing  
20 the West End Citizen's Association today.

21 I just listened carefully to what you said was  
22 the order today and I'm unclear when we were going to cross  
23 examine the IMF for the new material that we got dated January  
24 17. In what order is that?

25 CHAIRPERSON MITTEN: Well, we'd have to begin with

1 that if there's any cross examination.

2 MS. KAHLLOW: Thank you.

3 CHAIRPERSON MITTEN: So with that amendment to the  
4 order of procedure, anything, Mr. Quin?

5 MR. QUIN: I'm sorry, just two things.

6 CHAIRPERSON MITTEN: Would you mind stating your  
7 name.

8 MR. QUIN: I'm sorry. For the record, my name is  
9 Whayne Quin of Holland and Knight, representing the  
10 International Monetary Fund.

11 The first point is that Mr. Steven Fuller has  
12 been teaching a class or is teaching class and will probably not  
13 be here until about 7:15 p.m. or 7:30 p.m., so if there are  
14 questions of him, he will be here.

15 CHAIRPERSON MITTEN: All right.

16 MR. QUIN: And second, especially for Mr. Hood, we  
17 are sorry, we do not have the two agreements tonight. We have  
18 been working with both organizations, both DOES and the Office  
19 of Local Business Development and we expect to file them  
20 shortly, but we do not have them signed at this point and I just  
21 wanted to make sure of that.

22 And then, of course, there was a letter that we  
23 filed, but I feel certain that is going to be covered by the  
24 Office of Planning. Thank you.

25 CHAIRPERSON MITTEN: Thank you. Now I would ask,

1 before we proceed, anyone who would like to testify this evening  
2 that was not sworn at the previous hearing, please rise to take  
3 the oath. Mr. Bastida.

4 All persons to be called as a witness for this Public Hearing,  
5 having been first duly sworn, were examined and testified as  
6 follows.

7 CHAIRPERSON MITTEN: Thank you, Mr. Bastida.  
8 Let's begin. I'll ask Ms. Elliott, did you have any cross  
9 examination questions on the additional materials that were  
10 provided by the applicant.

11 (No response.)

12 CHAIRPERSON MITTEN: All right. Mrs. Kahlow.

13 MS. KAHLOW: Thank you. I'm referring, for the  
14 commissioner's, to the January 17 submission that was in answer  
15 to your questions. It has Exhibits A through H. I will be  
16 asking about several of them, Exhibit A, D and G. If I can  
17 start with A, that is the Amenities. I don't know who's going  
18 to answer it, but do we need someone to come up here?

19 CHAIRPERSON MITTEN: If you pose the question,  
20 then Mr. Quin can direct it to whichever witness would be most  
21 appropriate.

22 MS. KAHLOW: Okay. My first question relates to  
23 Attachment 1, items number 3 and 4, the chart. There is, if  
24 everyone's got that chart, there is a 20<sup>th</sup> and Pennsylvania  
25 restaurant space, a harden for 272 Grand and there's 19<sup>th</sup> and

1 Pennsylvania retail space and my question relates to the 19<sup>th</sup>  
2 and Pennsylvania retail space, which is the bottom chart.

3 There is a build out allowance for \$237, 575.00,  
4 exactly what is entailed there? What does that mean, build out?

5 MR. SCHLICHTING: Good evening commissioner, Madam  
6 Chair. I'm John Schlichting. I am with CarrAmerica  
7 Development, Inc. I'm the Development Manager representing IMF  
8 this evening.

9 The build out allowance for the retail space is  
10 based on an \$85.00 per square foot budget for that space, which  
11 would be sufficient, we believe, to build that out for community  
12 oriented retail in the marketplace.

13 MS. KAHLOW: Since we're going to have community  
14 oriented retail in the 20<sup>th</sup> and Penn, why is there not a  
15 comparable figure of build out for 20<sup>th</sup> and Penn?

16 MR. SCHLICHTING: The intention for that build out  
17 allowance provided so that the IMF would have the funds within  
18 their budget to build that space out themselves.

19 The goal for the restaurant space was to bring on  
20 a restaurateur who would provide funds to build out that space  
21 themselves.

22 We are providing, which was indicated in our  
23 submission of January 17, all the necessary rough-ins and  
24 utility tie-ins to provide for a top shelf or market based  
25 community restaurant.

1 MS. KAHLOW: How much would it cost to do the  
2 equivalent build out for the 20<sup>th</sup> and Pennsylvania space?

3 MR. SCHLICHTING: That would vary greatly  
4 depending on the quality of the restaurant that would be filling  
5 that space, but the \$85.00 per square foot dollar figure is  
6 probably an average.

7 MS. KAHLOW: And what would that entail, please?  
8 How much money?

9 MR. SCHLICHTING: Let's see. I don't have a  
10 calculator right here, but it would be \$85.00 times, the space  
11 itself is approximately 7500 square feet.

12 MS. KAHLOW: Now I did not quite understand the  
13 details. \$85.00 a square foot is very easy as a statistician to  
14 understand, but I didn't understand what it entails. What does  
15 build out mean?

16 MR. SCHLICHTING: For the restaurant or for the  
17 19<sup>th</sup>?-.

18 MS. KAHLOW: The 19<sup>th</sup> and Penn, at \$85.00 a square  
19 foot. For \$238,000.00 as an amenity to our community, what does  
20 that mean? What would you be doing?

21 MR. SCHLICHTING: The build out for the 19<sup>th</sup> and  
22 Pennsylvania Avenue retail space would be anything that you see  
23 inside a retail establishment, all finishes, shelves.

24 In the case of if there's any food related uses  
25 there, it would provide for the necessary equipment and so forth

1 for that use, but it is really very speculative in nature  
2 because we don't know exactly what kind of a retail space that  
3 would be and the \$85.00 is a budget figure, just to ensure that  
4 the IMF had the funds to build out that space.

5 MS. KAHLOW: When you say that the IMF would be  
6 doing it, would the store be run by the IMF?

7 MR. SCHLICHTING: Potentially.

8 MS. KAHLOW: Thank you. Now if I can go to, also  
9 in A, a question about amenity 6, if we can go to that. If you  
10 keep moving, it's number item 6, public use of meeting facility.

11 This is the listing of the ANC asked for on the  
12 identification of each of the organizations and the frequency of  
13 which they were meeting in the facility.

14 How many of these organizations are located in  
15 Foggy Bottom West End?

16 MR. SCHLICHTING: I don't know the answer to that?

17 MS. KAHLOW: I can tell you, there are two. The  
18 Foggy Bottom ANC?-.

19 MR. QUIN: I object.

20 MS. KAHLOW: I want to ask a specific question  
21 about them.

22 CHAIRPERSON MITTEN: Mrs. Kahlow, you don't get to  
23 testify.

24 MS. KAHLOW: Okay.

25 CHAIRPERSON MITTEN: If he doesn't know, then you

1 need to compose this in a question that he can respond to.

2 MS. KAHLOW: Okay, I will. Thank you very much,  
3 Ms. Mitten.

4 The Foggy Bottom ANC 2A is listed how many times  
5 in the last, since it was built, has the ANC used that facility?

6 MR. SCHLICHTING: I don't know the answer to that  
7 either.

8 MS. KAHLOW: Can you provide that for the record?

9 MR. QUIN: If you think that the Chair feels  
10 that's important, we can submit that.

11 CHAIRPERSON MITTEN: Mrs. Kahlow, why is that  
12 important to you to know?

13 MS. KAHLOW: Because this is suppose to be an  
14 amenity to our community and the question that was asked was to  
15 provide the identity of the organizations and the frequency of  
16 use and I'm going to ask about the second one in a second, the  
17 second one of Foggy Bottom, if we could identify how many times  
18 that was  
19 used, we would see that this is not an amenity of Foggy Bottom  
20 West End, but an amenity to other people.

21 MR. QUIN: I would still like to object because  
22 the record of what someone has used it, it's wide open for  
23 requests and it does not control what someone can request and so  
24 I think that's the offer here in this amenity. It's not based  
25 upon the previous use, it's based upon the belief that other

1 organizations can use it when they want to. So I don't think  
2 that the number in the past is particularly germane.

3 MS. KAHLOW: It is what the Commission asked for  
4 and I want to ask, how often the ANC has used it and how often  
5 the voting precinct has used it, only two of their locals. If  
6 they don't want to provide it, at least I can ask it.

7 CHAIRPERSON MITTEN: Let me just ask a question.  
8 Has there ever been an occasion where a community group from  
9 Foggy Bottom West End or the ANC has requested to use the  
10 facility and been denied permission?

11 MS. PREBENSEN: Inger Prebensen from the IMF. No.

12 CHAIRPERSON MITTEN: All right, so I think  
13 consistent with what Mr. Quin put forward, I think the  
14 information in the record is adequate to give us confidence,  
15 unless any of the commissioners have another view that it's wide  
16 open for local community use and there's never been an occasion  
17 where they weren't provided that opportunity in the past.

18 MS. KAHLOW: Okay. Now if I can move to D, which  
19 is the security analysis. I think we'll need another witness  
20 for that.

21 In the analysis, this one page security analysis,  
22 because most of it is confidential, how many attendees did you  
23 factor in for the annual meetings of the IMF and World Bank?  
24 I'm sorry, the person who did the analysis is what I'm asking.

25 MR. QUIN: Would you identify yourself first for

1 the record.

2 MR. GARCIA: My name is Henry Garcia. I'm with  
3 Carl Schiff and Associates, representing the IMF for security  
4 consulting.

5 MR. QUIN: And I'd like to just object until I  
6 know what the purpose of the question is because I don't see its  
7 relevance at this point. There may be some relevancy, but I  
8 don't understand it yet.

9 MS. KAHLOW: The Commission asked the West End  
10 Citizen's Association to make it's case about it security, which  
11 we are going to do and the only way we're going to make it is to  
12 show that the analysis to date has been faulty and we're going  
13 to make our own case as well, but we need to see what was  
14 entailed so far, who they have contacted, what has been the  
15 components of the analysis, etcetera.

16 I can't, from one page, there's no way anybody  
17 could know what they actually did and we need to know that so I  
18 have a series of questions. I mean this is the core of the case  
19 and we need to know what they did.

20 MR. QUIN: Ms. Prebensen, would you answer the  
21 question.

22 MS. PREBENSEN: The question as I heard it was,  
23 how many are attending the annual meeting in the headquarters.

24 MS. KAHLOW: Not in the headquarters, how many  
25 attend the IMF World Bank annual meetings in Washington D.C.

1 where they are held?

2 MS. PREBENSEN: It varies to a great extent. The  
3 delegates are a certain amount, which are quite not so many, but  
4 in total, visiting the Washington D.C. at a normal annual  
5 meeting is somewhere between 10 and 15,000.

6 MS. KAHLOW: And for the security consultant to  
7 answer, in your analysis, how far did you recommend that the  
8 area be fenced to keep the, an exact boundary for fencing?

9 MR. GARCIA: Again, Henry Garcia. We did not  
10 recommend fencing for the site. I mean, basically, we are using  
11 ballards for protection from vehicle penetration, but not  
12 fencing.

13 MS. KAHLOW: Did you discuss with the D.C. Police  
14 why it requested fencing?

15 MR. GARCIA: No, I did not.

16 MS. KAHLOW: What other factors do you think  
17 should have been considered off site, what did you recommend off  
18 site, besides the ballards and stuff on site?

19 MR. GARCIA: I'm not quite certain I understand  
20 the question.

21 MS. KAHLOW: To be sure that there was safety in  
22 the neighborhood, I understand that your analysis was ballards  
23 and stuff on site. What other measures in your analysis, that  
24 is confidential, did you recommend to ensure the security of the  
25 neighborhood.

1 MR. QUIN: I'd like to again note an objection.  
2 Whether this case is granted or not granted, you have the same  
3 security issues and I don't think it's germane to this  
4 particular case.

5 MS. KAHLOW: I believe it is, but if you don't?-.

6 CHAIRPERSON MITTEN: Mrs. Kahlow, we had this  
7 discussion at our last hearing, which the point that was made is  
8 that the fact that the IMF's headquarters already exist at  
9 headquarters one is really what generates the activity that has  
10 happened to date that we're all aware of, that has happened in  
11 the past and unless you can establish somehow that headquarters  
12 two is going to exasperate that situation, questions regarding  
13 the attendance at the annual meeting and so forth are really,  
14 they're sort of existing conditions.

15 MS. KAHLOW: We don't agree on that. I can  
16 understand your point of view. We believe that as you increase  
17 the size of a compound, you increase the risk and it becomes  
18 more of a terrorist attack opportunity and what we wanted to  
19 know is what this security analysis, it's confidential, what  
20 they analyzed off site needed to be done to ensure the  
21 protection of the neighborhood.

22 Now it is true that there is one building. If  
23 they say they don't need to do anything additional, that's what  
24 we want them to say. What did they recommend. I mean it's  
25 their analysis. We haven't seen it, you haven't seen it. I

1 want to know what they recommend.

2 CHAIRPERSON MITTEN: All right, so the question  
3 then is, as opposed to generically, what's your security plan  
4 for the complex? Are you proposing anything different? Because  
5 if headquarters two is approved, would there be anything  
6 different in your approach regarding security?

7 MR. QUIN: I think, Ms. Prebensen, you should  
8 explain about the annual meeting first because that gives the  
9 predicate for the answer.

10 CHAIRPERSON MITTEN: All right.

11 MS. PREBENSEN: The annual meetings are held in  
12 Washington every year. Up to now, the annual meetings have been  
13 held always at a hotel outside of our headquarters community  
14 and/or buildings.

15 We have representatives that come to the  
16 headquarters for separate meetings, but the annual meetings,  
17 itself, the event is held there two years in a row and then the  
18 third year it's held somewhere outside of Washington.

19 That has, up to now, outside the headquarters  
20 building or the main meetings. I think Ms. Kahlow is talking  
21 about the testing, etcetera, for our spring meetings, which was  
22 the last meeting, which had security measures.

23 MS. KAHLOW: I'm actually talking about the  
24 meeting in the fall and it will be part of our testimony, but  
25 that is not what I asked.

1 I asked, did you do anything different for  
2 headquarters two and Ms. Mitten said it also. Was there  
3 anything needed additional for headquarters two. I mean with  
4 the security analysis?-.

5 MR. GARCIA: Basically, from looking at it from a  
6 public standpoint, no, we did not look at anything different.

7 I will offer though that the annual meeting is  
8 sure to take place there. If that's something that occurs on a  
9 frequent basis and that the fund goes through extreme measure to  
10 ensure protection, not only of the attendees, but the population  
11 around the facility, along with the local law enforcement  
12 personnel.

13 MS. KAHLOW: Did you analyze the law enforcement,  
14 Secret Service, D.C. Police plan for the September meetings that  
15 were cancelled?

16 MR. GARCIA: No, I did not.

17 MS. KAHLOW: Thank you. I would now like to move  
18 to G, tab G.

19 This tab has a bunch of attachments and I'm  
20 referring to one that is several pages in. It is a D.C. form  
21 called, Statement of Condition of Building and Waiver and the  
22 date of waiver application was December 17 and it was for the,  
23 what's the right word, hangovers? What's the right word?

24 MR. QUIN: You're asking the question.

25 MS. KAHLOW: Okay, anyway, my question is number

1 17. I was just trying to describe it for the audience. In  
2 number 17 it says, has any other waiver been granted at this  
3 building? Yes, see attached.

4 What were the other waivers, since it's not  
5 attached, what were they for, besides the?-. This is an  
6 application for an extension into permissible street  
7 projections, so what is the additional?

8 MR. QUIN: I am not a witness, but I'll answer  
9 your question because we prepared this exhibit.

10 That was a previous plan, which has multiple  
11 projections that were four feet out and they are attached, those  
12 applications are attached, and the design change changed so that  
13 there would only be one projection on Pennsylvania Avenue and  
14 one on H Street. So we reduced the number of projections.

15 MS. KAHLOW: Thank you. That's very helpful.  
16 That is all I have on this document. I appreciate your  
17 indulging me to ask these questions because they will be useful  
18 in our presentation. Thank you.

19 CHAIRPERSON MITTEN: Just for clarification. Did  
20 you have any questions for Dr. Fuller on this material?

21 MS. KAHLOW: I'm sorry, I should have pointed out  
22 I did not.

23 CHAIRPERSON MITTEN: Okay, thank you.

24 MS. KAHLOW: Thank you.

25 CHAIRPERSON MITTEN: Now before you all just step

1 away, let me just make sure the commissioners don't have any  
2 questions about this material. Any questions from the  
3 Commission on this additional material?

4 Why don't you come forward and identify yourself  
5 for the record.

6 MS. ELLIOTT: Elizabeth Elliott, ANC 2A.  
7 Commissioner Price did have a question, two questions.

8 CHAIRPERSON MITTEN: All right.

9 MR. PRICE: Maybe three. First of all, thank you  
10 for the break out of the cost of the facade. Now am I to  
11 conclude that this premium, represented in the facade, is a  
12 result of some of the factors mentioned in Attachment D, blast  
13 resistant glass, hardened walls, reinforced concrete and if  
14 that's the case, why should we as a community be charged for an  
15 amenity that is about your security?

16 MR. SCHLICHTING: John Schlichting, CarrAmerica.  
17 The calculation of that facade premium is based on the actual  
18 cost of the IMF H2Q facade, as compared to standard office  
19 buildings in the District and all of the costs, including  
20 security precautions are built into that number.

21 MR. PRICE: Okay. What portion of the premium can  
22 be attributed to security? What portion of the 2.2 million that  
23 we're being charged for, as an amenity, can be charged to  
24 security, your security?

25 MR. SCHLICHTING: We haven't split that out

1 separately.

2 MR. PRICE: Can you do that? It has to be doable.

3 MR. SCHLICHTING: We could try, just as we did on  
4 the landscaping.

5 CHAIRPERSON MITTEN: That would be appreciated.  
6 Thank you.

7 MR. PRICE: Now on the landscape premium, I  
8 noticed that?- or rather I'll oppose the question and I'll  
9 testify.

10 Almost one half of the total landscape premium,  
11 which is \$613,000.00, can be attributed to anti-ram planter wall  
12 structures. Again, this is about your security, should we be  
13 charged for an amenity that is about your security?

14 MR. SCHLICHTING: The landscape premium, we have  
15 specifically split out the anti-ram premium on this exhibit,  
16 based on Mr. Price's question at the previous hearing.

17 If you look at the exhibits, there is a line  
18 item, anti-ram planter wall structure, which is \$295,000.00.  
19 Below the subtotal there is a less anti-ram premium, which is  
20 \$10.00 a square foot or \$84,500.00, which we have subtracted out  
21 of the analysis so that the premium that we're illustrating as  
22 an amenity does not include that security measure.

23 MR. PRICE: I'm sorry, Mr. Schlichting, I don't  
24 see that. Oh, I see, okay. So the security costs for the  
25 planters amount to \$84,500.00?

1 MR. SCHLICHTING: That's correct.

2 MR. PRICE: And what portion of these other  
3 elements could be attributed to security?

4 MR. SCHLICHTING: None of them.

5 MR. PRICE: In tab B, the contribution to Saint  
6 Mary's Court for prescription drug program. Who in the  
7 community advised the IMF that Saint Mary's Court's greatest  
8 funding need is it's prescription drug program? Because I  
9 talked to the executive director and she said?-.

10 CHAIRPERSON MITTEN: You're not going to testify  
11 now, you're just going to ask the questions, all right.

12 MR. SCHLICHTING: The answer to that question is  
13 what's represented to the West End Citizen's Association. I'm  
14 not sure which one actually brought that up.

15 CHAIRPERSON MITTEN: All right.

16 MR. PRICE: And the statement about the van,  
17 you're going to be purchasing a van for Saint Mary's Court.

18 Mr. Quin, didn't the Executive Director of Saint  
19 Mary's Court tell you that George Washington University is  
20 actually purchasing the van and it's on order and that this  
21 \$50,000.00 represents rather a subsidy for operating the van?

22 MR. QUIN: I don't know whether I should answer or  
23 not, but I know the answer so I will answer it, if that's all  
24 right with the commissioners.

25 CHAIRPERSON MITTEN: We want to get the answer.

1 MR. QUIN: The answer is, with regard to the van,  
2 they were quite willing to consider and I talked to two people,  
3 Bea Watson and Mary Fran, I've forgotten her last name. They  
4 were quite willing to accept a second van and so they were  
5 talking about an additional van.

6 CHAIRPERSON MITTEN: I think what would be helpful  
7 for the agreement with Saint Mary's Court, would be if you had  
8 something in writing.

9 MR. QUIN: We do. We filed it for the record.

10 CHAIRPERSON MITTEN: Oh and help me find that. Is  
11 that in your original?

12 MR. QUIN: No, no. That was filed separately by  
13 Saint Mary's Court. Exhibit number 42.

14 MR. PRICE: The exhibit does not talk about the  
15 purchase of a second van and if you look closely at the language  
16 on prescription drugs, Saint Mary's says they would use the  
17 \$100,000.00 for prescription drugs and other health care  
18 purposes. The other health care purposes is the greater need.  
19 They spend \$500.00 a year on prescription drugs.

20 CHAIRPERSON MITTEN: Okay. To the extent that we  
21 want to have and we'll probably get some testimony from the ANC  
22 about this, but to the extent that we want to have these  
23 contributions be specifically targeted to these efforts and this  
24 is a little bit open ended. I mean it's a letter basically  
25 accepting it, but I don't think it's really tying it to the

1 specific needs. Maybe we could just get something that tied it  
2 down a little bit more.

3 MR. QUIN: I'm sure we could get another one.

4 CHAIRPERSON MITTEN: Yes. I don't think there's  
5 any problem.

6 MR. QUIN: Thank you.

7 CHAIRPERSON MITTEN: Thank you. Any other  
8 questions, Mr. Price?

9 MR. PRICE: No.

10 MR. QUIN: I have one redirect question.

11 CHAIRPERSON MITTEN: Sure.

12 MR. QUIN: Mr. Schlichting, in the original plans  
13 for IMF, would you describe whether or not there were these two  
14 retail provisions and the extent that they were, if they were  
15 provided in the original plans at all, either the restaurant or  
16 the other, either 20<sup>th</sup> or 19<sup>th</sup> Street.

17 MR. SCHLICHTING: The original plans that we filed  
18 in May with the Zoning Commission did not include any retail  
19 space and both of those retail establishments were brought into  
20 the plan in July in our first amendment, based on a very strong  
21 and insistent request from both the community groups that are  
22 here tonight and this was very difficult for the IMF to  
23 accomplish and as policy they were very much against, but that  
24 is now in the plan and they are committed to providing that to  
25 the community.

1 MR. QUIN: And the additional hardening costs  
2 related directly to those two uses?

3 MR. SCHLICHTING: That's correct.

4 CHAIRPERSON MITTEN: Thank you. I think if the  
5 Office of Planning is ready, we're ready to proceed to your  
6 report.

7 MS. MCCARTHY: Madam Chair, we're ready, but it  
8 had occurred to us, given the range of issues that we're  
9 addressing and the fact that the officer from Metropolitan  
10 Police Department was just going to address the one issue of  
11 security that you might want to hear from him first so that he  
12 doesn't have to wait through our presentation and all the  
13 questions and cross examination.

14 CHAIRPERSON MITTEN: That would be fine. That  
15 would be fine. We'll take the representative from the  
16 Metropolitan Police Department first.

17 MS. KAHLOW: Ms. Mitten, may I ask a question. I  
18 have not received a copy of their report, has it been submitted?

19 CHAIRPERSON MITTEN: Yes. It will just take you a  
20 moment to read it. Mr. Bastida, do you have any extra copies?

21 SECRETARY BASTIDA: No, Madam Chairman.

22 CHAIRPERSON MITTEN: Could you perhaps get a few  
23 copies?

24 SECRETARY BASTIDA: We will try to do so.

25 CHAIRPERSON MITTEN: Thank you or just show Ms.

1 Kahlow my copy.

2 Good evening. You need to turn on the microphone  
3 there. There you go and begin by identifying yourself for the  
4 record.

5 LIEUTENANT CARTER: Good evening, I'm Lieutenant  
6 Mark Carter from the 2<sup>nd</sup> District, Metropolitan Police  
7 Department.

8 CHAIRPERSON MITTEN: And are you just here to  
9 answer any questions that we may have or did you want to make a  
10 report?

11 LIEUTENANT CARTER: No, actually, I'm representing  
12 the Commander and he had some issues in reference to this report  
13 that need to be brought up.

14 CHAIRPERSON MITTEN: Okay.

15 LIEUTENANT CARTER: If I could do that now.

16 CHAIRPERSON MITTEN: Please.

17 LIEUTENANT CARTER: For the benefit and I'll just  
18 briefly hit this. For the benefit of those that don't have a  
19 copy of Commander Peter Newsham's report, the report states that  
20 the attached application concerning the planned development at  
21 1919 Pennsylvania Avenue, N.W. has been reviewed for it's affect  
22 on public safety issues.

23 At this time it appears public safety and parking  
24 would not be severely impacted by this proposal. Additionally,  
25 there were some concerns in reference to the construction phase

1 as long it did not block up city streets, no adverse impact as  
2 long as construction did not occur during rush hour and there is  
3 concern from the residents in reference to the trucks that take  
4 the debris out that their traffic routes, the routes they take  
5 back and forth to the location not go through residential areas.

6 That's it.

7 CHAIRPERSON MITTEN: All right. Are those issues  
8 that the police would normally be involved in any kind of  
9 construction project?

10 LIEUTENANT CARTER: Yes, ma'am, but given this is,  
11 as I'm understanding, demolition of a building and a raising of  
12 another building, there's been some issues from the community in  
13 reference to trucks going in and out of their residential  
14 neighborhoods with debris and given the fact, I guess this would  
15 be quite a bit of debris, there would be quite a few more trucks  
16 than is normally in this area.

17 CHAIRPERSON MITTEN: Okay and whether a project is  
18 before the Zoning Commission for approval or whether it's a  
19 matter of right development just as an ordinary matter of  
20 course, do people that are building new buildings file plans  
21 with you regarding truck routes or how is that established?

22 LIEUTENANT CARTER: I believe it goes through the  
23 Office of Planning. I'm not sure. They don't file it with the  
24 Metropolitan Police Department, but if an issue comes up, we  
25 will at least go to the construction people and try to address

1 the concerns in reference to the truck routes. There are some  
2 regulations that we enforce, but as far as the construction of  
3 the routes, we don't have any input on that.

4 CHAIRPERSON MITTEN: All right. Let me see if any  
5 of the commissioners have any questions and the parties will  
6 have the opportunity to cross examine you as well.

7 LIEUTENANT CARTER: Yes, ma'am.

8 CHAIRPERSON MITTEN: Any questions from the  
9 Commission? Mr. Hood.

10 VICE CHAIRPERSON HOOD: Lieutenant Carter, you  
11 stated that those were issues that you heard that were brought  
12 up by the community?

13 LIEUTENANT CARTER: Yes, sir.

14 VICE CHAIRPERSON HOOD: Those were the only issues  
15 that had been brought up?

16 LIEUTENANT CARTER: Well, these are general issues  
17 that are brought up by a lot of communities in reference to  
18 construction in the 2<sup>nd</sup> District.

19 VICE CHAIRPERSON HOOD: In general.

20 LIEUTENANT CARTER: In general, yes, not  
21 specifically.

22 VICE CHAIRPERSON HOOD: Not specifically to this  
23 project?

24 LIEUTENANT CARTER: Right, not specifically to  
25 this project.

1 VICE CHAIRPERSON HOOD: I may have some more  
2 questions, Madam Chair, on the back end. I would be interested  
3 in hearing if there's any cross exam. Thank you.

4 CHAIRPERSON MITTEN: All right. Any other  
5 questions at this time from the Commission? All right, then  
6 we'll go to Mr. Quin. Did you have any questions?

7 MR. QUIN: No questions.

8 CHAIRPERSON MITTEN: Ms. Elliott.

9 MS. ELLIOTT: I was wondering if you were aware,  
10 Officer, that Commander Peter Newsham appeared at our, we had a  
11 special meeting on September 14, after the September 11  
12 terrorist attacks and he did a presentation on security and a  
13 talk about upcoming demonstrations that were still scheduled at  
14 the IMF for that time and I was wondering if you were aware that  
15 he was asking the community, if anybody in the community and on  
16 the Commission that would be able to assist him in having some  
17 kind of impact on changing the demonstrations and cancelling the  
18 meeting?

19 LIEUTENANT CARTER: No, I wasn't aware of that.

20 MR. ELLIOTT: Thank you.

21 CHAIRPERSON MITTEN: Mrs. Kahlow.

22 MS. KAHLOW: I'm Barbara Kahlow, representing the  
23 West End Citizen's Association. I have many questions. Let's  
24 start with the beginning.

25 What was included in the D.C. Police Department's

1 analysis for this two page report? What actually was done?

2 CHAIRPERSON MITTEN: If you know, Lieutenant  
3 Carter.

4 LIEUTENANT CARTER: I have no knowledge of what  
5 was actually done.

6 MS. KAHLOW: Is it possible to have the police  
7 department submit an analysis of what they did so I could share  
8 it with the authorities with whom I'm working in the Federal  
9 Government? Is it possible that they could put that in writing?

10 CHAIRPERSON MITTEN: Can you ask?-.

11 LIEUTENANT CARTER: I can take that back.

12 CHAIRPERSON MITTEN: Thank you.

13 LIEUTENANT CARTER: Let me make sure I'm clear on  
14 what you're asking. You want to know exactly what was?-.

15 MS. KAHLOW: What the analysis was that was done.  
16 I'm going to ask you now specific questions.

17 Did the D.C. Police speak to the Secret Service  
18 when it did it's analysis of the September, 01 plan meetings and  
19 when it came up with the plan to have the 70 block area cordoned  
20 off. Did they speak to the Secret Service?

21 CHAIRPERSON MITTEN: Okay, now that question  
22 doesn't relate to this PUD.

23 MS. KAHLOW: It actually will. Let me lead the  
24 questions into it. It's going to.

25 CHAIRPERSON MITTEN: Well, are you going to put a

1 series of questions to Lieutenant Carter that he is?-. You're  
2 going to have to make a proffer about the relevance of that  
3 question before we're going to let Lieutenant Carter take that  
4 back.

5 MS. KAHLOW: What we need to know is, did they  
6 speak to the Secret Service when they came up with this very  
7 elaborate 29 million dollar plan and now that there is a new  
8 component, did they speak to the Secret Service, did they speak  
9 to the Homeland Security? That was why we asked them to be here  
10 today.

11 Mr. Hood said, I hope the police will be talking  
12 to these authorities. This is very important and I want to know  
13 if they did in the past and if they did at this time and I'm  
14 going to be asking things like that.

15 CHAIRPERSON MITTEN: Okay. Lieutenant Carter,  
16 this relates, the question that we would like the response to is  
17 related specifically to the project that is being proposed, not  
18 to the IMF as an entity that already exists at the headquarters  
19 one building.

20 Do you understand the distinction?

21 MS. KAHLOW: The before and after.

22 LIEUTENANT CARTER: I understand.

23 MS. KAHLOW: Did the police speak to the Secret  
24 Service?

25 LIEUTENANT CARTER: I can't answer that. I have

1 no knowledge.

2 MS. KAHLOW: Did the police speak to the Homeland  
3 Security Office? It didn't exist in September. It exists now.

4 LIEUTENANT CARTER: I have no knowledge of who  
5 exactly Metropolitan Police Department spoke to.

6 MS. KAHLOW: Because there would be a third  
7 building, does D.C. Police Department recommend any changes in  
8 the plan that they recommended for the September, 01 security?  
9 If this new building were built, did the D.C. Police recommend  
10 any changes in its prior plan.

11 LIEUTENANT CARTER: Okay, now I can only defer to  
12 the comments that the Commander put on the document in front of  
13 me.

14 MS. KAHLOW: So you don't know the answer, is that  
15 correct?

16 LIEUTENANT CARTER: Ma'am, I can only refer to?-.  
17

18 MS. KAHLOW: Okay. Can you tell me which  
19 condominiums and rental buildings in the immediate area did the  
20 police talk to?

21 MR. QUIN: Madam Chairperson, may I object to this  
22 line of questioning. It's far beyond the scope of direct  
23 presentation and I don't think it's permitted.

24 MS. KAHLOW: Well, there is no direct  
25 presentation, but Mr. Hood asked these things. The reason we  
have a witness today is it's suppose to deal with these

1 subjects.

2 Can we continue this? I mean these are important  
3 questions.

4 CHAIRPERSON MITTEN: Let's do this. We'll ask  
5 Lieutenant Carter to find out for us and we're going to have to  
6 have this in writing, what information was considered by the  
7 police department in making this report, who was consulted and  
8 what information did they have before them and that will help us  
9 and if the Commission determines that there is additional  
10 testimony that needs to be taken, we will do that after we  
11 receive the written response.

12 MS. KAHLOW: And could you also include for each  
13 condominium and rental building, which ones you spoke to and  
14 what costs they expected to incur with additional security, the  
15 need of police, etcetera. We need to know what they did for our  
16 neighborhood.

17 CHAIRPERSON MITTEN: You're presuming that they  
18 spoke to condominium buildings, so if?-.

19 MS. KAHLOW: They did. They spoke to a lot of  
20 people in the last time, in September.

21 CHAIRPERSON MITTEN: Then that will become clear.

22 MS. KAHLOW: I would like it item by item, which  
23 ones.

24 LIEUTENANT CARTER: Let me make sure I get this  
25 right now. You want to know what analysis was done by the

1 police department in reference to this project. You'd like to  
2 know what information was considered when they did this, is that  
3 what I'm understanding?

4 CHAIRPERSON MITTEN: Yes. We have a very  
5 voluminous file, the Zoning Commission does, which I'm guessing  
6 you don't have. So did Commander Newsham look at building plans  
7 or what did he have in front of him and who was consulted from  
8 everybody from the Secret Service to condominium owners to the  
9 applicant and so forth.

10 MS. KAHLOW: The applicant had a security expert.  
11 Did he contact the police, did you work with him for example.  
12 I mean I have this whole series of questions, but if everyone  
13 from the Federal Government, to the applicant, to the plans, to  
14 the community, the whole kitchen sink.

15 LIEUTENANT CARTER: Okay, I just want to make sure  
16 of the last couple ones. You want to know what information was  
17 considered, who was consulted, what information was before the  
18 Metropolitan Police Department when they made it's decision. Is  
19 that correct?

20 CHAIRPERSON MITTEN: Yes.

21 MS. KAHLOW: Right and as much detail as possible  
22 because I intend to provide it to the Federal Government. Thank  
23 you.

24 MR. QUIN: Sorry. If I just heard correctly that  
25 the purpose is to give some to the Federal Government, I thought

1 this was a Zoning Commission hearing.

2 CHAIRPERSON MITTEN: Right. I mean this is really  
3 to have the Zoning Commission understand what is behind the  
4 police report and I mean that's why we want just to understand  
5 what went into the report.

6 All this detailed information might be of  
7 interest to you and other purposes that you have, but that is  
8 not information that you're going to get through the Zoning  
9 Commission procedure.

10 MS. KAHLOW: I understand. If the ANC and the  
11 West End have both written the Zoning Commission and asked that  
12 the Zoning Commission formally ask the Federal Government for  
13 the security analysis.

14 CHAIRPERSON MITTEN: And we're aware of that.

15 MS. KAHLOW: I understand and we have made some  
16 contacts and it would be good if we all could try to do it  
17 together so that we can all find out if there is a problem that  
18 would jeopardize all of our security.

19 CHAIRPERSON MITTEN: Now, Lieutenant Carter, since  
20 you're probably going to be leaving us in a few minutes,  
21 probably to your great relief, can you give us an estimate about  
22 how much time it would take to get that response back because we  
23 want to make sure that we give you enough time, but you won't be  
24 here when we set the limits for additional submissions, so would  
25 it take a couple of weeks, a week, something like that? Do you

1 have a sense of that?

2 LIEUTENANT CARTER: It's probably going to take a  
3 couple of weeks to get this together.

4 CHAIRPERSON MITTEN: All right.

5 LIEUTENANT CARTER: Because I have no idea how  
6 voluminous this information is. I haven't seen it or anything.

7 CHAIRPERSON MITTEN: All right. Let's assume that  
8 you'll have at least two weeks and then someone will contact you  
9 with the precise dates. Mr. Hood.

10 VICE CHAIRPERSON HOOD: Madam Chair, I just wanted  
11 to add to the list. I would like to get an understanding from  
12 Commander Newsham as to the comments that ANC Commissioner  
13 Elliott, of him soliciting support to stop, I guess, the  
14 proceedings of the meeting from the community.

15 I would like to know a little more why, you know,  
16 the bottom line why was he, was it a safety issue or what the  
17 issue was.

18 LIEUTENANT CARTER: Are these Commander Newsham's  
19 comments or?

20 VICE CHAIRPERSON HOOD: That was just testified  
21 and I know Commander Newsham coming from the 5<sup>th</sup> District.

22 LIEUTENANT CARTER: That's 2<sup>nd</sup>.

23 VICE CHAIRPERSON HOOD: Well, he's at 2<sup>nd</sup> now, but  
24 he's from the 5<sup>th</sup>. I know he's very capable and I know he's  
25 knowledgeable.

1                   So I would like to find out exactly why he made  
2 those statements, if he made them. He may not have even made  
3 them. I don't know, but I would like for him to?-. It was  
4 testified here today that he made some statements of soliciting  
5 the community's help to help stop the meetings and I would like  
6 to know why and what was the rationale behind that. Was it a  
7 safety issue?

8                   MS. KAHLLOW: If I may. This should be part of it.  
9                   He did make an official recommendation is what he testified to  
10 us at that meeting to not have the meetings, to cancel them. So  
11 if you want that document, it's part of this report, I assume.

12                   VICE CHAIRPERSON HOOD: Thank you, Ms. Kahlow.  
13 We'll try and find that for me.

14                   LIEUTENANT CARTER: Okay, Mr. Hood. I just want  
15 to make sure I understand what you're asking me. You want some  
16 clarification from Commander Newsham reference the comments made  
17 by him?

18                   VICE CHAIRPERSON HOOD: Right.

19                   LIEUTENANT CARTER: Or alleged to have been made  
20 by him?

21                   VICE CHAIRPERSON HOOD: Right. I think it was  
22 testified here, a few minutes ago, that he had made some  
23 comments at an ANC meeting or different public meetings and I  
24 want to understand why. Because, again, Lieutenant, our charge  
25 here is to protect the safety of the residents of the city.

1                   So I want to make sure that you all, as far as  
2 I'm concerned, are the highest peak that I believe the Zoning  
3 Commission, I may be wrong on this, that we go to. So you're  
4 input is very valid to me, to myself and I'm sure my colleagues  
5 too. So I want to understand why he made that comment, if he  
6 made it.

7                   LIEUTENANT CARTER: In reference made to stopping  
8 the meetings?

9                   VICE CHAIRPERSON HOOD: Stopping the meetings.

10                  LIEUTENANT CARTER: Okay.

11                  VICE CHAIRPERSON HOOD: And soliciting the  
12 community's help to stop them. Was it a safety issue or what  
13 was the issue.

14                  MR. QUIN: Madam Chairperson, I don't want to  
15 comment on the last request, but this whole case involves one  
16 specific square. It doesn't involve headquarters one or any of  
17 the other security issues that surround this whole area from the  
18 White House to the Executive Office Building to IFC to World  
19 Bank and I think we're getting into an area which is far beyond  
20 what is germane to this particular case and would hope that the  
21 Chair and the members of the Commission would narrow the focus  
22 to this particular building and this particular project.

23                  CHAIRPERSON MITTEN: Let me just ask Mr. Hood to  
24 respond to Mr. Quin's concern.

25                  VICE CHAIRPERSON HOOD: Mr. Quin and I'm sure that

1 my counsel would advise me if need be. I'm looking after as  
2 much information that I can before I make a decision and I know  
3 we get into issues with ABC Board and whatnot, but what is  
4 basically germane to a specific facility.

5 But, again, our charge is to protect the safety  
6 and health of the residents of the city and the impact of  
7 certain scope of that neighborhood. I'm not branching out to  
8 three or four blocks.

9 I just want to know why was the statement made.  
10 Why is he saying, soliciting help?-. Because, again, I go back  
11 to my charge that I was given when I was taking the oath, to  
12 protect the safety and health of the residents of the District  
13 of Columbia and if that facility is an adverse impact, I need to  
14 know that and he obviously, I'm not sure, I don't want to speak  
15 for him, but there's obviously been a statement made and we need  
16 to know the underlying.

17 Now once I see the material, whether it's germane  
18 or not, I won't know until I see it and I'm speaking from the  
19 blind right now.

20 MR. QUIN: I understand, but I'm simply saying  
21 that I was not aware that the Zoning Commission was an ombudsman  
22 for security. I think that they're here to pass upon specific  
23 cases before them and set text, set maps, PUDs and right the  
24 regulations and I think that within that scope, anything that's  
25 relevant to this PUD, I would hope that you could get that

1 specific information and I'm just worried that we're prolonging  
2 this entire case to the detriment of an international agency  
3 that needs to function and that's my only point.

4 VICE CHAIRPERSON HOOD: Again, Mr. Quin, I would  
5 encourage you to look at the charge that these commissioners  
6 take. I know the oath that all appointees take and I would  
7 encourage you to review that.

8 MR. QUIN: I have reviewed it probably 30,000  
9 times.

10 CHAIRPERSON MITTEN: Well, let's just say this,  
11 which is I think we'd like to defer to our colleague in terms of  
12 the request that he's made and we are mindful of the fact that  
13 these are issues that we concern ourselves with relate to this  
14 application, relate to this particular building and we're not  
15 trying to be all inclusive, but to the extent there might be  
16 some relevant information in Mr. Hood's request and some of this  
17 other information that we're going to let in.

18 We'd like to err on the side of being more  
19 inclusive, but we take your concerns very seriously.

20 MR. QUIN: Thank you.

21 VICE CHAIRPERSON HOOD: May I just say, Mr. Quin.  
22 If you feel that I'm incorrect on my assessment, I would  
23 encourage you to file something for the record and I will review  
24 it because I'm very open minded. Thank you.

25 CHAIRPERSON MITTEN: All right. Any other

1 questions for Lieutenant Carter.

2 LIEUTENANT CARTER: I just have one. If I could  
3 ask, I'll take these back and work on them now, but could I also  
4 ask the commissioners to forward something to Commander Newsham  
5 specifically from the Commission, in writing, just to ensure  
6 that I don't miss anything?

7 CHAIRPERSON MITTEN: Oh, certainly.

8 LIEUTENANT CARTER: I appreciate it.

9 CHAIRPERSON MITTEN: I think that's a good idea,  
10 in fact. We'll have staff?-.  
11

12 LIEUTENANT CARTER: I'll present these to him  
13 also.

14 CHAIRPERSON MITTEN: Terrific. Thank you.

15 LIEUTENANT CARTER: Thank you.

16 SECRETARY BASTIDA: Madam Chairman, I would like  
17 to talk to Lieutenant Carter before he leaves. It's off the  
18 record, just to get some telephone numbers and such so I can be  
19 in touch with you. If you would approach me please.

20 CHAIRPERSON MITTEN: Thank you. I think we're  
21 ready to move to the Office of Planning report now.

22 MR. McGETTIGAN: Thank you, Madam Chair. Good  
23 evening and good evening members of the Commission. My name is  
24 David McGettigan and Ellen McCarthy and I will be presenting the  
25 staff report for the Office of Planning.

Representatives from the Department of Public

1 Works and we heard from the Metropolitan Police Department.

2 The Office of Planning has been working with the  
3 IMF and their development team for many months to refine the  
4 design of the project.

5 The architect has made significant changes in the  
6 mass, facade and materials that have improved the look and  
7 impact of the building on the urban environment.

8 Parallel with this effort, the Office of Planning  
9 has met numerous times with representatives from the ANC to  
10 discuss the project and it's impacts on the community.

11 First, this report will discuss elements of the  
12 surrounding urban environment to give a context for evaluating  
13 the project.

14 Second, the report will cover planning  
15 considerations, such as the design of the building and it's  
16 interface with the urban environment.

17 Next it will cover PUD issues and the adequacy of  
18 the PUD amenities and we'll finish up with the recommended  
19 conditions.

20 The background will cover the character of the  
21 area, a brief project description, some comprehensive plan  
22 designation discussions, the zoning classification and adjacent  
23 uses.

24 The applicant proposes to demolish existing eight  
25 story office building, which is currently a Pepco headquarters

1 and construct a new 12 story office building with some ground  
2 for retail along Pennsylvania Avenue. The building's footprint  
3 will be similar to the existing building.

4 The applicant proposes significant landscaping  
5 and planters around the building and an animated water feature  
6 along the Pennsylvania Avenue facade.

7 The built environment around the site is  
8 characterized by high density commercial development to the  
9 north and east and medium density residential to the south and  
10 west that is largely occupied by George Washington University.  
11 It can be seen in this arial photograph.

12 The predominant land uses in the area can be seen  
13 from this map, which distinguishes commercial use in red,  
14 institutional use in blue and residential use in tan.

15 This slide also shows the George Washington  
16 University campus ground, which currently includes the subject  
17 site.

18 The predominance of blue on this map reinforces  
19 the IMF's statement that they benefit from the proximity of this  
20 location to other institutions they interact with.

21 It also supports citizen concerns that a  
22 significant portion of this area does not provide property tax  
23 revenues, which would normally be received to support police,  
24 fire, emergency medical, transportation, parks, recreation and  
25 other public services commonly provided in the city.

1 We can also see from this map a small number of  
2 structures in the area available for housing.

3 The generalized land use map of the comprehensive  
4 plan designates the site as a high density commercial land use  
5 category. This designation is typical for the central  
6 employment area and land in this area is generally zoned C-3-C  
7 and C-4. The comprehensive plan policy map locates this site in  
8 the central employment area.

9 The current zoning map shows the site in the C-3-  
10 C zone. The C-3-C zone generally offers a step down in density  
11 from the intense C-4 zone district to the high density  
12 residential and mixed use zones to the west.

13 The site is in the middle of C-3-C band that  
14 separates the lower density R?5-D zoning predominantly occupied  
15 by GWU from the high density C-4 zone.

16 The surrounding squares are predominantly  
17 institutional uses, with GWU to the west, the IMF headquarters  
18 and World Bank to the south and commercial office buildings and  
19 institutional uses to the north, across Pennsylvania Avenue.

20 To complete the report's discussion of the site's  
21 context and we even did discussions of urban design, we'd like  
22 to walk you around the block starting at the corner of 20<sup>th</sup> and  
23 Pennsylvania, looking north and going clockwise showing the  
24 northwest corner of the building, the Pennsylvania Avenue  
25 frontage, rounding the corner of 19<sup>th</sup> and Pennsylvania and

1 looking south toward the World Bank and showing the somewhat  
2 intimidating pedestrian experience along the World Bank.

3 Continuing south on 19<sup>th</sup>, we see the planters and  
4 water feature that are on the frontage of HQ1 and turning onto H  
5 Street we see the planters and seating along HQ1 on H Street and  
6 the existing building across the street and finally back on 20<sup>th</sup>  
7 Street looking north from H Street.

8 Next I will discuss the main planning and design  
9 issues for the development. These include urban design, loading  
10 and parking access, density and use.

11 As can be seen from the quick tour, except for  
12 the SoHo Café and Market, the pedestrian experience around the  
13 existing building was rather bleak and unpleasant. Hoping to  
14 avoid a repeat of this urban design problem, which involved  
15 working with the facade, massing, pedestrian experience and  
16 street scape, the Office of Planning worked with the IMF and  
17 it's design team to improve the initial IMF design, which had  
18 developed some of the same qualities. Here's a picture of the  
19 initial application that was submitted.

20 Pennsylvania Avenue is a special street, which  
21 creates a need for buildings along it's frontage to display a  
22 special facade and massing.

23 After numerous design meetings, Pei Cobb Freed  
24 developed a facade and massing scheme that spoke to the  
25 uniqueness and importance of this site and a key spot along

1 Pennsylvania Avenue.

2 The height and mass of the building helped build  
3 the street wall along Pennsylvania Avenue. The original design,  
4 used in modification, to relieve the horizontality of building,  
5 hence the introduction of inflections in the mass and  
6 indentations on the skin to give some play of light and shadow  
7 across the expanse of the facade.

8 There is also a need to present a pedestrian  
9 friendly along America's main street. First, we asked the  
10 applicant to look at providing retail use at either end of  
11 Pennsylvania Avenue facade, with direct public access from the  
12 street.

13 This resulted in moving the credit union, which  
14 is on the left there, elsewhere, creating a two story café and  
15 market at the corner of the 20<sup>th</sup> and Penn, with direct street  
16 access from the corner and you'll notice in the original design  
17 there's no street access to the credit union or to the exhibit  
18 space at the right, whatever access from the interior of the  
19 building.

20 Second, the culture exhibit space was expanded  
21 with the retail coffee bar and formed periodical's newsstand,  
22 again with direct access off the street, both to the exhibit  
23 area and to the restaurant.

24 With the two ends enlivened, we then focused on  
25 the long granite wall of the meeting room in the middle. By

1 curving this wall and providing a waterfall and fountain jet  
2 feature that provides some movement and activity along the wall,  
3 the final element of the street level facade fell into place and  
4 finally the street scape security planters, which provide needed  
5 landscaping on all sides of the site were redesigned to provide  
6 more variety at the street scape.

7 Loading and parking issues. Originally, the  
8 Office of Planning favored providing the loading and parking  
9 access along H Street, across from the existing HQ1, which is  
10 shown on the left here.

11 However, we agree with the Division of  
12 Transportation's concerns that an H Street location would cause  
13 traffic conflicts and maneuverability problems for trucks.

14 In addition, the applicant's concerns about  
15 having loading close to the restaurant is a reasonable concern.

16 Lastly, concerning density and use issues, we  
17 note that the site is in the high density commercial  
18 comprehensive plan category. Existing zoning is medium and high  
19 density commercial zone.

20 The IMF has an existing building in the south  
21 that will provide an opportunity for an underground tunnel  
22 connection and the World Bank, an institution that the IMF works  
23 closely with is to the east.

24 The location at the edge of the downtown  
25 commercial core is an appropriate location for office uses.

1                   In comparing the matter of right C-3-C and  
2 proposed C-4 PUD zoning, we see that an additional 3.5 FAR or  
3 227,272 square feet will be obtained. An additional 40 feet of  
4 height will be obtained and an additional 130 parking spaces  
5 will be required.

6                   Next, Ellen McCarthy will discuss the PUD issues.

7                   MS. MCCARTHY: Good evening Madam Chair, members  
8 of the Commission.

9                   Basically, in terms of PUD, issues we wanted to  
10 look at, both the extent of flexibility that's being requested  
11 in this application and weigh that against the adequacy of the  
12 amenities and public benefits being provided.

13                   We certainly agree with the applicant that the  
14 PUD mechanism for achieving this flexibility is the appropriate  
15 way to go. I think that had the applicant come to us and  
16 attempted to accomplish this increased flexibility through a map  
17 change, I think we would have had a number of hesitations or  
18 concerns and I just wanted to address these because the  
19 applicant's counsel did raise some of these points in the  
20 presentation.

21                   So I just wanted to try to define the Office of  
22 Planning's issues or position on this. As Mr. McGettigan said,  
23 this site is in the high density commercial classification of  
24 the generalized land use map, but the Office of Planning has  
25 always considered that either C-3-C or C-4 are appropriate

1 zoning categories for high density commercial and are consistent  
2 with the comprehensive plan, so we would not have faced, had  
3 this been proposed as a map change, we would not have seen an  
4 automatic reason to deal with that being inconsistent with the  
5 comp plan designation.

6 As Mr. McGettigan also mentioned, there is an  
7 existing concept of a C-3-C ring and sometimes an SP1 component  
8 around the higher density C-4 core that's sort of a buffer or a  
9 transition between the intensive uses of the heart of the  
10 downtown and the more residential uses on the outside.

11 There was reference to the fact that the Office  
12 of Planning had not placed great importance on the fact that  
13 this was identified in the Foreign Missions element as being a  
14 site acceptable for international organizations and there were  
15 two reasons for that.

16 One, because the international organization areas  
17 designated in the Foreign Missions element of the federal  
18 elements of the comprehensive plan is, it's simply permissive.  
19 It indicates areas where international organizations can locate.

20 It doesn't say that those are the only places they may locate  
21 and it names a wide variety of locations throughout the city as  
22 appropriate for international organizations. Certainly not just  
23 in this square. We tried to have a slide of that available for  
24 you, but the quality of the graphic in the Foreign Missions  
25 element just did not translate very well.

1           In addition, there was much mention made of the  
2           number of high rise buildings in the vicinity of this site, but  
3           you'll notice and I think a number of the buildings that are  
4           taller buildings in the vicinity, other than those to the east  
5           and the north where the C-4 zones are located, are at 130 feet  
6           or are tall buildings because they've resulted either from  
7           planned unit developments, in this case, the Arts Club planned  
8           unit development, which preserved a very low scale set of  
9           townhouses and provided PUD amenity benefits that included the  
10          restoration and preservation of those buildings across the  
11          street. This is diagonally from the site.

12                 Across 20<sup>th</sup> Street from the site is Red Lion Row.  
13           Similar kind of thing with the PUD. It's not even a 130 foot  
14           building, but it was a similar PUD in which additional density  
15           was given to the office building that was constructed in return  
16           for the preservation of smaller scale historic buildings in the  
17           front.

18                 There was mention made also that across  
19           Pennsylvania Avenue is a receiving zone for transfers of  
20           development right, but it's important to realize that those TDRs  
21           are granted there as incentives to accomplish important public  
22           policy objectives, including historic preservation in downtown  
23           housing.

24                 So there is nothing automatic about the  
25           appropriateness of the height in that area. We have been

1 nothing automatic about changing the map designation from C-3-C  
2 to C-4.

3 Other reasons to use the PUD mechanism or other  
4 reasons why this was the very appropriate mechanism in this  
5 situation include the fact that the site is very visible as you  
6 go down Pennsylvania Avenue. The fact that it is located on a  
7 special street and that there were additional items or issues  
8 that we needed to deal with, such as security, look at the issue  
9 of the tax exemption of the building and the impact on the  
10 District financially.

11 So in the end, in terms of identifying, as we  
12 prepared to try to provide our analysis for the Commission of  
13 the weighing of the private benefits versus the public benefits  
14 and amenities.

15 On the private benefits side, what we have is  
16 about 227,000 square feet of density beyond what would have been  
17 possible on this site as a matter of right and an additional 40  
18 feet of height from the 90 feet that would be matter of right  
19 under C-3-C to the 130 feet which is permissible as a matter of  
20 right under C-4.

21 In terms of the role of the Zoning Commission and  
22 what the Office of Planning looked at in making that  
23 distinction, the regulations are quite clear that the Zoning  
24 Commission must balance the private benefits against the public  
25 benefits and amenities being proffered and these are some of the

1 relevant sections from the zoning regulations where the zoning  
2 regs state flat out at the beginning of PUD, the PUD regs, that  
3 the purpose is to encourage high quality developments that  
4 provide public benefits, with the overall goal to permit  
5 flexibility in exchange for, including increased building height  
6 and density, provided that the project offers a commendable  
7 number of quality public benefits and that it protects and  
8 advances the public health, safety, welfare and convenience.

9 The Office of Planning has concluded that balance  
10 has been struck and the zoning regs here further indicate that  
11 it is the Commission's responsibility to weigh those or to  
12 evaluate the public benefits in proportion to the flexibility or  
13 incentives requested.

14 So let's go through those amenities and see why  
15 the Office of Planning concluded that the task is met and that  
16 the benefits package is sufficient.

17 With regard to the design, as you just heard in  
18 the cross examination, there are a number of amenities and  
19 public benefits that are proffered by the applicant.

20 We have chosen those that we feel to be most  
21 significant and those are the ones that we are highlighting as  
22 meritorious to weigh against the additional density being  
23 provided to the applicant in this case.

24 I think as Mr. McGettigan indicated, we had been  
25 quite concerned about street retail and had spoken to the

1 applicant from the very first meeting about the importance of  
2 street retail and the applicant had additionally demurred, other  
3 than the café exhibit space, of saying, you know, just security  
4 wise, we can't do that, it's too great a risk to allow the  
5 public direct access to the building.

6 And as you can see as we worked with them over  
7 time, they have increased the budget by \$600,000.00, over  
8 \$600,000.00, to harden the retail areas on both sides of the  
9 building and change the design so that they do have direct  
10 access to the street.

11 We find this particularly significant when you  
12 look at the other buildings that are in that vicinity, all those  
13 blue colored buildings that were in David's slide, because the  
14 other World Bank buildings have not been going on at the ground  
15 floor, except for the World Bank, periodical's store and the  
16 other IMF building has nothing going on at the ground floor that  
17 invites the public in.

18 It creates quite a deadening of the street and  
19 quite an institutional character, otherwise, in other sections  
20 of that area. By contrast, this building will offer the  
21 restaurant, immediately across the 20<sup>th</sup> Street from Red Lion Row  
22 and the retail and restaurants that are available there. It  
23 will have the bookstore, newsstand and café on the other side to  
24 try to give a little vitality to the area around the World Bank.

25 So we find that, the street retail, to be a very

1 critical amenity and we were quite pleased when the IMF was able  
2 to incorporate that.

3 The materials, the high quality materials,  
4 especially in the landscaping, the granite curving and the  
5 materials that are proposed there, we found were above what  
6 would typically be provided in a matter of right building.

7 The water well and the fountain was important.  
8 The IMF had a very difficult issue to deal with, \*\*\* three to  
9 two, where you've got this meeting space, you're trying to have  
10 a place where the Finance Ministers from across the world can  
11 come and meet securely, so the IMF was not the remoted bit  
12 interested in having that be glassy and open to the public and  
13 we understood that, but the impact on Pennsylvania Avenue was  
14 pretty deadening and we think curving it to create a little more  
15 interest in the facade, having the water wall around that curve  
16 and then putting in the jets of water to further animate the  
17 space is an excellent design response to what was a very  
18 difficult design issue.

19 We think, also, in terms of responding to the  
20 street, it's a very long, horizontal space and the cut outs, the  
21 projections from the building try to create some textural  
22 interest and try to relieve the horizontality of the building,  
23 make it a more interesting building in terms of response to the  
24 street. We thought that was quite successful and so I mention  
25 the landscaping features as well.

1                   And you can see, in this building, you've got Red  
2                   Lion Row and retail and restaurants over on this side so the  
3                   direct continuation to the two story restaurant space over here,  
4                   the openness and glassy character of that, the cut outs and  
5                   projections, the water wall, all of that, we feel, meets  
6                   Pennsylvania Avenue, the special street, in a very affective way  
7                   that we were quite pleased with the results.

8                   And also with regard to the planters and I'll  
9                   mention it now so I don't forget it later in the presentation.  
10                  We recognized that the National Capital Planning Commission is  
11                  in the midst of a security design exercise, which if Mr. Parsons  
12                  were here, I know he is quite familiar with it because he and I  
13                  both sit on the Security Task Force and what the task force has  
14                  concluded is that the appropriate approach to security of the  
15                  building is something exactly like what the IMF is proposing,  
16                  where instead of deadening rows of ballards placed, you know,  
17                  marching endlessly down the street, you harden light posts, you  
18                  fortify planters and benches, you look for ways to have variety  
19                  in the security fixtures so that it doesn't feel like a fortress  
20                  when you approach the building and we think that these  
21                  preliminary designs were quite well.

22                  We'd spoken to NCPC. Their initial reaction was  
23                  also favorable, but I think we would caution that if the final  
24                  order is written, we need to provide some design flexibility to  
25                  the applicant so that they can meet whatever requirements or

1 recommendations the National Capital Planning Commission will be  
2 placing or will be recommending in terms of dealing with the  
3 security.

4 I think NCPC's goals are the same as ours and the  
5 Commission's of trying to achieve that security, but not without  
6 the sacrifice of street vitality and attractiveness.

7 And this is a closer view of the wall of water,  
8 which will be coming down here, which, I believe, the IMF feels  
9 that they will be able to provide enough heat so that will be a  
10 pretty much 12 months out of the year amenity. There may be  
11 some periods of time when it's too cold to do the jets that  
12 would be on the outside, but that water feature is also  
13 continuing inside the glass, so even if you don't get the affect  
14 of the fountain jets in the sidewalk during the coldest part of  
15 the year, there still will be animation even behind the glass  
16 that will be visible to people walking down the street.

17 Those were, by and large, the amenities that  
18 related to the building. In addition to that, the IMF has  
19 proposed a significant community amenity package. This package  
20 here amounting to a million dollars in additional trees to be  
21 planted in the vicinity, in the neighborhood and the question  
22 had been raised about, well, with the Casey Trees donation, was  
23 that even necessary, but we've contacted Casey Trees and they  
24 said, you know, even with the amount of money that Mrs. Casey  
25 had provide for the city, they still can't fill trees in all of

1 the identified locations where additional trees would be  
2 beneficial to the city. So they felt that this contribution  
3 would be extremely useful for their efforts.

4 The segmented benches, it's difficult without  
5 invading privacy, to go take pictures of the homeless, in the  
6 parks, around the IMF, but it's really risen to just appalling  
7 levels. The parks are not comfortable places to be. You have  
8 homeless people sleeping on all the benches, you know, and all  
9 around there. The segmented benches will be a help in that  
10 score.

11 We've also spoken to the IMF about whether they  
12 would be willing to have their security guard, as part of their  
13 regular check and tour around the outside of the building, also  
14 venture into the parks just to kind of make sure that those  
15 people who are using the parks have a sense that they're being  
16 regularly monitored and the IMF indicated that they would  
17 certainly be willing to do that.

18 In addition, the van for Saint Mary's Court, the  
19 prescription drug fund for Saint Mary's Court and the  
20 contribution to D.C. Central Kitchen all are part of that  
21 million dollar community amenity package.

22 As is the public use access to the meeting space,  
23 which the IMF valued at about \$240,000.00 for leaving on air  
24 conditioning, having security guards there. The expenses of  
25 making that space available and then we don't yet have a signed

1 agreement, but as you heard tonight, we've been told by the IMF  
2 that there will be an LSDBE agreement and a First Source hiring  
3 agreement.

4 In addition, what was not explicit in the  
5 submission that the IMF made to you initially was mentioned in  
6 our report and has been confirmed by a letter that has been  
7 received by the IMF.

8 The IMF, in addition to the million dollar  
9 package that they had put together for community amenities has  
10 agreed, since the zoning regulations for PUDs provide that there  
11 can be public benefits to the public overall and they do not  
12 simply need to be limited to the precise vicinity of the project  
13 that they will provide a million dollars as a contribution to  
14 the District Housing Trust Fund and we note that because of the  
15 way that the regulations are worded for linkage payments, there  
16 was no requirement that there be a payment into the Housing  
17 Trust Fund for this project.

18 There are no additional flexibilities requested  
19 over and above the C-4 map change that's being requested as part  
20 of the PUD, so there was no linkage payment required, but this  
21 contribution is certainly consistent with this city's policy to  
22 promote affordable housing and what is an increasingly acute  
23 demand for affordable housing as various sections of the city  
24 are turning around and gentrifying and displacing residents that  
25 are having a difficult time locating affordable housing.

1           So this is consistent with comprehensive plan  
2 goals, consistent with the administration goals and is a very  
3 welcome addition to the amenity package.

4           So that's basically our assessment on the amenity  
5 package. The other responsibility, which is stated in the PUD  
6 regulations and the zoning regulations are that the project may  
7 not be inconsistent with the comprehensive plan.

8           The Office of Planning report goes into that in  
9 detail with a large number of elements in the comprehensive plan  
10 and consistency of the project with that, so I won't go into all  
11 of them in the interest of time, but just to hit some of the  
12 highlights.

13           As I mentioned, it's certainly consistent with  
14 the land use element's designation, which is of high density  
15 commercial.

16           There's significant mention made that was further  
17 backed up by the report which Professor Fuller did recently for  
18 the National Capital Planning Commission, which was mentioned in  
19 our report, that retention of international organizations is an  
20 important economic component, economic development component for  
21 the District as our third core industry, after government and  
22 tourism.

23           It's located in an area, which is designated as  
24 acceptable or as suitable for Foreign Missions and international  
25 organizations in the Foreign Missions element of the comp plan.

1                   And there are important sections of the District  
2 elements of the comprehensive plan that talk about the  
3 importance of using zoning and other land use regulations to  
4 link commercial development with affordable housing.

5                   So all of these elements are the ones that are  
6 dealt with in more detail in the Office of Planning plan. We  
7 feel that it is consistent with the comp plan.

8                   And this was just an extra slide, so let me just  
9 skip to the conditions. The conditions are listed in the Office  
10 of Planning report. Again, I won't go over them in detail,  
11 other than to mention that the condition would include,  
12 basically, that the property would be developed in accordance  
13 with the submitted plans, with the exception of providing some  
14 flexibility, as I mentioned, on condition number 5 for the  
15 street scape and landscaping improvements, for them to be  
16 coordinated with National Capital Planning Commission and for  
17 the million dollar contribution to Housing Trust Fund to be  
18 added to those amenities, which are named in the pre-hearing  
19 statement from the applicant.

20                   So, in short, in terms of our report and looking  
21 at the planned unit development, we find the amenities and  
22 public benefits are far superior to what could be achieved as a  
23 matter of right project in the C-3-C classification and we find  
24 that the project is not only not inconsistent with the  
25 comprehensive plan, but further there are a number of important

1 goals that are set out in the comprehensive plan.

2 And I think Mr. Altman, Director of the Office of  
3 Planning, has some concluding remarks that he wanted to make.

4 DIRECTOR ALTMAN: Thank you. I'm just going to  
5 be very brief, concluding statement, as usual. David McGettigan  
6 and Ellen McCarthy have done an exceptionally professional job  
7 of representing the position of the Office of Planning.

8 I think it's important, just for context, that  
9 this has been a long negotiation and I think the IMF would  
10 attest it hasn't always been an easy negotiation, an easy  
11 process that we've gone through together to arrive at the  
12 recommendation that we have before you tonight.

13 As you saw in her previous slide, the project  
14 that was originally submitted to us was substantially different  
15 than the one that we have before today.

16 When it first came to us at the Office of  
17 Planning, we expressed a number of objectives that we wanted to  
18 see accomplished and set about to do that over the next four to  
19 six months so that we could, tonight, bring to you a package  
20 that I believe, supports a package that achieves a local  
21 benefit, achieves a public benefit and importantly, achieves  
22 many of the design objectives for it's prominent location along  
23 Pennsylvania Avenue.

24 I'm not going to go through those again.  
25 Needless to say, we had three primary objectives that we laid

1 out when we started this discussion with the IMF.

2 One, related to urban design, you've heard that.

3 It's focus is a special street. The experience and the  
4 pedestrian experience, the transparency, the retail, the street  
5 retail that Ellen McCarthy alluded to, the corners, the  
6 relationship to the part, so that this would not feel, at the  
7 street level, as you walk through, as you walk along  
8 Pennsylvania Avenue that this was impermeable, that this was a  
9 hostile environment to be in, but that actually the pedestrian  
10 was one that could be more welcoming and more open and have  
11 public access.

12 You heard the discussion of the credit union, for  
13 example, which although it may have been open in terms of use as  
14 you walked down the street, it did not have public access, we  
15 did not think brought the kind of life and vitality that retail  
16 could bring or the restaurant could bring and we think that was  
17 really fundamental. That if both of those corners, those were  
18 really active, alive and transparent.

19 The middle of the building and the long wall that  
20 originally existed, how we could break that up and I think you  
21 saw a very, I think a very creative solution to that, in terms  
22 of not only the water element, but the curve of the wall, which  
23 had to affect the meeting space.

24 There were numerous meetings on that, to arrive  
25 at that design solution. The architects were here many weeks

1 laboring over this and very long discussions on how we break up  
2 this very long length of Pennsylvania Avenue to something that  
3 we think could, not only create a visually interesting  
4 experience, but also be something that could be more welcoming  
5 along Pennsylvania Avenue. So that was critical.

6 Building design. The articulation of the  
7 building so it wasn't monolithic and I think there's a very  
8 creative response to that, which started out very different, as  
9 you saw in the first slide, and then, of course, the amenities.

10 That in our discussions with the IMF that it was  
11 not an either or, what could be the local amenity versus the  
12 public benefit. They've been able to accomplish both of those.

13 We saw the public benefit as additive, in addition to what they  
14 were working on, in terms of the local amenity package.

15 We think the public benefit related to housing is  
16 fundamental. We think that was important. We made that very  
17 clear. We didn't agree on that at first, as how to arrive at  
18 that. It clearly was not a requirement, but as a corporate  
19 citizen, IMF and other major institutions in the city, given the  
20 acute crisis, one could say in affordable housing, the recently  
21 publicly adopted policy of the mayor and the council for  
22 affordable housing in the city, to promote that.

23 But as a matter of public benefit and corporate  
24 citizenship that the contribution to Housing Trust Fund, we  
25 believe, at this time, is also a critical part of this package

1 and was very important to our support of the project and again,  
2 that was not to be at the expense of the community, but that we  
3 could also have the local amenities, as well as the broader  
4 public objective, so that we could achieve, in one project, many  
5 complicated objectives in terms of the city's position.

6 But the design issue, the amenities issues, the  
7 public benefit issue and working all those out has been a long  
8 process, but I think a constructive process and that is why we,  
9 today, are here to support the project as a superior project  
10 that as a PUD, we believe, not only meets the test, but I think  
11 provides important opportunity for redevelopment of this site  
12 along Pennsylvania Avenue.

13 CHAIRPERSON MITTEN: Thank you, Mr. Altman and Ms.  
14 McCarthy and Mr. McGettigan. Any questions from the Commission  
15 for the Office of Planning? Mr. May.

16 COMMISSIONER MAY: I just have one small question.  
17 I was looking at the one slide, which had the photograph of a  
18 massing model and we're looking over the top of, I guess the  
19 building that surrounds the Mexican Embassy there, across  
20 Pennsylvania Avenue. Well, we don't need to see it again, can  
21 you just tell me how tall that building is across Pennsylvania  
22 Avenue, directly across the street. It looks like, from that  
23 massing model, that it's exactly the same height.

24 MS. McCarthy: I believe the building directly  
25 across Pennsylvania Avenue is 130 feet.

1 COMMISSIONER MAY: 130 feet.

2 MR. McGETTIGAN: No, I think it's actually smaller  
3 than that.

4 COMMISSIONER MAY: Shorter?

5 MS. McCarthy: You're talking about the one with  
6 the Mexican Embassy?

7 COMMISSIONER MAY: Yes. You can see it right  
8 there. We're looking over at the roof of it right there.

9 MR. McGETTIGAN: The massing models here. We  
10 could bring it forward for Mr. May to see.

11 COMMISSIONER MAY: We probably don't want to be  
12 judging it from a massing model, but?-.

13 MS. McCARTHY: Right. I know we have that  
14 information in our notes and I'd be happy to dig through.

15 COMMISSIONER MAY: Yes, this shows it to be less.  
16 I imagine it's 110 or something. Thank you.

17 CHAIRPERSON MITTEN: I had a question. As we  
18 struggle with the balancing between what the applicant is  
19 getting by way of relief or additional density and we look at  
20 the amenities and so on that are being offered. To the extent  
21 possibly, I think we've begun to try and quantify things in  
22 monetary terms, not to say that we can quantify everything, but  
23 on the front end, which is what the applicant is getting, in  
24 terms of the additional density, have you valued what the  
25 additional density that the applicant will achieve? Have you

1 put a value on that?

2 MS. McCARTHY: You're talking about the value of  
3 what they would get?

4 CHAIRPERSON MITTEN: The approximately 220,000  
5 square feet of additional density.

6 MS. McCARTHY: Yes, now all we have to do is  
7 remember where.

8 CHAIRPERSON MITTEN: It's in your set down report.

9 MS. McCARTHY: Oh, I'm sorry. It's in the report,  
10 right.

11 One thing that we found that made it difficult to  
12 do a direct comparison was when we were looking at the  
13 comparables, we realized that we maybe should apply a different  
14 factor to buildings that were being built for people that were  
15 occupying them where there was not the value of them renting  
16 that space out for a profit, as opposed to just space that you  
17 are using for yourself made it a little hard to compare.

18 CHAIRPERSON MITTEN: Let me help you.

19 MS. McCARTHY: We don't seem to have our set down  
20 report with us.

21 CHAIRPERSON MITTEN: In the set down report and  
22 everyone agrees that there is not a housing linkage requirement.

23 Doing the hypothetical payment that would be required, if they  
24 were to pay into the Housing Trust Fund, under a housing linkage  
25 requirement, that was 14 million dollars and that's the formula

1 based on 50 percent.

2 MS. McCARTHY: Oh, I'm sorry. I thought you were  
3 asking for the value of the 220,000?-.

4 CHAIRPERSON MITTEN: I'm saying you can infer it  
5 from that.

6 MS. McCARTHY: And I think as we noted in the set  
7 down report, that was the number based on the formula, but none  
8 of the PUDs that have been processed since that time have used  
9 that formula. They have all worked out arrangements with  
10 specific providers at a considerably lower cost?-.

11 CHAIRPERSON MITTEN: Right, but I'm not focused on  
12 the linkage payment. That's just a vehicle to get to the answer  
13 to the question, which is what's the value of the additional  
14 density that the applicant will get if this PUD is approved.

15 MS. McCARTHY: Right. We did take the assessed  
16 value of the Pepco building and multiplied that on, prorated  
17 that value per square foot and then multiplied by the  
18 \$227,000.00 figure. It was greater than 15 million dollars.

19 CHAIRPERSON MITTEN: All right. So then as we?-.  
20 I mean based on the, going back again to the housing production  
21 trust fund formula, I think the implication is that it's more on  
22 the order of 28 million dollars. Because the formula using 50  
23 percent of the value is 14, so I'd say it was 28.

24 So as we total these things up, I guess I just  
25 want to make sure we are all on the same page and I do

1 understand that everything can not be denominated in a dollar  
2 amount, but that's a very significant benefit to the applicant,  
3 28 million dollars, and I guess I just want to be sure we're all  
4 cognizant of the magnitude of that and so you're satisfied that  
5 the balance has been achieved?

6 MS. McCARTHY: Yes and we certainly agree that it  
7 is a substantial benefit, \$227,000.00 is the size of many  
8 downtown office buildings in and of themselves.

9 DIRECTOR ALTMAN: We also, since there's not a  
10 particular science to it, we're trying to find the right  
11 approach, we also looked and tried to get a sense of other PUDs  
12 to see what kind of a reasonable test was and did this sort of  
13 fall into what the benefits had been and it fell clearly within  
14 that range. Not that you're always using those as precedents,  
15 but just to try to get a sense of what is the order of magnitude  
16 and whether we were, you know, how far above the bar, below the  
17 bar were we and it seemed to be a reasonable benefit.

18 CHAIRPERSON MITTEN: All right. Any other  
19 questions from the Commission? Mr. Quin, any questions? Ms.  
20 Elliott, any questions? Mrs. Kahlow?

21 MS. KAHLOW: Thank you. I have quite a number.  
22 First, on pages 8 and 11 of your report, you talk about the West  
23 End Citizen's Association. Is there any reason why you didn't  
24 contact the West End Citizen's Association until the report was  
25 finished?

1 MR. McGETTIGAN: We had met with the ANC and we'd  
2 had discussions, asked the applicant if they'd met with the West  
3 End Citizen's Association and they's said they'd been meeting  
4 with them and conveyed some of their concerns so we didn't  
5 pursue that.

6 MS. KAHLOW: Since the West End Citizen's  
7 Association filed documents, three documents, before the Office  
8 of Planning report, on June 10, September 9 and December 11,  
9 issued that were not discussed in your report, is there a  
10 reason why you didn't include those issues in your report?

11 MR. McGETTIGAN: No, no.

12 MS. KAHLOW: Okay. Applicable law is my next  
13 question. Since statutory provisions take precedent over  
14 regulatory provisions, why did the OP's report, both the  
15 preliminary and the final report, fail to mention the 1994 and  
16 then repeated 1999 comprehensive plan amendment about PUDs in  
17 Ward 2 that reads, substantial part of the amenities provided in  
18 proposed PUDs shall accrue to the community in which the PUD  
19 would have an impact.

20 Is there a reason why you didn't talk about that  
21 new law?

22 MS. McCARTHY: The comprehensive plan is,  
23 unfortunately, not self actuating, so unless a comprehensive  
24 plan amendment is incorporated into the zoning regulations, the  
25 Zoning Commission does not have a way to consider that

1 regulation directly.

2 We certainly included it in terms of placing a  
3 great emphasis on amenities that related to the site and to the  
4 neighborhood around the site and directed the applicant to  
5 negotiate with all relevant neighborhood groups and indicated  
6 that we would back off from any direction to them about an  
7 amenity package until after a considerable period of time had  
8 been given to the IMF to negotiate with whatever groups were  
9 negotiating with them, which we knew or based on your reports  
10 and what our conversations with the IMF and the ANC were  
11 predominantly the West End Citizen's Association and the ANC.

12 MS. KAHLOW: Since this provision that I  
13 mentioned, the comprehensive plan is in the Ward plan and the  
14 Zoning Commission does not amend it's regs for Ward plans, but  
15 since it is law, it takes precedent. Is that not correct?

16 MS. MCCARTHY: It doesn't take precedent in terms  
17 of a zoning regulation.

18 MS. KAHLOW: Doesn't law take precedence over  
19 regulation?

20 MS. MCCARTHY: No, it doesn't. We certainly take  
21 every part of the comprehensive plan seriously when we're  
22 assessing something's consistency with the comprehensive plan,  
23 but as you know, the comprehensive plan is a huge, complex  
24 document, so while we weigh a provision that says it's important  
25 that amenities relate to the specific area around the building

1 in Ward 2, we also have provisions in the comprehensive plan  
2 that, I referenced in my report, talk about economic  
3 development, that talk about international organizations and  
4 others, so it's an extremely difficult balancing act for us.

5 MS. KAHLOW: I completely understand and I  
6 appreciate that. The question was, why did you not mention it  
7 so that the Zoning Commission would know about statutory  
8 provisions since the Zoning Commission regulations do not  
9 include provisions or in the Ward plans part of the  
10 comprehensive plan? I think it should have been noted was the  
11 question.

12 Amenities level. In your pre-set down report of  
13 September 11, the OP report. Ms. Mitten just was making mention  
14 of this.

15 OP recommended an acceptable off site amenities  
16 level, though it was not required by law, of 14 million and in  
17 the December report you came down to 2 million. Why did you  
18 make that huge jump from recommending 14 million to only  
19 accepting 2 million?

20 MS. MCCARTHY: I think what was we said in our set  
21 down report was that we were struggling to find touch stones  
22 that established some basis on which to evaluate what should an  
23 affective commensurate level of amenity be in relationship to  
24 the value that was achieved by the applicant, some kind of  
25 private value and it's the discussion we just had with Ms.

1 Mitten.

2 We tried to look at the value that was gained.  
3 We tried to look at the ability of the IMF to provide additional  
4 contributions. We looked at what was going into the building  
5 itself and the 14 million is one measure that would have been  
6 provided had there been an additional density beyond C-4 or a C-  
7 3-C PUD with additional density and had they chosen to follow  
8 the formula that's articulated in the zoning regulations, but  
9 that's all optional and when we looked at that, using what has  
10 been the typical standard of contribution of people, of  
11 applicants, to linkage payments, the amount of money was  
12 considerably less, about, you know, \$39,000.00, \$40,000.00 a  
13 unit in some of the more recent PUD cases.

14 MS. KAHLOW: Do you have a breakdown of those PUD  
15 cases so that the Commission could and we could review those? I  
16 mean I take your word for it, but it would be nice to see that  
17 analysis.

18 Our testimony includes some of the PUDs, but it  
19 would be helpful, I think, for us all to understand. This is a  
20 critical question that Ms. Mitten raised and we raised the  
21 question and the ANC raised the question.

22 MS. MCCARTHY: Right. First of all, the records  
23 that I was making was two cases in which you have a PUD which  
24 exceeds your matter of rights standard for the zone in which the  
25 PUD is located. There have only been, I believe two examples of

1 that, that have pure office PUDs without a housing component  
2 associated with them.

3 MS. KAHLOW: What are these two, please?

4 MS. McCARTHY: The Solar Building was the first  
5 one and the second one was 1700 K Street. Those both have been  
6 within the last two years, after the regulation was passed by  
7 the Zoning Commission.

8 We did also review a wide variety of other PUD  
9 cases to look at the level of amenities, but the problem is in  
10 those you find when you review that, that without an outside  
11 entity establishing the value of those amenities, in many  
12 instances, they aren't valued at all or they're valued in such a  
13 not credible way by the applicant that it's very hard to glean  
14 from that good, concrete mathematical data to come up with a  
15 formula that says, yes, this is what the PUD contribution level  
16 should be.

17 MS. KAHLOW: Okay, thank you. And on page 12 of  
18 your December report, your last recommendation is no loading or  
19 unloading to the building during a.m. and p.m. peak hours. On  
20 what analytic basis did you come to that recommendation?

21 MS. McCARTHY: One basis was that the IMF had  
22 indicated to us that they were close to an agreement with the  
23 West End Citizen's Association about restricting loading during  
24 peak hours, so we wanted to include any condition that was  
25 negotiated with the West End Citizen's Association as part of

1 the conditions in the package.

2 I think we agreed with DPW that were times that  
3 were more important than others in terms of that the loading  
4 being prohibited and I think that's best addressed to DPW in  
5 terms?-.

6 MS. KAHLLOW: I will. I just wanted to point out?-  
7 . I have a great number of questions on it for DPW, but since  
8 you mentioned it, I thought I could at least mention it to you.

9 Now also in this, you talk about the sidewalks  
10 and I will be asking DPW some detailed questions, I just wanted  
11 to get some understanding if you did the analysis. We did some,  
12 but if you did an analysis on the south side of Pennsylvania  
13 Avenue, the proportion of public right of way that is  
14 unobstructed, in each of the buildings, this building versus the  
15 others. Have you done any kind of analysis of all the buildings  
16 on the south side of Penn?

17 MS. McCARTHY: On the south side of Pennsylvania  
18 Avenue for the length of the street?

19 MS. KAHLLOW: From Washington Circle, I'm sorry, I  
20 didn't know if you remembered from last time, from Washington  
21 Circle to the White House, proportion of sidewalk space that is  
22 unobstructed at each of the buildings along that way.

23 We're going to peruse any evidence, but I  
24 wondered if OP also considered it?

25 MS. McCARTHY: No, we have not analyzed it that

1 way.

2 MS. KAHLOW: Does the OP have any concerns about  
3 the IMF proposing encroachment into the public right of way  
4 because it's a special street?

5 MS. McCARTHY: And by encroachment you mean?

6 MS. KAHLOW: Taking up, unobstructed, unfettered,  
7 as it is, the grand avenue and now we've got stuff in the  
8 middle.

9 MS. McCARTHY: Are you talking about benches and  
10 trees being obstructions?

11 MS. KAHLOW: I'm talking about the planters  
12 specifically, not the benches and trees. The planters, the huge  
13 planters. The trees and the benches we understand, but the huge  
14 planters are the ones we object to. Have you considered?-.

15 MS. McCARTHY: Yes, no. I mean we certainly  
16 considered that. I think our feeling was that the planters and  
17 the benches could be designed to meet both security concerns and  
18 be attractive places to put plants.

19 MS. KAHLOW: Would OP object to reducing the size  
20 of those planters because we think they encroach on, keeping the  
21 benches, keeping the trees, would you object to reducing the  
22 size?

23 It's a crucial issue to us, that's why I'm  
24 asking. They claim you are forcing this, so the question is,  
25 are you forcing this or would you agree to reducing it?

1 MS. McCARTHY: I think that's a hypothetical  
2 question that's very hard to answer without looking at what the  
3 design would be.

4 MS. KAHLOW: Would smaller planters be okay with  
5 you?

6 MS. McCARTHY: I don't think that as a matter of  
7 course that we'd have an objection to smaller planters, but?-.

8 MS. KAHLOW: Thank you.

9 MS. McCARTHY: We didn't find the existing  
10 planters to be objectionable either.

11 MS. KAHLOW: Thank you. The rest are DPW if  
12 they're here and can answer them, but if they can't answer them,  
13 can I call OP back because I'm assuming that they'll be able to  
14 answer those questions. Otherwise OP is, Ellen is just  
15 wonderful.

16 CHAIRPERSON MITTEN: Isn't there somebody here  
17 from DPW? Yes? Okay. Not quite yet, but we just wanted to  
18 know if you're here.

19 MS. KAHLOW: Is the DPW person going to do both  
20 street traffic and sidewalks? That's what I don't know, if they  
21 brought the person that's qualified to do both or if?-.

22 CHAIRPERSON MITTEN: I haven't any idea, so we'll  
23 just have to move on.

24 MS. KAHLOW: Can we re-bring her up if they can't  
25 answer it?

1 CHAIRPERSON MITTEN: Certainly.

2 MS. KAHLLOW: Thank you.

3 CHAIRPERSON MITTEN: I think we're now ready to go  
4 to the DPW report. Mr. Altman, did you have something?

5 DIRECTOR ALTMAN: I just wanted to make one point  
6 of clarification. I think Ellen McCarthy said this, but we  
7 never required in the previous report 14 million. I just wanted  
8 to point out it wasn't a requirement, it was when we started to  
9 look at the package. We didn't say even that was necessarily  
10 the benchmark, it was just a way to try to get our arms around  
11 what we could get to, the appropriate package today.

12 CHAIRPERSON MITTEN: Thank you. Now we're ready  
13 for the gentleman from DPW.

14 MR. QUIN: I'm sorry. I just don't want to waive  
15 my, I just have one redirect question, but I was gong to wait  
16 until everybody was finished.

17 CHAIRPERSON MITTEN: For OP?

18 MR. QUIN: OP, it's just one question.

19 CHAIRPERSON MITTEN: Let's get it out of the way  
20 now.

21 MR. QUIN: Just one question. In discussing or  
22 trying to answer the question from Ms. Kahlow about the size of  
23 the planters, do you happen to know what the planter was  
24 designed for in terms of the size of the ball of the trees or  
25 any type of planting that is in the planters?

1 DEP. DIR. McCARTHY: Well, as Mr. McGettigan  
2 reminded me, planters have to big enough to have room for the  
3 plants.

4 MR. QUIN: Right.

5 DEP. DIR. McCARTHY: So there is some practical  
6 limitation of how small you can make the planters, yes.

7 MR. QUIN: Thank you.

8 CHAIRPERSON MITTEN: You just pull the mic over in  
9 front of you and you need to turn it on. There's a button in  
10 the middle and you can begin by identifying yourself for the  
11 record and then go into your statement.

12 MR. BAH: Good evening, Madam Chairperson.

13 CHAIRPERSON MITTEN: Good evening.

14 MR. BAH: And members of the Zoning Commission.  
15 For the record, my name is Abdoulaye Bah. I'm a Transportation  
16 Engineer in the District Division of Transportation.

17 CHAIRPERSON MITTEN: And did you have a prepared  
18 report that you want to make or just respond to questions?

19 MR. BAH: No, per se. I have already submitted a  
20 report to the Zoning Commission through the Office of Planning.

21 CHAIRPERSON MITTEN: Yes.

22 MR. BAH: I will be very glad, very happy to  
23 answer any question you may have regarding our report.

24 CHAIRPERSON MITTEN: All right. Let me see if the  
25 commissioners have any questions for you. Any questions for, is

1 it Mr. Bye?

2 MR. BAH: Bah, B-A-H.

3 CHAIRPERSON MITTEN: B-A-H, sorry, thank you. Any  
4 questions? Mr. Quin, did you have any questions?

5 MR. QUIN: No questions.

6 CHAIRPERSON MITTEN: Ms. Elliott, did you have any  
7 questions for Mr. Bah? I know Ms. Kahlow has some questions for  
8 you. You might as well take your jacket off and get  
9 comfortable.

10 (Laughter.)

11 MS. KAHLOW: I thank you for the report. What was  
12 the increase in traffic that DPW estimated for the new Red Cross  
13 Building, replacing the 125 employees with 2000 employees? What  
14 was the increase in traffic on 20<sup>th</sup> Street that you computed?

15 MR. BAH: The Red Cross Building?

16 MS. KAHLOW: There's a new Red Cross Building at  
17 2025 E Street. It used to be a landmark building of 125  
18 employees, it's not going to have 2000 employees and what would  
19 be the increase in traffic on 20<sup>th</sup> Street, what was your  
20 analysis? What was the change because of that building?

21 MR. BAH: I don't recall any analysis we made at  
22 that building.

23 MS. KAHLOW: Thank you. What was the analysis  
24 that DPW did for the new building at 1957 E Street? Again, a  
25 great number of more employees than the earlier building that's

1 there for 20<sup>th</sup> Street. What was your analysis for that  
2 building?

3 MR. BAH: You mean the George Washington?

4 MS. KAHLOW: Yes, the George Washington University  
5 building on 1957 E Street between 19<sup>th</sup> and 20<sup>th</sup> on E.

6 MR. BAH: I could give you the number, but I don't  
7 have them with me.

8 MS. KAHLOW: That would be wonderful if you could  
9 submit it for the record.

10 MR. BAH: For the Zoning Commission too.

11 MS. KAHLOW: Yes. The report doesn't have any  
12 analysis, only conclusions and if you have the data that would  
13 be very helpful.

14 CHAIRPERSON MITTEN: Is that something that's  
15 already been prepared and you could just?

16 MR. BAH: I believe we had the Zoning Commission  
17 case in that building.

18 MS. KAHLOW: Well, there was a case and there  
19 wasn't an analysis, so there is an analysis by that applicant.  
20 What I'm asking for, did DPW do it's own analysis because, of  
21 course, you did say, we agree with the applicant's  
22 transportation.

23 The question is, did you do your own analysis of  
24 your own traffic plans? I want the DPW's analysis.

25 MR. BAH: If there is any analysis made by the

1 applicant, we review the applicant's transportation.

2 CHAIRPERSON MITTEN: Mr. Bah, she's asking,  
3 relative to the Red Cross and also relative to the 1957 E Street  
4 building, did the Department of Public Works, Division of  
5 Transportation, do any kind of independent analysis of the  
6 additional traffic that would be generated by either of those  
7 projects?

8 MR. BAH: We review the applicant's  
9 transportation?-.

10 CHAIRPERSON MITTEN: You just review?

11 MR. BAH: And the findings. If we agree with it,  
12 we said, yes, we believe what the applicant came up with is  
13 acceptable from a transportation generation rate.

14 CHAIRPERSON MITTEN: So if you find when you do  
15 your review, if you find it acceptable, you don't do any further  
16 analysis, independent analysis. Is that correct?

17 MR. BAH: Unless there is a special issue  
18 associated with that.

19 CHAIRPERSON MITTEN: Okay.

20 MS. KAHLLOW: The ANC has gone to the Department of  
21 Public Works and asked that there be an analysis of this issue  
22 because of the loading dock moved from H Street to 20<sup>th</sup> Street  
23 and I know that one of the commissioners brought Mr. Tangolini  
24 down and there was suppose to be an analysis. Was there an  
25 analysis done by DPW, independent analysis of the loading dock

1 issue, the move from H Street to 20<sup>th</sup> Street?

2 MR. BAH: I don't recall any independent review  
3 by?-. I would tell you I was on vacation in West Africa, but we  
4 have other members if we have any special study, we look for it.

5 MS. KAHLOW: Thank you so much.

6 MR. BAH: And provide it to you.

7 MS. KAHLOW: Now on page 3 of your January 4  
8 report, you say that all intersections will operate at level of  
9 service D or better.

10 At the last Zoning Commission hearing, Mr. Hood,  
11 one of the commissioners, asked about the former and the current  
12 level of service. Could you give us the former and the current  
13 level of service in the a.m. and the p.m. on 20<sup>th</sup> and  
14 Pennsylvania and 20<sup>th</sup> and H?

15 MR. BAH: The former?

16 MS. KAHLOW: The current and what it would become  
17 because of the Red Cross, the new IMF building, the new 1957 E  
18 Street, etcetera. What is it now at the 20<sup>th</sup> and Penn and 20<sup>th</sup>  
19 and H and what will become with these three new buildings.

20 MR. BAH: In my recollection, this building, this  
21 intersection will be very marginally affected, but the level of  
22 service at this time forward is D or better.

23 MS. KAHLOW: D or better. I mean what we didn't  
24 know, are they both D in the morning and the afternoon now and  
25 they'll stay D? You know, is there some aggregation of D. You

1 know, F is total failure, but D is almost failure, as Mr.  
2 Parson's said.

3 What I'm trying to understand is how bad of a D  
4 is it and were they both Ds in the morning and are they both Ds  
5 in the afternoon and with the change of the loading dock from H  
6 to 20<sup>th</sup>, will that, besides the new buildings and traffic, will  
7 the change in loading docks exacerbate that problem and have you  
8 figured in three new buildings and the change in the loading  
9 dock? That's the question.

10 MR. BAH: The loading dock, as it today and if?

11 MS. KAHLOW: If they moved it.

12 MR. BAH: Well, you have a better level of service  
13 on H Street and 20<sup>th</sup> if you remove the loading dock from H  
14 Street, which is a one way street, I believe. This is a two way  
15 street, so maneuvering of truck in and out, of course you will  
16 have bigger, larger delay and time of delay.

17 SECRETARY BASTIDA: Yes, on 20<sup>th</sup> is the commuter  
18 street that we're worried about.

19 MR. BAH: Sure.

20 MS. KAHLOW: What will be the delay? How bad a D  
21 does it go from D to D with this increase of the three new  
22 buildings and the loading dock? That's what I'm trying to  
23 understand and only in the a.m. and p.m. rush periods and I  
24 wondered if there was an analysis of that?

25 MR. BAH: You have a delay. When you're talking

1 about delay, you have a range of traffic delay, a number of  
2 seconds of delay?-.

3 MS. KAHLOW: Do you have an analysis?

4 MR. BAH: So you might have here maybe 30 in D, at  
5 the \*\*\* side 35 or 40, it would be D, but a \*\*\* would be better  
6 off than the other D.

7 MS. KAHLOW: I do understand that. Do we have the  
8 numbers that relate to that?

9 MR. BAH: I could provide you with those numbers.

10 MS. KAHLOW: That would be wonderful, thank you.  
11 And now the other questions are about the sidewalks, but if  
12 you're a transportation person, I'm not sure that you can answer  
13 about the sidewalks. Can you answer about the sidewalks?

14 MR. BAH: I don't know the questions.

15 MS. KAHLOW: Oh, okay. I didn't want to get out  
16 of your area. I just wanted to understand about the?-.

17 It says here in the DPW report, the report that  
18 we're talking about, the January 4 report. Both the applicant  
19 is required to obtain final approval from the Public Safety  
20 Committee for the street scape site plan to ensure compliance  
21 regarding location of ballards, street furniture, benches and  
22 planters within the public right of way and what I wanted to  
23 understand is, what analysis the Public Safety Committee does  
24 about those issues.

25 Do they analyze the building with some kind of

1 standards on the south side of Pennsylvania Avenue. What is the  
2 analysis? I'm not as familiar with what DPW does there. It's  
3 on page 5 of the report, if that helps.

4 MR. BAH: We don't have a special analysis of that  
5 for what we say here, the public space is under our control,  
6 whatever is going \*\*\* we just accept for our review.

7 MS. KAHLOW: But what is involved in the review is  
8 what I'm asking. I don't know.

9 MR. BAH: All the safety standards would be  
10 checked, the mobility for pedestrians. You would not like to  
11 have an obstacle in the public space, so if you proposing  
12 something out of design, \*\*\*, we'll ask the applicant \*\*\* find  
13 an acceptable solution for everyone.

14 MS. KAHLOW: Very good and do you do an analysis  
15 of just the individual building or of the buildings on either  
16 side, up and down the avenue. Is there a comparative analysis?  
17 I just don't understand the process.

18 MR. BAH: We go case by case. We don't have all  
19 those buildings at the same time, so if you have a special case.

20 MS. KAHLOW: How does DPW feel about open,  
21 unfettered sidewalk space versus objects in the middle, like  
22 planters in the middle of sidewalks? Do they have a position on  
23 that?

24 MR. BAH: What do you mean by fettered?

25 MS. KAHLOW: Unfettered, free, without anything in

1 it, just free sidewalk space versus sidewalk space where there's  
2 objects in the middle that pedestrians have to manipulate around  
3 them. Do you have a position on that, do you know?

4 MR. BAH: We don't want an obstruction in the  
5 public space, but at the same time we like to have some street  
6 scape and some street furniture, so you have to balance both  
7 things.

8 MS. KAHLOW: Well, thank you very much. I don't  
9 have other questions. Thank you.

10 CHAIRPERSON MITTEN: And did you have any follow  
11 up for the Office of Planning?

12 MS. KAHLOW: No. I think that we'll get this  
13 information on the traffic, which is the most important thing.

14 CHAIRPERSON MITTEN: Okay, Mr. Bah, you'll be able  
15 to provide us, if there was an independent analysis done by the  
16 Department of Public Works related to relocating the loading  
17 dock from H Street to 20<sup>th</sup> Street and then you'll also be able  
18 to provide us some information regarding the change in level of  
19 service once this new building were to be constructed? Is that  
20 information you'll be able to provide to us?

21 MS. KAHLOW: Only on 20<sup>th</sup>.

22 CHAIRPERSON MITTEN: Only on 20<sup>th</sup>.

23 MR. BAH: You're talking about 20<sup>th</sup> and Penn,  
24 right?

25 MS. KAHLOW: 20<sup>th</sup>, between H and Penn.

1 MR. BAH: 20<sup>th</sup> and H?

2 MS. KAHLOW: 20<sup>th</sup> Street between H Street and  
3 Pennsylvania Avenue. That's the area where the building will be  
4 and moving the loading dock from H, near 20<sup>th</sup>, to around the  
5 corner, 20<sup>th</sup>, between H and Penn. So that's where the traffic  
6 will go from a street that's not used very much to a street  
7 that's used a great deal in a.m. and p.m. rush and what we  
8 wanted to do was see the independent analysis, because you're  
9 the experts.

10 MR. BAH: Yes, this report. The location of that  
11 building if you want me to tell you.

12 MS. KAHLOW: Pardon me?

13 MR. BAH: This report has the location of the  
14 building on 20<sup>th</sup> Street. As I told you, 20<sup>th</sup> Street is one way,  
15 \*\*\*. It's easier for a truck to \*\*\*.

16 MS. KAHLOW: It's easier, but how does it affect  
17 the traffic, to make it from a D to bad D, a good D to a bad D  
18 is what I'm trying to understand.

19 MR. BAH: You can't have good D and bad D.

20 MS. KAHLOW: But the numbers would show.

21 MR. BAH: We will show?-.

22 MS. KAHLOW: We're worried about 20<sup>th</sup> Street.

23 Thank you. Thank you.

24 CHAIRPERSON MITTEN: Thank you, Mr. Bah.

25 VICE CHAIRPERSON HOOD: May I just say this brings

1 up a very interesting point with me. I'm interested in how this  
2 whole process either moves forward when an applicant?-, and we  
3 might not need to ask it in this case, but when an applicant  
4 comes in with a PUD and traffic is an issue and it's referred to  
5 the Department of Public Works, I'm interested and I don't know,  
6 maybe someone tonight can explain it to me, that whole process,  
7 because I don't know about my other colleagues, but I have some  
8 concerns about the dialogue I've been hearing about how we  
9 proceed in doing traffic analysis on the DPW end of it.

10 CHAIRPERSON MITTEN: While, if I could, just to  
11 have an aside on that subject. I have spoken to Mrs. Cress  
12 about concerns that we have and that have been raised at BZA  
13 related to the scope of the traffic studies that are done by  
14 DPW, given that they give direction to the applicants at the  
15 beginning of the process and we're going to do sit down with Mr.  
16 Tangolini and talk about the scope of the reviews that are done,  
17 as well as the degree of detail of the DPW reports that come  
18 before the Commission and the Board of Zoning Adjustment. So I  
19 think we'll be addressing those concerns in the future. Thank  
20 you. Thank you, Mr. Bah.

21 Any other government agencies represented here  
22 this evening? All right. Then we're ready for the report of the  
23 ANC.

24 MS. ELLIOTT: Good evening Madam Chair and  
25 commissioners. I'm Elizabeth Elliott, Chairperson of ANC - 2A

1 and I'm here with my fellow commissioner, Richard Price to  
2 present ANC - 2A's response on the International Monetary Fund's  
3 application in this matter before you.

4 I will be reading from this and skipping back and  
5 forth a little bit between our report, which you should have  
6 gotten with our filing and our resolution back on December 20  
7 and Commissioner Price, I'm going to ask him to butt in and add  
8 some comment on the amenities portion of it, which he is more  
9 familiar than I am.

10 CHAIRPERSON MITTEN: All right.

11 MS. ELLIOTT: Despite our continuing differences  
12 and lack of agreement with the IMF on many aspects of this  
13 project, ANC - 2A recognizes and is appreciative of the civil  
14 atmosphere of our discussions and the willingness of the IMF to  
15 meet and communicate with our Commission over the last eight  
16 months.

17 First, I would like to clarify and correct for  
18 the Commission and the parties some apparent misconceptions over  
19 the ANC's vote at a special meeting on December 17, 2001 on  
20 resolution 01-12A, which was filed timely with the Zoning  
21 Commission regarding this project.

22 The IMF resolution was the second of three issues  
23 on the agenda that evening. After the ANC's vote on the IMF  
24 resolution, representatives from the IMF left the meeting.

25 Prior to the conclusion of that meeting,

1 Commissioner Jeffrey Marootian of ANC - 2A - 03 requested the  
2 floor and the general consent of the commissioners present  
3 stated his views on the project and then changed his vote on the  
4 IMF resolution from No to Aye, making the final vote 4 - 1, with  
5 Commissioner Maria Tyler absent and not voting.

6 Although Commissioner Donald Morency voted  
7 against the ANC's resolution, this is not a sign of his support  
8 of the IMF application. In fact, as a private citizen  
9 referencing his position as an ANC Commissioner, Mr. Morency has  
10 been opposed to the IMF relocating and consolidating at this  
11 site for security reasons and has lobbied members of Congress,  
12 as well as the D.C. Government to join him in opposition to the  
13 IMF project before this Commission. There should be a letter in  
14 the public file on this case to that effect.

15 When first approached by the IMF on this project,  
16 ANC - 2A was well aware of the importance of this building and  
17 site. If approved by the Commission, the IMF's proposed project  
18 will have an impact for decades to come on this neighborhood.  
19 Particularly on the fragile non-university residential enclave  
20 located directly adjacent to the IMF, World Bank complex of  
21 buildings. The tiny gray area that you noted on the maps  
22 tonight.

23 From the outset of ANC - 2A's consideration of  
24 this project, the IMF has been unwavering in its pursuit of an  
25 outsized office development in the midst of the east end of

1 Foggy Bottom, one of the oldest residential neighborhoods in  
2 Washington.

3 The IMF seeks rezoning of the site, square 119,  
4 from its current C-3-C zoning, which permits a maximum height of  
5 90 feet and a maximum FAR of 6.5 to C-4 in order to construct a  
6 12 story office building, 130 feet in height, with 10 FAR. You  
7 can't get much bigger.

8 The IMF could ask for further flexibility and  
9 even more FAR, but that would require even more amenities to the  
10 community under the PUD regulation.

11 The east end of Foggy Bottom of ANC - 2A, where  
12 the IMF's proposed new headquarters property is located was once  
13 a wholly residentially zoned liveable and vibrant community  
14 neighborhood. There is not a dwindling residential enclave  
15 located just one block south of the IMF's 20<sup>th</sup> Street northwest  
16 HQ1 that has been under constant pressure from continuing  
17 development, environmental degradation and university expansion.

18 There are just two condominium and four rental,  
19 medium to high rise apartment buildings remaining in the east  
20 end that are non-university owned residential properties.

21 Since June of 1999 in ANC - 2A - 01, alone, there  
22 are two massive development projects ongoing that have  
23 circumvented environmental impact studies.

24 Despite the IMF project size, it's location  
25 within the central employment area will eliminate it from an

1 environmental impact study also.

2 During two separate neighborhood walks with IMF  
3 representatives, one of which was on a Saturday, Ms. Prebensen  
4 commented to me on both occasions how bad the air pollution was  
5 in the neighborhood and I agreed.

6 During the week, in addition to all the  
7 automobile traffic, there are dozens of commuter buses running  
8 up 20<sup>th</sup> Street for several hours in the morning and evening,  
9 spewing fumes the entire length of their trips.

10 During our talks with the IMF, ANC Commissioners  
11 also noted that the street areas surrounding and containing the  
12 IMF, IFC and World Bank complexes were virtual dead zones at  
13 night and one weekends.

14 Mr. Harry Cobb, noted architect on this project  
15 for the IMF, presented the ANC and the Zoning Commission with an  
16 impressive tour of the proposed HQ2, flying us at birds eye  
17 level around the building.

18 The emphasis in this presentation was HQ2's  
19 seamless visual integration into the ever encroaching central  
20 employment area filled with highway developed office boxes and  
21 within which the IMF property is now located.

22 One view in this presentation, looking south and  
23 west over the new building, starkly illustrates the massive wall  
24 of office buildings marching down the east side of 20<sup>th</sup> Street  
25 and looming over the adjacent properties.

1                   The whole of residential Foggy Bottom continues  
2                   to be under intense pressure from development, especially  
3                   institutions such as the IMF, including the very adverse ripple  
4                   effects on our residential neighborhood caused by the IMF, the  
5                   World Bank, George Washington University and the American Red  
6                   Cross. All of whom benefit from tax free status in the  
7                   District.

8                   The IMF purchased this property from George  
9                   Washington University in 1996 and subsequent support in 1999 of  
10                  GW's industrial revenue bond application before the D.C. City  
11                  Council was another blow to the residential community, providing  
12                  the university with an influx of cash from the sale and  
13                  justification for its continued westward and southward drive  
14                  into another core residential area of our neighborhood.

15                  This is not a speculative assertion and we've  
16                  provided some material in our report about some of the ripple  
17                  effect problem going on down in Foggy Bottom, which you've also  
18                  heard over the last couple of months in front of this  
19                  Commission.

20                  A specific concern of ANC - 2A involves the  
21                  precedent the zoning change will establish for land west of 1900  
22                  Pennsylvania Avenue, specifically the south side of Pennsylvania  
23                  Avenue between 21<sup>st</sup> and 22<sup>nd</sup>, the old George Washington  
24                  University Hospital, One Washington Circle, owned by GW, as well  
25                  as blocks west of Washington Circle.

1           Development attempts to leverage the IMF approval  
2 to continue the conversion of Foggy Bottom West End from a  
3 residential neighborhood to a commercial, institutional campus  
4 area, a violation of the comp plan, is of great concern to the  
5 ANC.

6           Building zone C-4 and 130 feet tall, with FAR of  
7 10, will have a major impact on the desirability and livability  
8 of our neighborhood as a residential community.

9           ANC - 2A sees that the development pressure will  
10 continue and the residential will continue to suffer from an  
11 acute lack of financial resources, in relative to our wealthy  
12 community institutions.

13           To properly examine the development on any basis  
14 of equality with the developers, the community needs access to  
15 zoning, planning, traffic and environmental experts. It also  
16 needs these entities to develop proactive proposals to stabilize  
17 and approve, not eliminate the residential phase of Foggy Bottom  
18 West End.

19           The District can not provide these experts. ANC  
20 - 2A can not afford them and residents, personally, do not have  
21 the required financial resources to pay for this expertise.  
22 Yet, these residents are the life blood and the most important  
23 tax contributors to the city.

24           ANC - 2A commissioners have met several times  
25 with representatives of the IMF and the IMF has come before the

1 ANC at two public meetings.

2 ANC - 2A has also met numerous times over many  
3 months with the Office of Planning for guidance and assistance.

4 A result of those discussions was ANC - 2A's  
5 proposal that the IMF PUD include a significant and appropriate  
6 contribution for neighborhood improvements that are essential to  
7 the livability of Foggy Bottom West End.

8 This proposal was outlined and submitted to the  
9 Commission through the Office of Planning report at the set down  
10 hearing on this case. ANC - 2A further refined its comments for  
11 our December 21 submission to the Commission.

12 At OP's suggestion, ANC - 2A began the process of  
13 developing an illustrative list of projects that demonstrated  
14 direct nexus between the IMF project on the one hand and  
15 neighborhood needs on the other.

16 Out of these discussions grew the concept of an  
17 entity, the Foggy Bottom West End Neighborhood Renewal  
18 Corporation/Foundation, which would be governed by trustees,  
19 some of whom are residents of Foggy Bottom West End and are  
20 appointed by representatives of ANC - 2A and neighborhood civic  
21 associations. The seed funding for the foundation would come  
22 from the IMF's contribution.

23 The corporation/foundation is in the formative  
24 stages and its mission is to develop a plan and fund projects  
25 and programs aimed at improving and renewing the quality of life

1 in this neighborhood.

2 ANC - 2A's neighborhood renewal foundation  
3 proposal will provide flexibility of the community for defining  
4 suitable amenities and accountability for assuring that  
5 amenities are developed with community input and guidance.

6 The community's experience with the millennium  
7 PUD proved that neither can the developer nor the city agencies  
8 consistently deliver amenities that the community expected or  
9 wanted.

10 For example, landscaping that had been promised  
11 under the PUD for traffic islands would have been eliminated by  
12 the city if the neighborhood had not objected. One island is  
13 covered with inch long thorns that make upkeep most impossible.

14 The benches in Washington Circle were placed  
15 close to traffic with the result that they are hardly ever used.

16 Finally, the developer has yet to plant all the  
17 trees promised under the PUD.

18 Since July, the IMF has stated that it would be  
19 difficult for the organization to come up with additional  
20 funding for the neighborhood, but has increased the amount  
21 offered for these amenities from \$300,000.00 to \$1 million.

22 ANC - 2A maintains that this amount is still much  
23 to small relative to the additional building rights that  
24 rezoning would provide.

25 It is also small relative to the total cost of

1 the IMF project, approximately \$250 million and in relation to  
2 the IMF's financial position. The more so given the subsidy  
3 that the city provides the IMF every year.

4 As the Office of Planning has pointed out, if the  
5 project were required to provide a housing contribution, the IMF  
6 would be required to make a contribution to the Housing  
7 Production Trust Fund of almost \$14 million, as we were just  
8 discussing here.

9 On to the security issues just briefly. When ANC  
10 - 2A began talks with the IMF in the Spring of 2001, this  
11 project already presented major security and safety concerns.

12 IMF meetings had been the target of  
13 demonstrations that have caused major destruction around the  
14 world, including Washington D.C., resulting in violence and  
15 destruction of property.

16 The residents of the Woodly Park community of  
17 Washington D.C. had the resources and the clout to move the  
18 meetings out of their neighborhood. Foggy Bottom did not.

19 As the September 2001 meetings of the IMF  
20 proceeded as scheduled, the residents of single member district  
21 ANC - 2A - 01 would have been entirely surrounded by a proposed  
22 10 foot high security barricade.

23 In a post September 11 era of terrorism and bio-  
24 terrorism, demonstrations against the IMF will have a very  
25 different character from previous demonstration and have the

1 potential to include more far reaching and destructive behavior.

2 The IMF may be able to secure its buildings  
3 against attack, but the IMF will never be able to protect us,  
4 the residents of the neighborhood, against chemical and  
5 biological agents.

6 I'd like to have Commissioner Price talk about  
7 some of the specifics of our benefits proposal, if you're  
8 willing to hear that.

9 CHAIRPERSON MITTEN: Certainly.

10 MR. PRICE: I think I'll talk rather about some of  
11 our concerns about the amenities that the Office of Planning has  
12 signed off on that are in this package and some of my questions  
13 have already addressed these concerns.

14 So, for instance, the premium facade. This is a  
15 very expensive community amenity and it's all about the security  
16 of the IMF building. We're not made secure in the process of  
17 their making their building more secure, so why should we have  
18 to pay for that. Why should we be charged that amount for a  
19 local community amenity?

20 The water feature is admittedly very nice. I  
21 think it's a nice design feature, but the reality of that water  
22 feature is that, as I understand the project, an atrium in the  
23 center of this building requires the location of this large  
24 meeting room on Pennsylvania Avenue to have one of its sides  
25 located on Pennsylvania Avenue.

1           So why should we be charged a community amenity  
2 for the water feature for a feature of the building that is  
3 really about accommodating people who work in the building,  
4 providing them atrium and light space and that's an expensive  
5 amenity, it's \$1 million dollars.

6           I made earlier, somewhere, a point about the  
7 landscaping and the planters. There's a security element there.  
8 We should not be charged a local community amenity for that.

9           Now, we're also being charged for retail  
10 restaurant space and I think we all agree that the feature of  
11 this building is admirable, but we're not getting anything more  
12 with this restaurant. There has been a restaurant in that  
13 location for as many years as I can remember the building being  
14 located there.

15           Dominique's Restaurant was located there for many  
16 years and most recently, the SoHo restaurant, so we're not  
17 getting something new from this.

18           Now about some of the local neighborhood  
19 amenities in this package that have been signed off by the  
20 Office of Planning.

21           Perhaps the amenity of greatest concern to us is  
22 the replacement of park benches. Now we find that objectionable  
23 for two reasons.

24           First of all, these benches are located in four  
25 U.S. Park Service parks. This amounts to a subsidy to the

1 Federal Government. I do not think the District of Columbia  
2 should be in the business of subsidizing the Federal Government.

3 The second objection we have to that is that our  
4 last PUD, the millennium project, had a similar amenity, so we  
5 have had some experience with replacement of park benches.

6 The problem is that the U.S. Park Service does  
7 not care enough about these parks. I'm ANC Commissioner for the  
8 area where the millennium project is located. The benches were  
9 located in Washington Circle and two other small parks, very  
10 similar to these four parks around the IMF, they are also U.S.  
11 Park Service Parks and I have to call on a regular basis, at the  
12 request of my constituents, the U.S. Park Service to cut the  
13 grass and weed these parks. There are weeds, literally, three  
14 feet high.

15 Now why do we want to waste money on an amenity,  
16 when clearly the Park Service doesn't care enough about the  
17 parks or the Federal Government has decided that these parks are  
18 not important enough for the Park Service.

19 Now I think this comes from, this proposed  
20 amenity comes from the West End Citizen's Association and having  
21 had conversations with people in the West End Citizen's  
22 Association in the past, they think that segmented benches  
23 discourages homeless populations from living in the parks.  
24 Sleeping on the benches can be, perhaps, an attraction to  
25 homeless people locating semi-permanently in a particular area.

1 I walk by these parks on a regular basis and I do  
2 not see people sleeping on the existing benches. They sleep on  
3 the plazas of the office buildings adjacent to these parks, so  
4 if the goal is to discourage homeless people from sleeping on,  
5 they're not sleeping on these benches now.

6 I guess the West End Citizen's Association has  
7 said, with regard to the prescription drug program for Saint  
8 Mary's Court, that this is the most important need of Saint  
9 Mary's Court.

10 Now when Mr. Quin called the Executive Director,  
11 Beatrice Watson, about this \$100,000.00, she called me. Now why  
12 would she call me? Well, I'm involved in my community. I  
13 served on the board of Saint Mary's Court for six years. I was  
14 its president for two years.

15 And she said, GW University wants to buy a van  
16 and we had offered, in our package, a proposal for the purchase  
17 of van for \$75,000.00, I think, and an additional \$50,000.00 for  
18 operating the van. As a former board member, we'd been down  
19 this path a number of years ago and we could have applied to  
20 some churches in the area for the purchase of a van.

21 Saint Mary's Court does not have operating funds  
22 to pay for insurance, to hire someone to drive the van, to pay  
23 for gas, etcetera. So there is always that additional amount  
24 Saint Mary's Court could not afford and that is the \$50,000.00  
25 that, I think, is meant to be represented here. Saint Mary's

1 Court does not need two vans and they will never be able to  
2 operate two vans.

3 But to return to the prescription drug program  
4 now. I said to Ms. Watson, I've known her for a long time, Bea,  
5 you could never use \$100,000.00, what are you going to do and  
6 she said, she had sat down with the recreational therapist, a  
7 social worker, Margaret Pulley to say, Margaret, how long would  
8 it take for us to spend \$100,000.00 on prescription drugs.

9 Well and the conversation I had with Dr. Singh,  
10 this latest submission from the IMF, with Ms. Watson a few days  
11 ago, she said they spent \$500.00 a year on prescription drugs.

12 Now they do so, in part, because a significant  
13 portion of that population is so poor that they qualify for  
14 Medicaid. Medicaid covers prescription drugs for all elderly,  
15 disabled people in the District of Columbia.

16 And if you notice in the letter they submitted,  
17 that Mr. Quin talked about, Ms. Watson indicated the \$100,000.00  
18 would be used for prescription drugs and other health care  
19 purposes.

20 The real need at Saint Mary's Court is for  
21 personal care services, aid services, for people who age in  
22 place. To get into Saint Mary's Court, you have to be  
23 independent, but as you age in place, you develop frailties, you  
24 have needs and if you can not take care of yourself, if you  
25 can't keep your apartment clean, if you become temporarily ill,

1 you need someone to come in and help you. If you can't manage  
2 that yourself, you're out.

3 This is a Housing and Urban Development project.

4 HUD is in the business of bricks and mortar and not in the  
5 business of providing personal care.

6 So, we have suggested the van in our package  
7 because it would serve a broader purpose than just serving  
8 residents at Saint Mary's Court.

9 When I was on the board, IONA Senior Services,  
10 the aging agency that serves Ward 3 and Foggy Bottom West End,  
11 did a survey, with our assistance, of residents of Foggy Bottom  
12 West End and we discovered there were a number of elderly people  
13 throughout the community who could not come to the meal program,  
14 operated by IONA at Saint Mary's Court at lunchtime.

15 And in addition to the lunch program, Saint  
16 Mary's Court has an activities program afterwards for  
17 socialization for elderly people. So residents of the community  
18 who were not residents of Saint Mary's Court, could not walk to  
19 Saint Mary's Court, they didn't come, so we included the  
20 suggestion of a van that maybe our Neighborhood Renewal  
21 Corporation would think about funding because it would serve the  
22 entire community.

23 Now having been a former board member and  
24 president of Saint Mary's Court, knowing that it is a first  
25 class institution, it would be hard pressed to say, we shouldn't

1 give them money for in home personal care services for their  
2 growing frail population.

3 And having tried this as president, I know it's  
4 very hard for them to raise money for that purpose, but our  
5 Neighborhood Renewal Corporation may say that's just a little  
6 too insular, it doesn't serve the broader community and maybe  
7 there are other sources, such as the church I happen to attend,  
8 which gave Saint Mary's Court \$18,000.00 for them to spend over  
9 a couple of years and they're approaching the end of that grant  
10 amount right now for funding those services.

11 Now a contribution to D.C. Central Kitchen and I  
12 assume this came from West End Citizen's because the last IMF  
13 PUD included a feeding program for the homeless population in  
14 this area and our package had an alternative approach.

15 Homeless people need food. There is no question  
16 about it, but food, in and of itself, does not deal with their  
17 problems. The problem with the homeless, as the Office of  
18 Planning has noted, is a very serious one in this location, but  
19 just giving them food isn't going to help them with their  
20 problems. It isn't going to provide them access to the services  
21 they really need.

22 Now I consulted Terry Lynch, one of the city's  
23 foremost experts on homeless service programs and Terry has sent  
24 a letter, which I hope we can include with our materials here  
25 saying?-.

1 CHAIRPERSON MITTEN: I think we have that already,  
2 actually. We have that?

3 MR. PRICE: We just received it.

4 CHAIRPERSON MITTEN: Oh, I thought we had some  
5 input from him already.

6 MS. ELLIOTT: You did have some input, but we just  
7 received a specific letter yesterday.

8 CHAIRPERSON MITTEN: All right.

9 MS. ELLIOTT: And a commitment to a case worker,  
10 so it would help funding at this point.

11 CHAIRPERSON MITTEN: Okay.

12 MR. PRICE: So Mr. Lynch's point of view is that  
13 there are other sources of food for homeless people, but our  
14 homeless population in Foggy Bottom West End could benefit from  
15 this homeless services program that DCC, Terry Lynch is  
16 Executive Director of the Downtown Cluster of Congregations, has  
17 operated for many years now, 10 years now.

18 The program consists of three case managers who  
19 get on the streets. They interact with the homeless people.  
20 They find out what they need. They try to direct them to the  
21 services they need to get them off the street, to mainstream and  
22 help them find the housing, the jobs, the substance abuse  
23 services, the mental health services they really need.

24 D.C. Central Kitchen is a worthy organization,  
25 but we don't think it is going to deal with the particular

1 problem, chronic, homeless problems we have in this area.

2 In our package, in our report, you've seen an  
3 illustrative list of other types of projects that we thought  
4 might be worthy of support, one of which is improvements to  
5 Stevens Elementary School.

6 Stevens Elementary School has been nominated to  
7 the National List of Historic Places. It is the longest  
8 operating public school that has served African American  
9 students and it's been in operation since 1877.

10 Now some people in our community do not think  
11 students at that school are members of our community. We  
12 thought this was a nice nexus for the IMF because IMF workers  
13 could provide tutoring after school to students there.

14 I guess we could debate whether the students are  
15 actually members of our community or not, but I bring this up  
16 because there is an improved amenity here for subsidizing the  
17 Federal Government and the Park Service.

18 Should we be doing that when Stevens School needs  
19 windows, needs computers, needs toilets in this facility. This  
20 is not appropriate.

21 CHAIRPERSON MITTEN: Mr. Price, let me just  
22 interrupt you for a minute and say something and then ask you a  
23 question.

24 When it comes to amenities, we evaluate the  
25 amenities that are offered to us by the applicant as being

1 adequate or inadequate. We are not in a position to say, we  
2 like these amenities better than the ones that you've offered,  
3 please choose from column B instead of from column A.

4 So we don't have the capacity to say, we'd rather  
5 you make a donation to Stevens School and we'd rather, you know,  
6 give the money to Saint Mary's Court for aging in place type of  
7 assistant, as opposed to a prescription drug program.

8 Especially as it relates to Saint Mary's Court,  
9 which you talked about at length, have you engaged the applicant  
10 in a discussion about the amenities that you would like to see  
11 them offer, especially as it relates to Saint Mary's Court?

12 MR. PRICE: Yes, we have.

13 CHAIRPERSON MITTEN: Okay.

14 MR. PRICE: So they have come to our ANC meetings  
15 with alternative lists of amenities. Some meeting, maybe it was  
16 November, Stevens School was on the list.

17 CHAIRPERSON MITTEN: On whose list?

18 MR. PRICE: On their list.

19 CHAIRPERSON MITTEN: All right.

20 MR. PRICE: And then in their next submission it  
21 was taken off and I assume it was taken off because of some  
22 opposition from or perceived opposition from West End Citizen's  
23 Association .

24 Now I think IMF has been trying to negotiate both  
25 with us and the West End Citizen's Association. I guess the

1 question is, did we ever sit down and work with West End  
2 Citizen's Association and we haven't and I think you heard a  
3 little bit about that last week. We were concerned about issues  
4 of accountability, so we haven't.

5 So I think what has been going on here, the  
6 reality of this dynamic is that IMF has been trying to please  
7 both the ANC and the West End.

8 CHAIRPERSON MITTEN: All right and they haven't  
9 pleased you, I take it?

10 MR. PRICE: They have not.

11 CHAIRPERSON MITTEN: All right.

12 MR. PRICE: We do not think the amenities are  
13 suitable and as Ms. Elliott has indicated and I assume you're  
14 going to be talking about costs, we've talked a lot about the  
15 benefits of this project. We haven't talked about the costs of  
16 this project. We don't think the amenity package is large  
17 enough for the neighborhood.

18 CHAIRPERSON MITTEN: All right. I guess I just  
19 want to bring some closure to this discussion about amenities  
20 because we could go on about it quite a bit.

21 MR. PRICE: Yes.

22 CHAIRPERSON MITTEN: Thank you. Ms. Elliott, did  
23 you want to follow up with something else or?

24 MS. ELLIOTT: Well, I did want to mention also  
25 that as Commissioner Price said, there was a lot of talk about

1 the economic benefits that are a requirement of the  
2 comprehensive plan under PUDs and we think a lot of those  
3 benefits are really, purely redistributive.

4 I mean the IMF has been close to this current  
5 location and they're moving from other spaces into this new  
6 building or proposing to move into this new building and I just  
7 don't think a change of location is going to generate ten times  
8 more business or even one time more business if it's the same  
9 group of people moving in.

10 The other thing, which we did talk about in our  
11 report, and talked about all along are the opportunity costs and  
12 I did question Dr. Fuller when he gave his presentation and we,  
13 unfortunately, don't have the resources to hire someone to  
14 analyze the cost of having the IMF in this location or in the  
15 neighborhood and his presentation was strictly the benefit side  
16 of the presence of the IMF and we think there's a wash looking  
17 at the?-, we talked about the costs that we're going to wind up  
18 accruing to the city, due to the demonstrations that will be  
19 held annually in the District of Columbia. I think we go into  
20 that in our report. We have the figures on that.  
21 So that's part of it.

22 One of the other problems that we have is, as we  
23 said, SMD - 1, the single member district in which this project  
24 is located is really under tremendous pressure from all sides  
25 and a lot of these amenities, for example, the meeting space,

1 we've used that meeting space once in the last year. We had a  
2 meeting in 2000, I think, at the space and the IMF was gracious  
3 enough to accommodate us when our voting precinct was removed  
4 from the church up the street, on 20<sup>th</sup> Street and they took us  
5 over for that, but other than that, all these groups are from  
6 outside the neighborhood.

7 We really don't have that much call for using the  
8 facility and yet again, it's an amenity that's being kind of  
9 credited against us and it just seems that most of the?-, we're  
10 having problems with lack of housing down in our neighborhood  
11 and yet there's a \$1 million dollar amenity that's going to the  
12 District Housing Fund and these are some of the issues, money  
13 wise, that are going on with the amenities package and just the  
14 whole presence of the organization and the excess pressure  
15 they'll be adding.

16 I just wanted to close by saying, I did want to  
17 mention one more time, we did have a special meeting that was  
18 planned before the September 11 attacks and it was dealing with  
19 this project and we were adopting our report that evening and we  
20 did have Commander Peter Newsham come and talk about the  
21 security issues at that time and he was focused mainly on the  
22 demonstrations and did ask us in a public meeting and we do have  
23 that on tape, and we can provide the Commission with that, about  
24 the seeming lack of access.

25 They were asking us if we had any influence with

1 the IMF to deal with this because they were concerned about the  
2 demonstrations and the safety in the neighborhood and just the  
3 whole issue of that particular event and we can provide the  
4 Commission with that.

5 As we mentioned before, we have no expertise in  
6 security matters and we're relying on experts, both in and out  
7 of the government, to determine whether this location is safe  
8 and we are counting on the Zoning Commission and the information  
9 coming into the Zoning Commission to help us with that and as  
10 Commissioner Hood said, to help us with the safety and security  
11 of our neighborhood, because we are greatly concerned about  
12 that.

13 And I think that's it. Commissioner Price has  
14 one more point.

15 MR. PRICE: I'd like to make a couple points or  
16 summarize a couple points that we have in our report about costs  
17 of this project.

18 Now the District Government will lose a  
19 significant amount of real estate tax revenue through this  
20 project. It has been taxable to this point.

21 I understand from the IMF because I got different  
22 information from tax people in the District Government, but I  
23 understand the taxes are currently \$1 to \$1.5 million per year.

24 I did talk to an economic analyst, hoping that we  
25 could afford to get a letter or report written for this hearing,

1 but we couldn't afford it, literally, but he suggested that  
2 doing some back of the envelope calculations that with extra  
3 FAR, 54 percent, the 227,000 extra square feet of space and the  
4 improved site, that this property would generate \$5 million  
5 dollars per year in real estate taxes.

6 We know from last September that the planned  
7 meetings at the IMF, that the total cost for security for that  
8 three or four day meeting, weekend meeting, would have amounted  
9 to \$30 million dollars, half of which the Federal Government,  
10 very reluctantly, was willing to put up. The other half, the  
11 District Government would have to have paid and we also know  
12 that agencies that had not spent all of their fiscal year  
13 allocations by that point were going to be assessed for meeting  
14 those costs.

15 Now it seems to me we saw on this map here, all  
16 this blue area given over to institutional, not-for-profit use.

17 It seems to me that if this process allows or requires  
18 amenities to be provided to the community, we have to judge what  
19 those amenities should be, not only in terms of the benefits to  
20 IMF, but also the cost to the District.

21 Now maybe you saw this article in last November's  
22 Washington Post, Downturn has D.C. Looking for Help, Narrow Tax  
23 Base Hampers Recovery. Now are we forever going to be giving  
24 away our taxable property without appropriate, in this case  
25 amenities, offered in return.

1                   We do not think \$1 million dollars of  
2 neighborhood amenities or \$2 million dollars for the District is  
3 a suitable amount of amenities for the potential costs this  
4 project presents to the District of Columbia and to tax payers  
5 like me.

6                   I own real estate. I pay real estate taxes. I  
7 work in the District. I pay income taxes. If they don't pay  
8 it, I'm going to pay in the end and we all know that the tax  
9 rate in the District of Columbia is among the very highest in  
10 the country.

11                   We also have heard recently that our high income  
12 tax rate that's suppose to be reduced, they're talking about  
13 rolling that back, that decrease back because of the economic  
14 downturn again.

15                   So we forever shrink our tax base and who's left  
16 paying the bill. I guess suckers like me, who decide to  
17 continue living irrationally in this environment where we face  
18 higher taxes all the time and declining services.

19                   Now just one last thing I have to say. We did an  
20 estimate of how much, conceivable, the IMF would have to pay for  
21 this extra FAR if they went out and rented it.

22                   Now they're building a first class building,  
23 grade class A building, whatever the terminology is and some  
24 real estate friends of mine, I heard that the going rate is  
25 about \$55.00 per square foot to rent space. Translating about

1 230,000 square feet into a rental stream they would otherwise  
2 have to pay, amounts to \$12,650,000.00 a year.

3 So they build a building, spend \$250 million  
4 dollars building this building. They take it off the tax roles  
5 and they save, not only their base rent for C-3-C zoning, but  
6 they also save almost \$13 million more dollars per year by  
7 building this building and getting this extra FAR. 54 percent  
8 more FAR than is allowed on this site now.

9 CHAIRPERSON MITTEN: Thank you.

10 MS. ELLIOTT: Thank you, Madam Chair. I would  
11 just like to say in closing, the Home Charter for the District  
12 gave ANC - 2A the power to represent local representatives in  
13 expressing community concerns before District agencies and  
14 decreed that the concerns expressed by the ANC be given great  
15 weight and that written rationale be given should the agency take  
16 a position different from that of the ANC and with that, we will  
17 be happy to answer questions.

18 CHAIRPERSON MITTEN: Thank you. Any questions  
19 from the Commission for the ANC. Mr. May.

20 COMMISSIONER MAY: (off mic) I have to ask about  
21 the tax issues that were raised. Being also a resident of the  
22 District of Columbia, not saying what that means for my sanity.  
23 \*\*\* for a lot of us here.

24 When you talk about this building being taken off  
25 the tax roles. It doesn't seem that there's any doubt that the

1 IMF needs this amount of space. Would you suggest, as a  
2 District resident, that they shouldn't be building in the  
3 District?

4 MR. PRICE: We did suggest to them at the very  
5 first presentation they made to us about their building, because  
6 of the security concerns that they really should be on a campus  
7 located out at Brenton Woods, where I think their charter was  
8 created. Someplace out, like the CIA, where we would not have  
9 to worry about incurring \$30 million dollars of security costs  
10 for them to have an annual meeting.

11 COMMISSIONER MAY: I would take that as a yes.

12 MR. PRICE: Well, life is complicated, so you know  
13 the political reality of this is and I'd like to consider myself  
14 also a political realist. I think given the fact they're  
15 already in the location that they're going to continue to be in  
16 this location.

17 Not building on this site would mean perhaps  
18 there moving their other buildings off site and you know that's  
19 just not going to happen. Not in my lifetime at any rate.

20 COMMISSIONER MAY: Thank you.

21 CHAIRPERSON MITTEN: Any other commissioners have  
22 questions? Mr. Hannaham.

23 COMMISSIONER HANNAHAM: I really like the idea of  
24 the foundation, described as neighborhood renewal foundation and  
25 efforts like that have been made before, I know back in the late

1 `70s. There was a governmental entity, which was set up by the  
2 City Council. It was known as the Neighborhood Reinvestment  
3 Commission and it did a lot of good work and it made  
4 recommendations, which were turned into legislation, housing  
5 finance and other things and then it went away.

6 But I think that maybe if you guys looked at  
7 models like that and continue to work in that direction, getting  
8 foundation support, I think it's going to be extremely  
9 important.

10 It's like a David and Goliath battle that's going  
11 on between neighborhoods such as yours and it's going on all  
12 around the city. There are other variations of this same kind  
13 of a pattern. I can see the strength in linking up with other  
14 people, other organizations as well.

15 As far as the amenities are concerned, I don't  
16 know, as the Chair has indicated, what we can do. Throw it back  
17 into your court again and see if you can't discuss it with the  
18 applicant and the other members in your community to see what  
19 you can come up with as alternatives.

20 I'm in agreement with respect to the Park Service  
21 benches. In fact, I remember instances where they actually  
22 refused money because they just didn't want it. They really  
23 shouldn't have accepted it anyway.

24 And then some of the alternatives, Terry Lynch,  
25 you mentioned. I think those are good actions to follow up.

1           And I think that you're dealing in a very  
2 intelligent environment. I think that you'll find that the  
3 cooperation that has been going on for a long time around this  
4 PUD, it still will be there and there will be enough of it  
5 perhaps to refashion this thing and to make it a more practical  
6 kind of a package.

7           The other part of it about the adequacy of the  
8 amount. I really can't get a handle on that as to what might be  
9 appropriate, even though attempts have been made to just get a  
10 balance there. I'm still really wrestling with that. That's  
11 it.

12           CHAIRPERSON MITTEN: Thank you, Mr. Hannaham. Mr.  
13 Hood.

14           VICE CHAIRPERSON HOOD: Madam Chair, thank you.  
15 Ms. Elliott, your last statement was about the Home Charter, I  
16 think was definitely appropriate and a lot of times it's not  
17 done for the simple reason, I believe, that ANC commissioners  
18 sometimes come down in front of this board and have not done  
19 their part and my next question is whether or not you and  
20 Commissioner Price had single member district meetings and I may  
21 have asked these questions.

22           I know I've seen you all a number of times  
23 before, but I ask the same questions because to your statement,  
24 I think that ANC commissioners, who I may have voted in, they're  
25 charged with taking back the information to the community and

1 bringing it back is one. Speaking not just for themselves, a  
2 lot of times that happens. So did you have a single member  
3 district meeting on this issue?

4 MS. ELLIOTT: We did not. My single member  
5 district did not have a meeting, but I was involved with a  
6 number of the buildings in my area and also with my tenant's  
7 association and we did talk about this and we let them know  
8 about the special meetings and they attended the special  
9 meetings and we set up that special meeting with Commander  
10 Newsham.

11 VICE CHAIRPERSON HOOD: So outreach was done,  
12 outreach was done?

13 MS. ELLIOTT: Yes, absolutely.

14 VICE CHAIRPERSON HOOD: To the constituents.

15 MS. ELLIOTT: Yes.

16 VICE CHAIRPERSON HOOD: Okay, my next question.  
17 Did I hear you say that the meeting with Commander Newsham was  
18 on September 11?

19 MS. ELLIOTT: It was on September 14. We had  
20 scheduled it before because the notices had to go out, even  
21 though it was a special meeting, we had to get them out three or  
22 four days before hand. He did come.

23 VICE CHAIRPERSON HOOD: And my rationale for that  
24 is in the testimony that you said, you mentioned earlier, at  
25 that time a lot of folks were baffled by what happened, so he

1 might have been reactive, but I'm waiting to hear from him on  
2 his comments that you testified that he mentioned earlier.

3 The issue with the public use of the facility.  
4 That's an open invitation, am I correct? The IMF?

5 MS. ELLIOTT: As far as I know.

6 VICE CHAIRPERSON HOOD: So it's not necessarily  
7 the IMF's fault because the ANC only used it once?

8 MS. ELLIOTT: No and that was not the implication  
9 that I was trying to make.

10 VICE CHAIRPERSON HOOD: But it's an open  
11 invitation?

12 MS. ELLIOTT: Right.

13 MR. PRICE: Could I respond in part to that?

14 VICE CHAIRPERSON HOOD: Sure.

15 MR. PRICE: If we had our Neighborhood Renewal  
16 Corporation up and running, it could conceivable provide, fund,  
17 meeting space for organizations throughout Foggy Bottom West End  
18 or the broader community, but we would not have to spend  
19 \$8,000.00 per event, as the IMF does.

20 I called the Washington Monarch Hotel, 24<sup>th</sup> and M  
21 Street. It's a first class hotel. To rent a room for 100  
22 people it would cost our Neighborhood Renewal Corporation,  
23 today, \$500.00. To serve cookies and coffee, it would cost  
24 another \$500.00 to \$1,000.00, so being charged \$240,000.00 per  
25 year for this amenity, is it a rationale use of our local

1 amenities and I argue, we argue, it isn't.

2 VICE CHAIRPERSON HOOD: I understand exactly. I  
3 guess I'm looking at it from a different way. It's not my point  
4 is your point, so I won't belabor that.

5 I really wish and I've said this in other cases,  
6 I really wish I could get an understanding, Ms. Elliott, of the  
7 West End and the ANC and no disrespect to any of the sides.  
8 It's just that in every case, it's like the ANC is over here and  
9 the West End is over here and I've never seen any unity and I  
10 understand here that the applicant is having to please both  
11 sides and I think I'm starting to have some problems with that.

12 Because it seems like every case is the same way  
13 every time, but I understand?-. My impression is it's suppose  
14 to be the same neighborhood and I understand that neighborhoods  
15 disagree. Believe me, I live in one, so I know all about that,  
16 but sometimes, even Ward 5, we agree sometime.

17 I wish someone would really draw me a map. I  
18 don't know, Madam Chair, I'm to that point now because of the  
19 cases that we had. I'm not making light of the situation. I'm  
20 being very serious. So I can understand exactly who's impacted,  
21 who are the most effected and that way I can make an intelligent  
22 decision. Thank you. Thank you, Madam Chair.

23 CHAIRPERSON MITTEN: Thank you. Let's see if Mr.  
24 Quin has any questions.

25 MR. QUIN: No questions.

1 CHAIRPERSON MITTEN: Mrs. Kahlow, any questions?

2 All right. Well, thank you both.

3 What we'd like to do is take a little break and  
4 I'm very optimistic now that we will finish this evening, so I  
5 hope no one has any plans on derailing me on that.

6 We'll take a 10 minute break and then we will  
7 resume with persons in support, so we'll back here about 25  
8 minutes to 10:00 p.m.

9 (Whereupon, the foregoing matter went off  
10 the record at 9:25 p.m. and went back on the  
11 record at 9:40 p.m.)

12 CHAIRPERSON MITTEN: We're back. As usual, 10  
13 minutes in Zoning Commission is 15 minutes in everyone else's  
14 time.

15 We'll begin with persons in support and I have a  
16 proponent on the list, but I think that they were just part of  
17 the applicant's case. Is there anyone here that would like to  
18 testify in support? Of course, thank you. Okay, then we'll  
19 move to parties in opposition, West End Citizen's Association.

20 Just give us a minute so that Mr. Bastida can  
21 pass your materials down and adjust the clock. 15 for parties.

22 MS. KAHLOW: Excuse me, Ms. Mitten. You agreed  
23 that we had 30 minutes as a preliminary matter last time.

24 CHAIRPERSON MITTEN: I think we said we were going  
25 to explore whether or not there was going to be any redundancy

1 with the ANC report.

2 MS. KAHLOW: I don't believe there's any  
3 redundancy and I have prepared a statement in this matter  
4 assuming that we had 30 minutes. It may not take that long, but  
5 that was what we said. I could go back to the transcript and  
6 that is how we prepared.

7 CHAIRPERSON MITTEN: All right. Let me ask Mr.  
8 Quin, do you have any objection to 30 minutes for the  
9 presentation from West End Citizen's Association?

10 MR. QUIN: Yes, I do. I think that you should  
11 listen to the testimony and if it is repetitious of something  
12 then I think you should control that.

13 I understand that they have a position that they  
14 would like to make their points and I have no objection to that,  
15 but I think we should watch our time a little bit. I think we  
16 put our entire case on in one hour from the beginning.

17 CHAIRPERSON MITTEN: Okay. How about if we do  
18 this. We'll put 20 minutes on the clock and we're going to put  
19 you under pressure to consolidate this and we will try and look  
20 ahead to the issues that you might not get to, since you've just  
21 handed us your statements and if we have any follow up  
22 questions. I know we didn't give you a blanket agreement to 30  
23 minutes at the commencement.

24 MS. KAHLOW: My notes, I just checked them, it  
25 said 30 minutes, with flexibility and we will try very hard to

1 do less.

2 CHAIRPERSON MITTEN: Okay, thank you. I think in  
3 the interest in getting through your testimony in a timely  
4 manner, if you attempt to read straight off this, you won't make  
5 it, so just try and summarize.

6 MS. KAHLLOW: I'm going to skip paragraphs.

7 CHAIRPERSON MITTEN: Thank you.

8 MS. KAHLLOW: I'm Barbara Kahlow and I'm  
9 representing the West End Citizen's Association today.  
10 Accompanying me is West End Citizen's Association Board Member,  
11 Sara Maddux, who was Chairman of the ANC during the last phase  
12 of the IMF 1 headquarters building in the adjacent square 120.

13 During this period, I was vice-president of the  
14 Foggy Bottom Association, which is the West End Citizen's  
15 Association sister citizen association.

16 In 1991, both Ms. Maddux and I testified before  
17 the Zoning Commission in opposition to the IMF square 120  
18 proposal.

19 And then I have a paragraph about what we're all  
20 about. You all know what West Ends about.

21 My testimony will cover five areas. One,  
22 premature set down. Two, historical prospective. Three,  
23 statutory requirements. Four, safety and five, other square 119  
24 problems. Ms. Maddux will provide additional non-duplicative  
25 information from these areas.

1 First, premature set down. In June, we objected  
2 to a set down for four reasons, two were the complete absence of  
3 off site amenities and the second was the incomplete compliance  
4 with the Zoning Commission's conditions from the 1992 approval.

5 In September, two days before the horrific events  
6 of September 11, we wrote another letter opposing a set down on  
7 multiple grounds. Two which were insufficient off site  
8 amenities and second were traffic issues.

9 In January the IMF revealed at the first day of  
10 testimony that they had not yet contacted the U.S. Secret  
11 Service or the Homeland Security Director for Federal Security  
12 analysis due to the site's proximity to the White House and a  
13 post-September 11 error of needed increased security.

14 Now going to the next section, historical  
15 prospective. In it's July 1991 pre-hearing application  
16 statement, the IMF stated, "proposed addition in square 120  
17 would provide space for such meetings adequate for both the  
18 IMF's immediate needs and it's needs for the foreseeable  
19 future."

20 In fact, the Foggy Bottom community relied on the  
21 IMF's commitment that its expansion at that site, including its  
22 demolition of the historic West End Presbyterian Church and the  
23 adjoining park was the final end of its encroachment into our  
24 community.

25 In addition, the IMF remains out of compliance

1 with some of the Zoning Commission's requirements and I can name  
2 what that is.

3 In April 1994, to justify its removal of the West  
4 End Presbyterian Church and a need for an alley closing, the IMF  
5 testified before the D.C. City Council that it needed space for  
6 its many additional member countries.

7 For example, there was an increase of 23  
8 countries from 155 to 178 from July of '91 submission when this  
9 all started with the Zoning Commission to its April 1994  
10 testimony before the council.

11 Now the IMF has a 183 member nations. Therefore,  
12 there's an increase of only five countries in nearly eight  
13 years.

14 In April of 1994, the IMF testified that it has  
15 3,100 employees and its headquarters building would accommodate  
16 3,500 employees, including sub-contracted help. Now the IMF's  
17 website shows that it only has 2,500 employees.

18 If the IMF only has five additional member  
19 nations and 600 fewer employees, considering its mission, why  
20 does the IMF need to build a second headquarters building,  
21 primarily for consultants, which could be housed elsewhere and  
22 how can the IMF justify spending \$248 million dollars, \$98 for  
23 the land and \$150 million to construct a building for it.

24 I then site the articles of agreement and the by-  
25 laws, the entire relevant provisions, instead of the part that

1 was in their submission.

2 The bottom line is that none of the IMF's  
3 governing documents require headquarters 2 to be in Foggy  
4 Bottom. Instead, the West End Citizen's Association strongly  
5 recommends that the IMF relocate its proposed headquarters 2  
6 project to a more remote non-residential area elsewhere in D.C.  
7 or in the greater metropolitan area.

8 In fact, in the last few days, the World Bank has  
9 just about completed a deal to acquire 200,000 square feet in  
10 Herndon, Virginia for backup space in the case of any emergency  
11 or terrorist attack in Washington. That's a lot of space.

12 Next section, statutory requirements. After the  
13 IMF headquarters 1 experience, the Foggy Bottom community went  
14 to the council for relief. We got the comprehensive plan  
15 amendment that we'd been discussing earlier requiring  
16 substantial amenities to the community.

17 Originally, the IMF had no off site amenities,  
18 then it had \$300,000.00, then it has a million and we believe  
19 that's insufficient and I provide examples in the written  
20 statement of all the other PUDs in the area, in Foggy Bottom  
21 West End and what they gave and in proportion to the amount of  
22 FAR that they got, they gave more than the IMF gave.

23 Next section, safety. The world changed  
24 dramatically on September 11. Even before that infamous date,  
25 there was considerable concern because of the many incidents of

1 violence around the world in recent IMF meetings about the IMF  
2 meeting to be held from September 27 to October 1.

3 In fact, breaking a 20 year tradition, the  
4 Woodley Park, Ward 3 community, refused to welcome back the IMF.

5 As a consequence, the IMF scaled back its plans  
6 to only meet from September 29 to 30, a two day meeting. Police  
7 preparations for the two day meeting, for the expected  
8 demonstrations, amounted to a \$29 million dollar security plan,  
9 including a huge 220 acre, 70 square block fenced area to keep  
10 demonstrators out. From 14<sup>th</sup> Street on the east to 23<sup>rd</sup> or 24<sup>th</sup>  
11 Street on the west, they couldn't make that decision yet. From  
12 I Street on the north, to Constitution on the south.

13 The Bush Administration agreed to cover only \$16  
14 million. D.C. tax payers had to face the rest, \$13 million.

15 Finally, on September 17, the IMF decided on  
16 security grounds not to hold its annual meeting this past  
17 September. Does anyone anticipate a safer condition in the  
18 future for the IMF's annual meetings?

19 The WECA questions whether adding another giant  
20 12 story building in the existing IMF headquarters building in  
21 the adjacent World Bank headquarters complex would create a  
22 target for terrorist attacks.

23 Since square 119 at 19<sup>th</sup> Street is two blocks from  
24 the White House campus, both ANC - 2A and the West End have  
25 asked the Federal Government Homeland Security Director, Tom

1 Ridge and Secretary of Treasury, Paul O'Neal to consider the  
2 security implications of the IMF's proposed headquarters 2  
3 building.

4           When we heard at the last hearing that the IMF  
5 had not done so and the city officials have still not told us if  
6 they have, but since the Commission wanted us to, was interested  
7 also, we contacted Governor Ridge's office and today I spoke  
8 with an Assistant Attorney General in the Justice Department  
9 about how to proceed because everybody thinks this is quite  
10 serious and I talked again, just recently, right before this  
11 meeting, with the Treasury Department and hopefully we will get  
12 them to focus on this, but it would help us greatly if the  
13 Zoning Commission could also ask for this analysis before you  
14 make a decision.

15           Other square 119 problems. The WECA also opposes  
16 the proposed headquarters 2 building for multiple non-security  
17 reasons. For example, the loading dock and we've already talked  
18 about the fact with the increased traffic at the Red Cross  
19 building and the Elliott School and other buildings and since  
20 last summer, we have begged that the IMF relocate its loading  
21 dock to H Street where the current loading dock is and the IMF  
22 has stubbornly refused.

23           OP's report recognizes that there's a serious  
24 problem and recommends no loading or unloading, both a.m. and  
25 p.m. rush.

1 In fact, the IMF previously agreed to this a.m.  
2 and p.m. rush hour restrictions. I attached the document that  
3 they gave us.

4 Our second example is the IMF's plan for  
5 substantial encroachment into public sidewalk space on  
6 Pennsylvania Avenue, a designated special street in the historic  
7 \*\*\* for D.C.

8 Currently both sides of Pennsylvania Avenue from  
9 Washington Circle to right has just one unobstructed pedestrian  
10 friendly sidewalk. The other buildings now have appropriate  
11 curbside security or security ballards within the property lines  
12 without changing the character of Pennsylvania Avenue.

13 The IMF, yes, had made some changes, but  
14 insufficient changes and they've been hiding behind the fact  
15 that OP said they needed those big planters and now OP says  
16 that's not the case.

17 Clearly, the IMF could devise appropriate  
18 security, either within their property lines or closer to the  
19 curb without severely changing the character of Pennsylvania  
20 Avenue. Especially since they want such a huge increase in FAR,  
21 there's no reason why they can't include the security within  
22 their property lines with some reduction FAR, just like the new  
23 Executive Office Building did on the White House campus.

24 Ms. Maddux will go building by building, with  
25 beautiful photograph, as you asked, with the analysis of the

1 exact distance of unobstructed space.

2 Additionally, the West End wants several things.

3 One, a true community oriented retail at 19<sup>th</sup> and Penn, instead  
4 of yet another cultural exhibition space. Two, we object to the  
5 IMF's unnecessarily massive and ugly planters on Pennsylvania  
6 Avenue and three, we object to the IMF's proposed ugly stick  
7 lighting.

8 In its January submission, the IMF included an  
9 amenity of \$238,000.00 for a build out, as we talked about, of  
10 retail space at 19<sup>th</sup> and Penn. To allow a community oriented,  
11 moderately priced restaurant and market, like the SoHo market  
12 that just has left, instead of a market rate, pricey tenant, we  
13 would like to have that amenity dollars provide the things in  
14 the build out provided at 20<sup>th</sup> and Penn and instead of it's  
15 being a new amenity, it could just move the money from the one  
16 to the other.

17 That is what we recommend and we hope that you  
18 will do so. The IMF, last time, did provide a full build out of  
19 the kitchen for the West End Presbyterian Church and that was  
20 part of the agreement with the Zoning Commission last time.

21 Lastly, we hope the IMF will pay, because they  
22 pay no income or property taxes to D.C. that they could  
23 basically underwrite the rent, as GW is willing to do for 1957 E  
24 Street for less than market rates for the retail tenants so that  
25 we could get a moderately priced restaurant there.

1                   And the retail space does us no good, so we  
2 request an mechanism whereby the IMF would reduce it's request  
3 to grant if the retail spaces are not occupied in one year.

4                   Before I give you our eight point conclusion, I  
5 wanted to make mention of the D.C. Central Kitchen that was  
6 mentioned a few minutes ago by the ANC. I have spoken to the  
7 Executive Director, Robert Egger. He testified in front of this  
8 commission the last time for the square 51 PUD, only Mr. Parsons  
9 was the only one there and their program is multi-faceted,  
10 including the one that the President has recognized as best  
11 training programs to get people out of homelessness into good  
12 jobs. They have a program that does that.

13                   And what they did with the extra money last time,  
14 besides feeding in Foggy Bottom, was providing after school  
15 feeding for children in Wards 5, 6, 7 and 8 and they would be  
16 continuing that and if you would like, we can present the  
17 information about them or some of their, you know, if you could  
18 just look at the other record or whatever it is, it's a very  
19 worthy cause.

20                   In conclusion, the West End asks the Commission  
21 to postpone further considerations until the Federal  
22 Government's security analysis are completed. If the Federal  
23 Government does object on security grounds that this is a safe  
24 location, two blocks from the White House, WECA asks the  
25 Commission to require the IMF to 8 things.

1                   One, fully comply with the headquarter 1 order,  
2 including using its best efforts to establish an IMF West End  
3 Presbyterian Church Liaison Committee, with substantial  
4 representation from the neighborhood.

5                   Two, provide substantially more specific off site  
6 amenities.

7                   Three, move it's loading dock to H Street or  
8 restrict its use in both a.m. and p.m. rush hours, with penalty  
9 enforcement provisions, with penalty dollars going to a D.C.  
10 needy cause, so that if they violate it, by mistake or  
11 otherwise, used the dock during rush hour that they would be  
12 penalized and that every time there's a penalty the dollars  
13 would go to a D.C. needy cause of the Zoning Commission's  
14 choice.

15                   Four, move its security within its property  
16 lines, instead of on public sidewalk space.

17                   Five, not include yet another cultural exhibit  
18 space at 19<sup>th</sup> and Penn.

19                   Six, substantially downsize, both in length and  
20 width, the planters on Pennsylvania Avenue.

21                   Seven, use globe lighting on all four sides,  
22 instead of stick lighting.

23                   Eight, provide a build out with a fully equipped  
24 kitchen in the 20<sup>th</sup> and Pennsylvania retail corner.

25                   I spoke fast, but you asked me to do so. Thank

1 you.

2 CHAIRPERSON MITTEN: Thank you.

3 MS. MADDUX: Hi, I'm as tired as you are. I'll  
4 make this as quick as possible.

5 I'm Sara Maddux, board member of the West End  
6 Citizen's Association and I have resided at 522 21<sup>st</sup> Street  
7 since 1970.

8 I was intimately involved in the previous IMF  
9 case a decade ago, which was based on the IMF completing the  
10 requirements for staffing and space and living so close to this  
11 site, I'm here to give witness to the impact of the previous  
12 building experience, which provides a valid basis for the  
13 projected impact for this proposed building.

14 The issues have the same impact and the design  
15 intent is no different from what has gone before.

16 For the record, the board of the West End  
17 Citizen's Association had a long meeting Wednesday evening,  
18 January 15, 2002 to discuss the issues and to keep informed on  
19 the process so that everybody knew what was going on.

20 The WECA has spent a good deal of time with the  
21 officials of the IMF and their professional representatives  
22 discussing the impact of this building and the echo effects from  
23 the previous building. There has been a great deal of give and  
24 take, but no reached agreement of perfection.

25 We have discussed, extensively, traffic impact,

1 the loading dock and parking entrances, the care necessary for  
2 Pennsylvania Avenue as a special street and the design plan for  
3 the District of Columbia.

4 The need to replace the retail opportunities,  
5 which have been squeezed out and intangible impact with having a  
6 tax exempt institution on the site, instead of a standard  
7 commercial tax paying building with either residents and/or  
8 commercial retail activity.

9 One of our greatest concerns as described, is the  
10 scenario of the landscaped barriers. They are simply too big  
11 and bulky for this location on Pennsylvania Avenue.

12 I give credit to my second grade teacher who  
13 taught me how to cut and paste and because of the time, I would  
14 just suggest that this is a sequential list of pictures of  
15 walking down Pennsylvania Avenue from Washington Circle all the  
16 way down, with the width between the property line and the curb  
17 and the pictures to show you how open it is and furthermore, at  
18 the end, particularly the pictures around the World Bank, with  
19 the width of the sidewalk there. The fact that there aren't any  
20 barriers or ballards.

21 I take appreciation of Ellen working with the  
22 special task force of how things will be designed, but I also  
23 feel that they can come up with a suitable design that will be  
24 smaller and accomplish the same mission in terms of what they  
25 decide as being security.

1           But, if you look at this, as drawn, compared to  
2 everything from Washington Circle down to 18<sup>th</sup> and Penn, these  
3 will be literally in the middle of the street. They have said in  
4 the ANC meetings that the width of the street where the planters  
5 will be, will be like 17 ? feet. That really intrudes and I'm  
6 sorry we didn't have the proportion of intrusion before to make  
7 it realistic for you.

8           But if you would be kind enough, you can just see  
9 as you flip through, how much sidewalk space is left open on the  
10 rest of Pennsylvania Avenue.

11           The DPW traffic report states that pedestrian and  
12 bicycle access, sidewalks adjacent to the site will have  
13 affective widths ranging from 24 to 36 feet. From what we've  
14 seen presented at public meetings, that is indeed not the case  
15 with what's here.

16           If there are any such high security risks as to  
17 warrant these kinds of barriers, then the IMF needs to redesign  
18 the building.

19           The standard for U.S. Government buildings for  
20 protection against car bombs and other such devices is a 300  
21 foot set back from the street.

22           The IMF must desert its idea of the large atrium  
23 and a safe structure accordingly.

24           The IMF seems to approach this issue in two ways.  
25 Security requires ballards and barriers, but other choices for

1 instance, in terms of office space and aesthetic approaches.  
2 There is no logical reconciliation in this project of these two  
3 proposals, so there are some very serious distance and barrier  
4 measures to be made for this project.

5 The neighborhood has experienced the dangers,  
6 which the IMF draws into the area. My condominium must keep  
7 plywood available to put up for protection of the windows and,  
8 Commissioner Hood, the police department did send around an  
9 officer to speak with us, to talk about how we were going to  
10 handle our building, what we were going to tell our residents  
11 and recommended that we board up our windows.

12 I think you will also see that GW has a whole  
13 series of plexiglass windows designed to screw onto their first  
14 floor windows. So the neighborhood does have to have physical  
15 protection in anticipation of unruly mobs.

16 On Sunday, January 6, appearing on NBC's Meet the  
17 Press, Secretary of Treasury, Paul O'Neal was asked about the  
18 U.S. Secret Service reporting the security concerns of the  
19 Olympics in Utah and other such events.

20 He answered to Tim Russert, that they were doing  
21 that work, but he added that we must work, "to provide a normal  
22 lifestyle without enormous security."

23 I proffer that a security expert will tell you  
24 that a normal lifestyle is achieved by not creating a dangerous  
25 attraction or going in harms way and that is the concern of our

1 neighborhood.

2 The IMF states that it offers programs for the  
3 neighborhood. I provide you a copy of the only announcement I  
4 have received in years of an activity at the IMF center. This  
5 program on economics has a very narrow audience and I think you  
6 will also notice it's also given during normal working hours.

7 We do not want another IMF art gallery there.  
8 There's already one in HQ1 and the neighborhood is rich in high  
9 quality museums and galleries.

10 However, the WECA is supportive of the IMF's  
11 proposed off site amenities, which contribute to the welfare of  
12 the neighborhood.

13 This project has presented more questions and  
14 problems to solve, rather than be a completed package. These  
15 issues range from the assurance of solutions for traffic  
16 programs to an appropriate design for Pennsylvania Avenue.

17 We have worked hard on this project, but it's  
18 still incomplete. Thank you very much for your attention.

19 CHAIRPERSON MITTEN: Thank you.

20 MS. KAHLOW: We did it in 21 minutes.

21 CHAIRPERSON MITTEN: Thank you. Good job. Let me  
22 see if any of the commissioners have questions. Any questions?

23 Mr. Hood.

24 VICE CHAIRPERSON HOOD: I did have a question for  
25 Ms. Kahlow. Ms. Kahlow, say the Commission would and I'm not

1 saying they will, I don't want to put any false hopes out there  
2 that the Commission's going to proceed in the matter in which  
3 you've asked them, to proceed in the Homeland Security issue.

4 But if they did and the results came back and the  
5 analysis came back that the IMF is a good project, there's no  
6 safety concerns and it came back with a clean slate, then I  
7 guess some of these other issues then would take precedence  
8 over?-.

9 MS. KAHLOW: That is correct. We would not object  
10 when we say?-. First, if they say it's okay and we're safe,  
11 then we want all these other things. That is correct. You are  
12 correct. We will trust the Secret Service and the Federal  
13 Government.

14 VICE CHAIRPERSON HOOD: So then you wouldn't have  
15 any objection to the Zoning Commission approving this?

16 MS. KAHLOW: On the conditions, on the nine  
17 conditions.

18 VICE CHAIRPERSON HOOD: On the other conditions?

19 MS. KAHLOW: That's correct.

20 VICE CHAIRPERSON HOOD: Okay. Thank you, Madam  
21 Chair.

22 CHAIRPERSON MITTEN: I'd just like to ask a follow  
23 up question that relates to security, which is, do you have any  
24 reason to think that the kinds of reviews that you're asking for  
25 wouldn't be conducted at the Federal Review level because

1 everything that the Zoning Commission does goes to NCPC to  
2 consider any federal impact.

3 So do you have any reason to think that NCPC is  
4 not going to be sufficiently diligent about addressing your  
5 concerns?

6 MS. KAHLOW: Absolutely and we've had a very bad  
7 track with NCPC. I use the example of the central employment  
8 area and the environmental impact statement.

9 The D.C. Council said that the five sites,  
10 including 1957 E. Street, should be exempt from the CEA and that  
11 they have to do the IS. They overturned the comprehensive plan  
12 law and said, no, no. Then the council passed it again. They  
13 tried to overturn it.

14 We had to testify seven times to get it. Finally  
15 we got the vote our way. They don't do the analysis that we  
16 would hope the Federal Government would do. It's basically a  
17 rubber stamp of what you do and that's why the obligation, we  
18 believe, is yours to protect us. The D.C. Government cares  
19 about us a lot more.

20 CHAIRPERSON MITTEN: But the kinds of reviews that  
21 you're asking for from the Federal Government are not reviews  
22 that would be done on behalf of the community, it would be done  
23 on behalf of the Federal Government's interest.

24 So how do you think that us delaying for some  
25 response from Homeland Security or this Secret Service?--.

1 Secret Service cares about protecting federal folks, not  
2 residents of the District of Columbia. That's not their charge.

3 MS. KAHLOW: The President lives two blocks from  
4 this site. As many know, I worked on that compound for 25  
5 years. The area in question includes 19<sup>th</sup> Street. In terms of  
6 our protection and the President's protection when I worked  
7 there.

8 This is within the perimeter of the protection of  
9 the President of the United States and I believe that the Zoning  
10 Commission has an obligation to the residents, as well as to the  
11 security of our President, to make sure that these people have  
12 been contacted.

13 The fact that the police came to our ANC meeting  
14 and said, we recommend they do not hold these meetings. They  
15 thought it was not safe when there was only one headquarters 1  
16 building. Is somehow this world going to get better? No and  
17 the fact is the people, like the woman I spoke to today, who's  
18 the Assistant Attorney General, she said this is a very serious  
19 issue. She works on the Homeland Security Task Force for  
20 Governor Ridge. She said you absolutely need to bring this up.

21 This has to be looked at and get a clean bill of health, she  
22 believes and I don't trust NCPC, which is your answer, that they  
23 will do so.

24 Homeland Security is not on NCPC. I don't  
25 believe the Treasury Department is on NCPC and as a consequence

1 the agencies of DOD, Interior, GSA, etcetera, they're so narrow,  
2 they don't usually go to their other sister agencies.

3 CHAIRPERSON MITTEN: All right. On the issue  
4 about relocating the loading dock from H Street to 20<sup>th</sup> Street  
5 and your preference is to have it on H Street.

6 My reading of the traffic studies is that the  
7 level of service on, particularly the 20<sup>th</sup> and H Street  
8 intersection, the level of service is worse on H Street, east  
9 and west, then it is on 20<sup>th</sup> Street.

10 So it seems to me if there is a street that can  
11 handle some kind of impact, 20<sup>th</sup> Street is actually in a better  
12 position, in terms of level of service, to handle it.

13 MS. KAHLOW: The problem is rush hour. Ms.  
14 Maddux, could you please talk about your recent experience on  
15 this?

16 MS. MADDUX: On 20<sup>th</sup> Street it's three lanes going  
17 north and right now, especially because people come out of the E  
18 Street expressway, go up 20<sup>th</sup> Street to go to the K Street  
19 corridor and through there they're three lanes.

20 Already the IMF has a loading dock entrance and  
21 car park entrance that goes to the right side that takes that  
22 lane and slows it down as it is and if you add a second one, a  
23 block later, it will slow it down.

24 We have complained to them about it. They have  
25 acknowledged to us it is a problem. They say that because it's

1 not on their property, a truck pending in the driving lane,  
2 there's nothing they can do about it. We said, speak to your  
3 vendors and tell them to come at another time. Well, we can't  
4 control our vendors.

5 So we already have a problem with the trucks  
6 backed up to unload in the mornings at HQ1. When you walk  
7 across the street at 20<sup>th</sup> and E Street, like I do on the way to  
8 work, I can look down the street and the traffic is already  
9 backed up down to E Street, which means E, F, G, H and those are  
10 people who are frankly trying to get up to the K Street  
11 corridor, because right now the next street over to go north is  
12 18<sup>th</sup> Street.

13 CHAIRPERSON MITTEN: But what I'm hearing is?-.

14 MS. MADDUX: But what happens, is it would be  
15 easier for them and to keep that street going straight forward  
16 at that point, have the truck turn to the right, which is not a  
17 major, H is not a major commuter street and have it on H street,  
18 which is a small two way street, as opposed to blocking up the  
19 major rush hour traffic going that way.

20 MS. KAHLOW: I think that the level of traffic on  
21 H Street is minuscule and so this business at ABCD is, you know,  
22 it's not the same kind of issue as a major commuter street and  
23 that's why?-. It's like if you talk about in a neighborhood  
24 with little residential streets and how much can they support,  
25 those are little streets. It's the big ones that we have to

1 keep moving, otherwise you get the exhaust fumes that Ms.  
2 Elliott mentioned with air pollution and it's a problem for  
3 people who live there.

4 CHAIRPERSON MITTEN: Okay. Any other questions  
5 from the Commission? Mr. Quin?

6 MR. QUIN: No questions.

7 CHAIRPERSON MITTEN: Ms. Elliott, any questions?  
8 All right. Thank you very much.

9 MS. KAHLOW: Thank you.

10 CHAIRPERSON MITTEN: Now I have some names on the  
11 list and some I'm definitely not going to be able to pronounce,  
12 but Mr. Bayson, were you going to testify as well or? All  
13 right. Christine G-A-U-G-I-E-R. Gaugier. Is she here? No.  
14 All right. I think she had submitted a letter to us. Mrs.  
15 Miller? No. All right. Anyone that would like to testify in  
16 opposition? All right. We're ready for rebuttal by the  
17 applicant.

18 CHAIRPERSON MITTEN: Madam Chairperson, we're  
19 going to call a series of witnesses, but each one is going to be  
20 very brief to hit a couple of points and that's about it.

21 CHAIRPERSON MITTEN: Great.

22 MR. QUIN: Our first witness will be Mrs. Inger  
23 Prebensen, who was a witness originally and answered questions  
24 again today and she's going to cover, briefly, the process and  
25 how she interacted with the groups that we've talked about

1 today, West End Citizen's Association, and how she came to the  
2 amenity that we have proffered as part of this PUD.

3 Secondly, she'll cover the area that relates to  
4 security, just very briefly because we do have a security expert  
5 if you need to have more questions of him and third, the growth  
6 that was challenged by Ms. Kahlow. Ms. Prebensen.

7 MS. PREBENSEN: Madam Chair and commissioners. It  
8 may be hard to believe, but I have immensely enjoyed this  
9 process, the discussions with the community groups and with the  
10 Office of Planning.

11 CHAIRPERSON MITTEN: I'm glad, come back again  
12 some time.

13 MR. QUIN: Hopefully not soon.

14 MS. PREBENSEN: I have to go back what our case  
15 really is and we feel our case is that we would be allowed to  
16 build a somewhat taller office building in a place where there  
17 is another office building today.

18 Also, that in our opinion it is no different to  
19 add another building of the IMF. The security issues, which are  
20 there today, the questions about the meetings, the questions  
21 about the security, we're terribly sorry that this is a problem  
22 for the community and not at the least for ourselves. We do  
23 regret that, but we cannot change that.

24 However, well, I should very serious. We were  
25 originally more concerned about the security maybe the

1 President's closeness to us represents and our closeness to the  
2 President.

3 We feel that the community we represent does have  
4 it's problems a couple of days a year. However, we are  
5 discussing all the time, with the community and the police and  
6 with the authorities, which we have to all the time and which we  
7 all take input from and we did then agree to postpone our  
8 meetings this year and not have them as we usually have them,  
9 first reduce them and not having them at all, but we do regret  
10 the situation.

11 MR. QUIN: Just to further that one point. In  
12 terms of your coordination of all security matters, are you in  
13 touch with??. Is your security force in touch with the Secret  
14 Service, the Department of Treasury representatives and all  
15 other federal security officers and agencies?

16 MS. PREBENSEN: Yes. Our security office is  
17 communicating with the various agencies to get to the World Bank  
18 security offices before meetings, before special events, before  
19 we have dignitaries coming.

20 We do communicate with the Secret Service, with  
21 the local police and all other authorities. But in the meeting  
22 issue, these annual meetings, we are discussing it, also with  
23 the Treasury Department and I have to say and can submit a  
24 letter from the Treasury where they have said that they have not  
25 asked the Secret Service to make a special review of the HQ2

1 building and not expect that the Secret Service will make an  
2 assessment of the security situation.

3 They refer this to the normal procedure for  
4 places like this and this has not been under review of the  
5 Secret Service up until now. So we would like to submit the  
6 letter from the Treasury Department.

7 CHAIRPERSON MITTEN: Please. Please turn on your  
8 microphone.

9 MR. QUIN: I'm sorry. Would you describe, there  
10 were some concerns expressed alluding to the growth of the Fund  
11 and if you could just cover briefly for the Commission what, in  
12 fact, has been the growth and why there is an acute need for  
13 this facility?

14 MS. PREBENSEN: First of all, just to refer back  
15 to Ms. Kahlow's numbers on our website. Our website does not  
16 include the Offices of the Executive Directors, vendors and  
17 short term consultants, so the total number we need to have in  
18 our new building today is actually 3,500. No, not in our new  
19 building, but in our total complex, is 3,500.

20 That has grown since 1991 from 2,260. So the  
21 next growth is between, approximately 1300 persons from '91  
22 until today, which proves the need for our new building.

23 We have, and the numbers sometimes given, is only  
24 the staff numbers and that is why some people get confused  
25 because the staff, then you have consultants and other offices

1 we need to have.

2 When it comes to the amenities package, which we  
3 have enjoyed so much, both the discussions with Office of  
4 Planning and with the two community groups and, believe me, we  
5 have tried to get them at the same table and discuss these  
6 issues with them and said that we would prefer, can you please  
7 come and sit down with us, all of you, that would be good for  
8 us.

9 So then we were not successful in that. We also  
10 talked to the Office of Planning and said, can you help us and I  
11 don't think either they have been able to get them to talk to us  
12 jointly.

13 We have been at several of ANC's meetings and at  
14 several, or not several, but walks around the area with the ANC,  
15 as they previously stated and also with WECA and then we  
16 discovered then that we could not make a joint agreement with  
17 them, we looked at the list that we had got from the ANC - 2A to  
18 gather all the suggestions for the building itself, \*\*\*.

19 The retail was the same for both groups. Both  
20 wanted retail on Pennsylvania. We have met that. Both groups  
21 want a nice street. It is a nice street. It sounds like we  
22 have blocks in the middle of the pavement. Actually, we do not.

23 There is an open nice, broad open pavement to walk down.

24 But what we then did to get the last part of the  
25 amenities is that we took actually the ANC -2A's amenities

1 package, which they proposed at a meeting and sat down the  
2 council, what of this can we include in our amenities package  
3 from the ANC -2A and at the same time have the agreement with  
4 WECA.

5 So we took all the amenities, which we thought we  
6 could provide, which is not Stevens School. We have a program  
7 already for Stevens School. We have provided a lot of  
8 computers. We have a program for our staff, helping after  
9 school, so we have not included Stevens School in our list. It  
10 was on the list of the ANC.

11 When it came to traffic studies for 300,000, air  
12 quality studies for 700,000, traffic studies and other things  
13 for \$3 to \$4 million, legal expertise for land use for \$4  
14 million, city planning \*\*\* for \$1.75 million.

15 We found those issues difficult for us to go into  
16 because they were not specific enough. So parts when it came to  
17 the list from the ANC is beautification, maintenance of city  
18 parks, medians, landscaping, trees.

19 At the time, neither of us were aware of that the  
20 trees were \*\*\*. I think still that the local parks would  
21 benefit from beautification. We found not that it could pay for  
22 a full time librarian for 10 years, but we did agree that  
23 transportation services for elderly people and operated by Saint  
24 Mary's Court, it was a good issue at the time. They have not  
25 yet gotten the van already from another applicant or agreed.

1                   So we went through the list and tried to agree  
2 with both parties and that's how we arrived at our list, which  
3 we have submitted, together with them, the Office of Planning's  
4 request for the Housing Fund.

5                   So we feel that we have done in our possibility  
6 and that they should look at the package we have provided. It  
7 is in line, we believe, it packages for other similar projects.

8                   We think that IMF seems, as we have said before,  
9 like a big rich institutions. We are very aware of our purpose  
10 is to help, not only the D.C. community, but the world community  
11 and provide help to the poor countries and we earn our money, on  
12 loans, from these poor countries and we have to use it carefully  
13 and we think that our package for the local community should be  
14 appropriate for this PUD application and we would be very glad  
15 if you could expeditiously look at our application.

16                   CHAIRPERSON MITTEN: Thank you.

17                   MR. QUIN: Our next witness is Mr. Steven Fuller  
18 and these will be shorter than Ms. Prebensen in their  
19 presentations.

20                   CHAIRPERSON MITTEN: Okay.

21                   MR. QUIN: I'm just asking Mr. Fuller just to  
22 briefly summarize the benefits, the net benefits, economically  
23 of IMF's, of this particular building to the city, in economic  
24 terms.

25                   CHAIRPERSON MITTEN: All right.

1 MR. FULLER: Madam Chair and Commission members.  
2 This is a preface. It's clear, it should be to all of us, that  
3 international business is critical to the health of the District  
4 economy and the IMF is a critical part of that.

5 The construction of this building generates  
6 benefits to the District economy totally \$155 million dollars  
7 over its construction period, supporting as many as 791 new jobs  
8 throughout the city economy with a taxable payroll of \$32  
9 million dollars.

10 Once this building is up and running, occupied  
11 and functioning, direct spending by IMF, at that building, its  
12 employees within the community and its visitors generates a  
13 total benefit of \$20 million dollars a year, rounding these  
14 numbers off. Supports 112 new jobs in the District, outside of  
15 the IMF family. Generates \$2.2 million dollars in taxable  
16 income.

17 That does not count the vendors that work with  
18 the IMF and their taxable exposure within the District and does  
19 not include the proffered retail functions that are part of the  
20 building. With those exclusions, a \$1.6 million for the life of  
21 the building in constant dollars.

22 MR. QUIN: Do you have a total? Have you  
23 summarized that, Mr. Fuller?

24 MR. FULLER: Well, the total is cumulative, so  
25 each year its worth another \$20 million dollars to the local

1 economy, which has significant tax implications.

2 That offset part of this idea that the IMF is tax  
3 exempt. In fact, it's very important to the tax base of the  
4 district. Thank you.

5 MR. QUIN: Thank you. Our next witness is, just  
6 one brief question for Mr. Peter Lui, landscape architect for  
7 the project. I want to ask him just one question and that  
8 relates to the size of the planters. There's been a lot of  
9 discussion about the planters and why, Mr. Lui, would you  
10 describe to the Commission very briefly why, if it is true, why  
11 the planters are at the minimum size that you can provide.

12 MR. LUI: The planter has one side, you know, it's  
13 a bench. The street side is a low planting area and then the  
14 end is a raised planter. The raised portion, the bench, the  
15 dimensions determined by the bench and the planter.

16 The bench is roughly six foot long and then with  
17 the raised planter on the end, which is roughly a foot and a  
18 half, it's a trapezoid shape. One foot and a half on one side  
19 and roughly two foot on the other side. So you take the wall  
20 out, the net planting area is very small, so it's almost  
21 absolutely minimum size for planting purpose.

22 MR. QUIN: Okay. We have also Mr. Osborne George  
23 on traffic and I just want to ask the Commission if you have any  
24 questions about the level of service. We've been through this  
25 several times and I don't know that you need it again, but he

1 was just going to describe if there was more concerns about the  
2 difference between H Street and 20<sup>th</sup> Street.

3 I think it was covered again tonight by Mr. Bah,  
4 but if you need any further testimony on that, we'd be glad to  
5 call him.

6 CHAIRPERSON MITTEN: I think we're good there.

7 MR. QUIN: All right. Then the last witness is Mr.  
8 Steven Sher who will cover really basically two points.

9 One, there was a discussion tonight about how you  
10 go about measuring amenities, in terms of the balancing under  
11 the PUD and some of us have said from time to time that one  
12 approach is called checkbook zoning, which is not a very good  
13 term because we think that you really have to define what the  
14 appropriate base is before you start balancing and balancing is  
15 not just a matter of dollars, it's a matter of a whole bunch of  
16 things that are in addition to that and so Mr. Sher will cover  
17 that particular issue quickly.

18 CHAIRPERSON MITTEN: Okay.

19 MR. SHER: Unaccustomed as I am to being last and  
20 having lots of time. I really wanted to go back over just a  
21 couple of things.

22 We went pretty extensively around looking at what  
23 is the basis for determining the proper height and density for  
24 this particular property and I believe that in coming to that  
25 conclusion there are two basic things that the Commission has to

1 look at.

2 One is that context in the area, the existing and  
3 permitted height and density on the properties that surround  
4 this property and look at this property too. As Ms. Prebensen  
5 just finished saying, it's already an office building. It's  
6 been an office building for years and years. We're not talking  
7 about a change in use here. We're not talking about inserting a  
8 different kind of use or height or bulk in a neighborhood that  
9 doesn't have that use, height or bulk right now.

10 There is no existing residential property that  
11 abuts, confronts, or faces this particular building. This  
12 building is surrounded predominantly by office buildings and  
13 some remaining institutional uses. Whether you call those  
14 offices or institutional, we don't need to debate that.

15 The existing and permitted density surrounding  
16 this property, almost entirely, is either at or slightly below  
17 130 feet and 10 FAR and I went through that in some detail in my  
18 written statement. I went through it in the earlier testimony.

19 I just want to put that back on the record.

20 That, I think, is a very significant issue in  
21 terms of looking at what is appropriate for this site. If the  
22 Commission has determined that level of height density and that  
23 nature of use is appropriate on virtually all properties that  
24 surround it, it kind of defies me to think why it wouldn't be  
25 appropriate on this site as well.

1                   Second thing that goes into the basis of  
2 determining what is the appropriate level of height and density,  
3 of course, is the touch stone that this Commission is required  
4 to come back to and that's the comprehensive plan. Zoning  
5 required to be not inconsistent with the comprehensive plan.

6                   We went through that at some length before.  
7 Office of Planning went through that in it's report, but just  
8 again to reiterate. This property is shown on the generalized  
9 land use map as high density commercial and as in many other  
10 cases, there are streets that form hard boundary lines and in  
11 this case, 20<sup>th</sup> Street is one of those boundary lines.

12                   On the east side of 20<sup>th</sup> Street this particular  
13 property is shown as high density commercial. When you go to  
14 west side, particularly going to the south and west, it is shown  
15 as something else, institutional for the George Washington  
16 University campus.

17                   So when you've got a map that shows on one side,  
18 one thing, on the other side, something else, I think there is a  
19 strong rationale for saying how you treat that site needs to be  
20 consistent with that map.

21                   There was some discussion and some sort of  
22 reference to the Foreign Missions and international  
23 organizations element as being somehow?-. Certainly it's not  
24 directive. It doesn't say to the International Monetary Fund,  
25 thou shalt build thou next building on square 119, but it does

1 say, this square is an appropriate location for an international  
2 organization and Ms. McCarthy is absolutely right, trying to  
3 blow that map up to a point where you can look at carefully is  
4 very difficult, you need a magnifying glass and it's at the back  
5 our Exhibit L of the pre-hearing statement. I think we submitted  
6 it separately.

7 This site is identified as an appropriate  
8 location for international organizations and we did go through  
9 some of the other parts of the Foreign Missions and  
10 international organizations element, which is an adopted part of  
11 the comprehensive plan, even though it's not a local element,  
12 it's a federal element. It is something that this Commission  
13 has to look at in terms of the \*\*\* consistency test and there  
14 are and we've sited them, I'm not going to read them again, the  
15 specific locational criteria, which would apply to the location  
16 of an international organization and I believe that this  
17 particular location is entirely consistent with those particular  
18 criteria.

19 So having said that, having looked at what I  
20 believe are the two most appropriate indicators of what is the  
21 right height and density and use on this site, I conclude and I  
22 believe you must conclude that this particular level of height  
23 and density and this particular use in this location is an  
24 appropriate location as a zoning matter.

25 As a matter of land use, as a matter of taking

1 into the account that the factors which this Commission must  
2 take into account, that this is an appropriate location for the  
3 particular project, which has been presented to you over these  
4 two evenings.

5 In terms of then saying, what is it that the  
6 International Monetary Fund must provide in the way of amenities  
7 and we all know the provisions. The Zoning Commission must  
8 judge, balance and reconcile the degree of development  
9 flexibility requested, the potential impacts with the amenities  
10 and benefits that are offered. That's not an exact quote, but  
11 it's pretty close.

12 Where are we at in terms of what is provided  
13 here. Well, we have gone at great length and you've heard all  
14 the potential options of what these amenities should be. What  
15 we have proposed is, I believe, consistent with the kinds of  
16 amenities that this Commission has required other applicants in  
17 other cases to provide.

18 Trying to equate that in the kind of raw dollar  
19 terms, as Ms. McCarthy said before, is very difficult because  
20 not all these amenities are quantifiable and not all of them are  
21 subject to a, well, this is worth \$3.29 and this is worth \$4.52  
22 and I add those two together and I get some number.

23 In a lot of cases for example, the provision of  
24 housing on the site has been deemed to be a significant amenity  
25 by this Commission. How do you put a value on what's that cost

1 or what's it's worth, yet it is deemed to be something of  
2 significance to the Commission.

3 So I think what the Commission has to look at is  
4 the totality of what is here versus what we are seeking in  
5 relation to what I believe is the appropriate level of what  
6 ought to be allowed on this site and I believe as I think that  
7 the Office of Planning believes, that what we have presented  
8 before you is appropriate within that context. Thank you very  
9 much.

10 MR. QUIN: Madam Chairperson, that concludes our  
11 presentation. I'd just like to end with just a couple comments.

12 First, picking up on the international agency  
13 element of the comprehensive plan. It says that the  
14 international agencies shall be permitted to locate only and  
15 then it lists two places, central employment and in other medium  
16 high density to high bulk business centers, but then it says and  
17 that's why it's important here, among locations, which meet the  
18 criteria, international organizations should give preference to  
19 locations a) in proximity to those U.S. and other international  
20 organizations with which such organizations regularly conduct  
21 business and there could be no better site in the entire  
22 District of Columbia than this location by virtue of the  
23 surrounding international agencies and the Federal Government.

24 And on special streets or in historic landmarks.  
25 We have a special street here, Pennsylvania Avenue. So we

1 think the right height is here, the right density is proposed,  
2 the right amenity package is proposed. This is a great addition  
3 to this city. It's a great addition to Pennsylvania Avenue.  
4 It's going to provide life in a dull place now. It's going to be  
5 a great addition to this city and we believe that it is so good  
6 that you should move quickly, very quickly, to grant this case,  
7 as soon as you can.

8 We know we have a couple of things to file. We  
9 will do that and we know that the record has to be held open for  
10 a short period of time. We would urge you to try to set a date  
11 for deciding this case as soon as possible. It's very important  
12 to the Fund, both from the standpoint of cost and continuing  
13 lease obligations in other spots, but also for security reasons  
14 and these are points that we haven't made a big deal out of  
15 because we think you understand the need for expeditious action.

16 Thank you very much for all the time that you've  
17 given us. If there are any questions, we would be glad to  
18 answer them.

19 CHAIRPERSON MITTEN: Thank you. Let me see if the  
20 commissioners have any questions on the rebuttal. Any  
21 questions? Mr. Hannaham.

22 COMMISSIONER HANNAHAM: The last remark you said  
23 also for security reasons. What would those consist of?

24 MR. QUIN: Well, right now the fund has different  
25 locations. It has dispersal in two other sites, International

1 Square and G Street and there are laws, which I think we've  
2 cited, that require certain protection within 100 feet of the  
3 location and they can't, when it's a special location like HQ1,  
4 when that's dispersed that protection is not afforded.

5 When you bring the employees back into one  
6 location that's adjacent to HQ1 which is already being protected  
7 and as Ms. Prebensen said the security issues which seem to be  
8 very important for all of us are there today. The addition of  
9 HQ2 is not going to change that. All of these are being  
10 coordinated. I mean the IMF is working with every agency it can  
11 and should today, nothing changes.

12 COMMISSIONER HANNAHAM: Thank you. I have one  
13 other.

14 CHAIRPERSON MITTEN: Certainly.

15 COMMISSIONER HANNAHAM: Professor Fuller in his  
16 supplemental report, I thought it was really interesting when he  
17 addressed the issue of the 51 percent hires, but he used a  
18 couple of examples and he also got information from the Labor  
19 Department that the total number of construction workers in D.C.  
20 is something on the order of 3 percent and that sort of blew my  
21 mind because I really didn't think we were at the 51 percent,  
22 but I didn't know we were down to 3 percent and it shows that  
23 there's a lot more complexity to this whole problem of getting  
24 D.C. ready to actually take advantage in its labor force and the  
25 opportunities in construction.

1 MR. FULLER: Of D.C. residents who hold jobs,  
2 8,000 of them are in the construction industry, so it's not a  
3 very big pool and there's 165,000 construction workers in the  
4 metro area and so it's not a very big pool to pull on.

5 It raises a challenge to try to achieve a greater  
6 percent of participation. It's, at best, of all of the  
7 construction jobs in the District right now, only 5 percent of  
8 them are held by District residents, so to try to move that up  
9 is an enormous challenge and so, in a sense, I didn't know this  
10 percentage was this low either.

11 It says adopting objectives that are too high is  
12 doomed to failure anyway and so in a sense you have to get the  
13 workforce trained to do these kinds of jobs and then make it  
14 possible for them to be hired on those jobs, but anyway, we  
15 provided you a range.

16 COMMISSIONER HANNAHAM: Right. I really appreciate  
17 it. It was an eye opener for me and some of the things that the  
18 Commission is going to be considering. It's very important to  
19 look at it in a sense?-. It's more than a bureaucratic thing of  
20 just being responsive, agencies being responsive and getting  
21 people lined up. It's basically trying to develop a whole cadre  
22 of people who can be candidates for jobs in the construction  
23 trades. It's everything, training, education, basic education,  
24 it's everything.

25 MR. FULLER: But increasingly the construction

1 workforce is being supported by the Hispanic population and they  
2 are located in the suburbs and the majority of the construction  
3 activity is in the suburbs and District residents are going out  
4 to get those jobs, but there's a scarcity of workers, as opposed  
5 to a scarcity of jobs.

6 COMMISSIONER HANNAHAM: So these guidelines are  
7 unrealistic. Basically, they're unrealistic. So you sign these  
8 agreements and it's a dreamy thing, you know, and everybody at  
9 the table knows that this is not likely?-.

10 MR. FULLER: I don't know that we knew and it was  
11 so easy to point the finger at the person who adopted those and  
12 say, you failed to achieve the objective, when it may not have  
13 been an achievable objective to begin with.

14 COMMISSIONER HANNAHAM: Right. Which is not the  
15 way to begin.

16 MR. FULLER: And I don't think it was like that  
17 until our meeting last week.

18 COMMISSIONER HANNAHAM: But, no, I appreciate  
19 that. I just wanted to let you know and I wanted to thank you  
20 for that.

21 MR. FULLER: Thank you.

22 CHAIRPERSON MITTEN: While you're there Dr.  
23 Fuller, I just wanted to clarify the benefits to the local  
24 economy that you enumerated, \$20 million dollars annually. Is  
25 that for the construction of the HQ2 building, relative to

1 nothing or relative to matter of right?

2 MR. FULLER: That is as it's described and I think  
3 we used a 1400 employer or occupancy level in that building, so  
4 it's as it is proposed to function.

5 CHAIRPERSON MITTEN: Okay, but it's not over and  
6 above matter of right? You did not compare it?

7 MR. FULLER: No, no, no.

8 CHAIRPERSON MITTEN: Okay.

9 MR. FULLER: That would be the total, completed as  
10 proposed.

11 CHAIRPERSON MITTEN: Okay. Thank you, Dr. Fuller.

12 Any other questions on the rebuttal from the Commission? Okay.

13 Ms. Elliott, did you have any questions on the rebuttal  
14 testimony? All right. Mrs. Kahlow, did you have any questions  
15 on the rebuttal testimony? All right. Thank you. Mr. Quin,  
16 did you want make a closing statement?

17 MR. QUIN: No, I think in view of the time. I  
18 sort of did a minute ago.

19 CHAIRPERSON MITTEN: I thought it sort of was, but  
20 you're always good for at least a few more thoughts.

21 (Laughter.)

22 MR. QUIN: No. I feel that we have gone through  
23 this case a lot and we'll put it in our proposed order.

24 CHAIRPERSON MITTEN: Okay.

25 MR. QUIN: All of our points and we do have a

1 couple things to file and we will submit those.

2 CHAIRPERSON MITTEN: Right and let's review that  
3 now. Mr. Bastida.

4 SECRETARY BASTIDA: I am going to ask your  
5 assistance in a couple of things, but I would start from the  
6 easiest one.

7 We need the Office of Planning to submit it's  
8 PowerPoint presentation for the record.

9 Number two is of the \$2.5 million dollars that  
10 are involved in standard construction, how much of it is  
11 attributed to security measures.

12 CHAIRPERSON MITTEN: I think that the question  
13 was?-.

14 SECRETARY BASTIDA: For the facade.

15 CHAIRPERSON MITTEN: I thought it was targeted to  
16 the retail space.

17 SECRETARY BASTIDA: I thought it was to the facade  
18 and the materials of the building.

19 CHAIRPERSON MITTEN: Okay.

20 SECRETARY BASTIDA: I might be wrong.

21 CHAIRPERSON MITTEN: Let's just make sure  
22 everybody's on the same page.

23 SECRETARY BASTIDA: Okay.

24 MR. QUIN: Yes, we will do the facade.

25 CHAIRPERSON MITTEN: Okay, so it's on the total

1 facade, it's not just isolated to the retail space premium? Oh,  
2 I see, okay, great. Keep going.

3 SECRETARY BASTIDA: Agreement with Mary's Court on  
4 the more specificity of the \$50,000.00 contribution to the van or  
5 whatever?-.

6 MR. QUIN: And the drug prescription program, yes,  
7 we understand.

8 SECRETARY BASTIDA: Okay. What analysis, if any,  
9 was done and information that was considered related to security  
10 issues. Who was consulted and which information came from the  
11 Metropolitan Police Department.

12 CHAIRPERSON MITTEN: I think that one was for  
13 Lieutenant Carter to take back to Commander Newsham.

14 SECRETARY BASTIDA: Right.

15 CHAIRPERSON MITTEN: Not for the applicant.

16 SECRETARY BASTIDA: But I am spelling out all of  
17 the items that the Commission requested.

18 CHAIRPERSON MITTEN: Okay, great.

19 SECRETARY BASTIDA: To make sure that there is  
20 nothing left out.

21 CHAIRPERSON MITTEN: Okay, but we're clear that is  
22 not a submittal that we're expecting from the applicant.

23 SECRETARY BASTIDA: That is correct.

24 CHAIRPERSON MITTEN: Okay.

25 SECRETARY BASTIDA: Also from the Metropolitan

1 Police Department, the statement related to the Metropolitan  
2 Police Department soliciting and especially from Captain and I  
3 didn't get the spelling of the name correctly, Mr. Hood,  
4 regarding to stop the meeting and soliciting help from the  
5 community and other organizations to stop the meeting.

6 VICE CHAIRPERSON HOOD: Right. That was the  
7 situation that I think Ms. Elliott said that Commander Newsham.

8 SECRETARY BASTIDA: Newsham, okay.

9 VICE CHAIRPERSON HOOD: Right. Had come out at a  
10 couple meetings and asked for help from the community.

11 SECRETARY BASTIDA: Right and would request that  
12 from the Metropolitan Police Department and if that was the  
13 case, what his statement was made.

14 CHAIRPERSON MITTEN: All right.

15 SECRETARY BASTIDA: I don't know if Mr. May was  
16 satisfied with the answer to this question about the existing  
17 building across Pennsylvania Avenue that it was?-.

18 COMMISSIONER MAY: Yes, it was answered.

19 SECRETARY BASTIDA: 90 feet and that answered your  
20 question, I hope.

21 COMMISSIONER MAY: It was answered. It's 110  
22 feet.

23 COMMISSIONER MAY: Okay, thank you.

24 VICE CHAIRPERSON HOOD: Mr. Bastida, let me just  
25 clarify, back to Commander Newsham. I wasn't necessarily

1 interested in whether or not he made the statement or not, I was  
2 more interested in, if he made the statement, what was behind  
3 him making the statement. What was his rationale for making  
4 that type of statement. Thank you.

5 SECRETARY BASTIDA: Right. Thank you for the  
6 clarification, Mr. Hood. I would just say, rationale, if any,  
7 that the Metropolitan Police Department did regarding those  
8 concerns and I will make it more generic, rather than a specific  
9 individual.

10 This is from DPW and this is where I might need  
11 help. Any type of any additional analysis independently for OP  
12 regarding traffic along 18<sup>th</sup> and 20<sup>th</sup> Street.

13 CHAIRPERSON MITTEN: I think the focus was, any  
14 independent analysis that DPW had done regarding the level of  
15 service on 20<sup>th</sup> Street in particular.

16 SECRETARY BASTIDA: Right.

17 CHAIRPERSON MITTEN: After the hypothetical  
18 completion of headquarters 2, 1957 E Street and the Red Cross  
19 and then any independent analysis by DPW of the relocation of  
20 the loading dock from H Street to 20<sup>th</sup> Street. Is that  
21 everybody else's understanding? Okay. That was a tough one.

22 SECRETARY BASTIDA: Thank you, Madam Chairman.  
23 Also, what was the number on the range of D level on the  
24 transportation analysis along 20<sup>th</sup> Street. That's from Mrs.  
25 Kahlow. She stated that the D level was a bad level and she

1 wanted to see what the range of it was on the D level to see if  
2 either traffic was worse or worse.

3 CHAIRPERSON MITTEN: Right, but I think his  
4 response was there is no differentiation in the D. I mean was  
5 there any follow up on that one.

6 MS. KAHLOW: He was going to give us the numbers.

7 The numbers of cars so we actually could see because D, there  
8 is a whole level of things and he was going to give us the  
9 actual numbers, not just letters.

10 CHAIRPERSON MITTEN: Okay. Well, we'll see what  
11 he has.

12 SECRETARY BASTIDA: Number seven, I wrote it more  
13 generic, is what independent, if any, traffic analysis DPW did  
14 regarding this proposal.

15 CHAIRPERSON MITTEN: That's good. That's a good  
16 general question.

17 MR. QUIN: Wasn't that the same as the first  
18 question for DPW? The basis of analysis and whether it was  
19 independent or not?

20 SECRETARY BASTIDA: I think that one encompasses  
21 the other, but I think that the last one is more universal than  
22 the first one and that is all that I had written down.

23 CHAIRPERSON MITTEN: All right. Mr. Quin, did you  
24 have anything else on a list?

25 MR. QUIN: No, I did not.

1 CHAIRPERSON MITTEN: Mrs. Kahlow?

2 MS. KAHLOW: I had the one biggy, Federal  
3 Government security analysis and you have to decide, since Mr.  
4 Hood has asked D.C. Police to do it and we don't know if they  
5 have or they haven't because we haven't seen their report for  
6 them, the D.C. Police, to work with the Secret Service,  
7 etcetera, to give us a federal security analysis, since the D.C.  
8 Police should have and they didn't have a report. So that's the  
9 main piece.

10 CHAIRPERSON MITTEN: All right. Anyone on the  
11 Commission want to request a federal security analysis.

12 VICE CHAIRPERSON HOOD: I have asked for the  
13 request from the Metropolitan Police Department. If I get that,  
14 I'll see what that says.

15 CHAIRPERSON MITTEN: All right. Thank you.  
16 Okay, Mr. Bastida, how about time lines.

17 SECRETARY BASTIDA: The filings should be  
18 submitted for the record at 12:00 noon on Thursday, February the  
19 7<sup>th</sup> and served on all the parties.

20 Comments from the filings should be submitted for  
21 the record on Thursday, February 17 at 12:00 noon and findings  
22 of fact and conclusions of law should be submitted for the  
23 record on Thursday, February 21 at 12:00 noon.

24 CHAIRPERSON MITTEN: Could you come forward and  
25 ask the question? I didn't hear it.

1                   SECRETARY BASTIDA: You are correct. Let me  
2 revise those figures. I was looking 2-01, rather than 2-02.  
3 Thank you for bringing that to my attention.

4                   MR. QUIN: I think it's just 7, 14 and 21.

5                   SECRETARY BASTIDA: No, I was going to give more  
6 time for?-. Okay, I'm sorry, yes. It's February 7, responses  
7 February 14, which is 7 days and then February 21, which is  
8 another 7 days for findings of fact and conclusions of law.

9                   CHAIRPERSON MITTEN: Mr. Bastida, run through  
10 that one more time, please.

11                   SECRETARY BASTIDA: Sure. Filings are to be  
12 submitted by 12:00 noon on Thursday, February 7. Response to  
13 those filings will be submitted for the record on Thursday,  
14 February 14, which is Valentine's Day. Findings of fact and  
15 conclusions of law are to be submitted by 12:00 noon on  
16 Thursday, February 21. Thank you.

17                   CHAIRPERSON MITTEN: By noon.

18                   SECRETARY BASTIDA: Thank you.

19                   CHAIRPERSON MITTEN: All right, everybody clear?  
20 Just come on forward and get it on the record.

21                   MS. ELLIOTT: I just had a question on when we  
22 would be able to receive a transcript on this hearing tonight.

23                   CHAIRPERSON MITTEN: Mr. Bastida.

24                   SECRETARY BASTIDA: The transcript is usually  
25 provided to this office two or three weeks after the hearing,

1 but anybody can solicit the transcript from the transcriber,  
2 which is Gross, Neal and obviously a premium would have to be  
3 paid for the person doing the solicitation. Thank you. And I  
4 mean you can have it in two days.

5 CHAIRPERSON MITTEN: Given that we can anticipate  
6 the earliest possible meeting date and given that there is a  
7 concern about getting the transcript and I don't think we should  
8 unnecessarily accelerate the schedule, you know, let's hurry  
9 up, just so we can wait until our March meeting. If there is an  
10 opportunity to back up from that, so that you don't have to  
11 expedite the transcript and still get on the agenda for the  
12 March meeting. It's not going to change getting on the agenda.

13 Can you modify those dates? Even though you were  
14 very clear about what the dates were?

15 SECRETARY BASTIDA: I can push all them back a  
16 week, but I think that still the transcript might not be totally  
17 available. Maybe the applicant might proffer to do that and  
18 bear the cost.

19 MR. QUIN: Yes.

20 SECRETARY BASTIDA: Thank you.

21 MR. QUIN: And then we could keep the same  
22 schedule, but if you want to do it one more, that's all right.

23 SECRETARY BASTIDA: So the applicant is proffering  
24 to underwrite the cost of expediting the transcripts and he has  
25 proffered that and the Commission is willing to accept that

1 offer.

2 MR. QUIN: It's part of the amenity package.

3 (Laughter.)

4 CHAIRPERSON MITTEN: How much does that cost.

5 SECRETARY BASTIDA: I checked.

6 MR. QUIN: (talking at the same time.)

7 SECRETARY BASTIDA: You know what, you're being a  
8 cheapskate, sorry. So I would repeat the dates again.

9 CHAIRPERSON MITTEN: We have to go because people  
10 are getting a little too happy.

11 SECRETARY BASTIDA: It has been a long day. The  
12 filings are suppose to be submitted on Thursday, February 14,  
13 Valentine's Day. Responses to the filings will be submitted on  
14 February 21. Findings of facts and conclusions of law will be  
15 submitted on Thursday, February 28, which is the last day of the  
16 month of February and all those filings and all those  
17 submissions will be submitted at 12:00 noon. Thank you so much.

18 CHAIRPERSON MITTEN: All right. Everybody clear  
19 about the schedule? Terrific.

20 I'd like to thank you all on behalf of the  
21 Commission for your patience and you're willingness to help us  
22 get through this hearing tonight because we did have next Monday  
23 scheduled and now Mr. Hood will be able to watch Monday Night  
24 Football.

25 (Laughter.)

1 VICE CHAIRPERSON HOOD: It shows that she's not a  
2 football fan. Football season is over.

3 CHAIRPERSON MITTEN: Oh, it is? Okay. Well,  
4 you'll be able to get on with your little knitting project then.  
5 Okay.

6 Okay, the record in this case is closed, except  
7 for the information and reports that we requested and they will  
8 be filed on the schedule that Mr. Bastida enumerated. All those  
9 filings are to take place at noon on the specified day.

10 We'll make a decision in this case at one of our  
11 regular monthly meetings and we're planning on this being on the  
12 schedule for March. These meetings are held at 1:30 p.m. on the  
13 second Monday of each month and are open to the public. If  
14 you're interested in following this case further, please contact  
15 Mr. Bastida to determine the status.

16 I now declare this public hearing?-.

17 MS. KAHLOW: I'm sorry, one question. I didn't  
18 know when I was allowed to ask it. If we were able to get a  
19 federal security analysis, may we submit that?

20 SECRETARY BASTIDA: They can submit it by  
21 Valentine's Day.

22 MS. KAHLOW: Thank you. That's what I wanted to  
23 know. Thank you.

24 CHAIRPERSON MITTEN: Valentine's Day, great. I  
25 now declare this hearing closed.

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(Whereupon, the Public Hearing of the District of  
Columbia Zoning Commission in the above-entitled matter was  
concluded at 10:54 p.m.)