

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :  
: :  
: :  
CENTER CITY HOLDINGS, LLC : Case No.  
: 06-29  
: :  


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Thursday,  
March 22, 2007

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 06-29 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary  
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
KAREN THOMAS

This transcript constitutes the minutes from the public hearing held on March 22, 2007.

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P R O C E E D I N G S

(6:38 p.m.)

CHAIRPERSON MITTEN: Good

evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, March 22nd, 2007.

And my name is Carol Mitten. And joining me this evening are Vice Chairman Anthony Hood and Commissioners Mike Turnbull, John Parsons, and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 06-29, and this is a request by WB/NB Center City Holdings for approval of a consolidated planned unit development and related map amendment for property located at 1143 New Hampshire Avenue, N.W., which is known as Lot 74 in Square 72.

Notice of today's hearing was published in the D.C. Register on January 12th, 2007, and copies of that hearing

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1 announcement are available to you, and  
2 they're in the wall bin by the door.

3           This hearing will be conducted in  
4 accordance with the provisions of 11 DCMR  
5 Section 3022, and the order of procedure  
6 will be as follows. We'll take up any  
7 preliminary matters. Then we'll have the  
8 presentation of the applicant's case, a  
9 report by the Office of Planning, reports by  
10 any other government agencies, report of the  
11 affected Advisory Neighborhood Commission --  
12 in this case it's 2A -- parties,  
13 organizations and persons in support and  
14 parties, organizations and persons in  
15 opposition.

16           The following time constraints  
17 will be maintained in the hearing. The  
18 applicant will have 30 minutes. Parties  
19 will have 15 minutes. Organizations will  
20 have five minutes, and individuals will have  
21 three minutes.

22           The Commission intends to adhere

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

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

8 All persons appearing before the  
9 Commission are to fill out two witness  
10 cards, and those cards are on the table by  
11 the door. Upon coming forward to speak to  
12 the Commission, we ask that you give both  
13 the cards to the reporter who's sitting to  
14 our right.

15 Please be advised that this  
16 proceeding is being reported by the court  
17 reporter and is also being Webcast live.  
18 Accordingly, we ask you to refrain from  
19 making any disruptive noises in the hearing  
20 room. When presenting information to the  
21 Commission, please have a seat at the table  
22 and then turn on and speak into the

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1 microphone first stating your name and  
2 address.

3 When you're finished speaking,  
4 please turn the microphone off because they  
5 tend to pick up background noise.

6 The decision of the Commission in  
7 this case must be based exclusively on the  
8 public record, and to avoid any appearance  
9 to the contrary, the Commission requests  
10 that persons present not engage the members  
11 of the Commission in conversation during a  
12 recess or at any other time, and Ms.  
13 Schellin and Ms. Hanousek will be available  
14 throughout the hearing to answer any  
15 procedural questions that you might have.

16 Please turn off all beepers and  
17 cell phones at this time so as not to  
18 disrupt the proceedings, and I'd ask that  
19 anyone who's planning on testifying this  
20 evening if you'd stand now, raise your right  
21 hand, and direct your attention to Ms.  
22 Schellin, and she will swear you in.

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1 (Whereupon, the witnesses were  
2 duly sworn.)

3 CHAIRPERSON MITTEN: Thank you.

4 We have two preliminary matters  
5 that I'm aware of, and that is that we have  
6 party status applications from two parties.  
7 I just need a quick indication from Ms.  
8 Howell if the Foggy Bottom Association is  
9 opposed or in favor because you didn't list  
10 that on your party status application.

11 MS. HOWELL: In favor.

12 CHAIRPERSON MITTEN: In favor.  
13 Okay. Still want party status?

14 MS. HOWELL: Yes.

15 CHAIRPERSON MITTEN: Okay. We  
16 have also a party status application from  
17 the West End Citizens Association in  
18 opposition.

19 MS. KAHLOW: We will be  
20 testifying in support today.

21 CHAIRPERSON MITTEN: And do you  
22 still request party status?

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1 MS. KAHLOW: Yes, we do.

2 CHAIRPERSON MITTEN: Okay. Then  
3 we have two applications for party status in  
4 support, and they appear to be in order to  
5 me, and I would move that we approve both of  
6 these organizations for party status in this  
7 case.

8 COMMISSIONER TURNBULL: Second.

9 CHAIRPERSON MITTEN: Any  
10 discussion?

11 (No response.)

12 CHAIRPERSON MITTEN: All those in  
13 favor please say aye.

14 (Chorus of ayes.)

15 CHAIRPERSON MITTEN: Any opposed?

16 (No response.)

17 CHAIRPERSON MITTEN: Ms.  
18 Schellin.

19 MS. SCHELLIN: Yes. Staff will  
20 record the vote five to zero to zero to  
21 approve party status in support by the Foggy  
22 Bottom Association and the West End Citizens

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1 Association, Commissioner Mitten moving,  
2 Commissioner Turnbull seconding,  
3 Commissioners Hood, Jeffries and Parsons.

4 CHAIRPERSON MITTEN: Thank you.

5 Did you have any preliminary  
6 matters before we start?

7 Okay. Then we're ready for you.

8 MS. BROWN: Good evening, Madam  
9 Chair and members of the Commission. For  
10 the record, I am Carolyn Brown with the law  
11 firm of Holland and Knight.

12 With me here this evening are  
13 Wayne Quinn from our office; Simon  
14 Hallgarten of Northview Hotel Group on  
15 behalf of the ownership entity; Shalom  
16 Baranes of Shalom Baranes Associates who  
17 will be offered as an expert in  
18 architecture, Ed Papazian of Kinley-Horn who  
19 will be offered as an expert in traffic and  
20 transportation engineering; and Steve Sher  
21 from our office who will be offered as an  
22 expert in land use, zoning and planning.

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1 I believe all of the experts have  
2 been qualified before here in this Board,  
3 and if you would accept them again as such,  
4 I'd appreciate it.

5 CHAIRPERSON MITTEN: Is there any  
6 objection to that?

7 (No response.)

8 CHAIRPERSON MITTEN: Okay. No  
9 objection.

10 MS. BROWN: Thank you.

11 We are delighted to have  
12 overwhelming support for our proposed PUD  
13 and our map amendment to the CR district,  
14 and I want to be clear that that's what we  
15 are requesting tonight. In our initial  
16 request, it was to the C-3-C zone. We now  
17 are requesting strictly CR district. You  
18 will see in Mr. Sher's report that we've  
19 handed out that he does make reference to  
20 the C-3-C district but only as a contrast.  
21 We are here for CR rezoning, and we are  
22 delighted to have the support of the Office

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1 of Planning, DDOT, the ANC, the West End  
2 Citizens Association, the Foggy Bottom  
3 Association, and many other residents in the  
4 community. We just submitted a list of 45  
5 signatures in support of the proposal, and I  
6 think you've recently received some other  
7 letters in the record in support of the  
8 project.

9 We concur with OP's findings and  
10 recommendations, and we will commit to the  
11 conservation measures for hotel services  
12 listed in their report. We will also  
13 provide the first source agreements and  
14 Department of Small and Local Business  
15 Development MOU prior to final action, as  
16 well as tonight we will submit the  
17 information on the sustainable design  
18 features.

19 The hotel also commits to having  
20 a valet parking system as recommended by  
21 DDOT.

22 As a result, we are prepared to

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1 stand on the record and answer any questions  
2 you may have or, if you wish, we can proceed  
3 with a very abbreviated presentation that I  
4 believe we can accomplish in five to seven  
5 minutes.

6 So it's your preference on how  
7 you want to proceed.

8 CHAIRPERSON MITTEN: I'm leaning  
9 in favor of standing on the record unless  
10 any of my colleagues feel otherwise.

11 Okay. Then I think we'll just  
12 ask any questions that we might have.

13 MS. BROWN: Thank you.

14 CHAIRPERSON MITTEN: Thank you.

15 Any questions from the  
16 Commission? Anyone have any questions?

17 VICE CHAIRPERSON HOOD: Yes,  
18 Madam Chair.

19 CHAIRPERSON MITTEN: Commissioner  
20 Hood.

21 VICE CHAIRPERSON HOOD: If I  
22 could just ask quick questions. This is

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1 probably for Mr. Baranes.

2 On the top of A-9 -- I think I  
3 have the latest version in front of me. It  
4 is probably on here somewhere, but I'm going  
5 to ask you -- where the trellis is, what's  
6 up under the trellis? Is that where the  
7 pool is or what's going on there?

8 MR. BARANES: Yes. The trellis -  
9 -

10 CHAIRPERSON MITTEN: Just  
11 identify yourself for the record.

12 MR. BARANES: I'm sorry. Yes, my  
13 name is Shalom Baranes, Shalom Baranes  
14 Associates, architects.

15 Mr. Hood, yes, the trellis  
16 relates both to the location of the pool,  
17 which is on the northern half of the roof.  
18 Also it relates to the structure there which  
19 contains some of the pool equipment, and we  
20 also then make some effort to relate the  
21 trellis to the grid, the structure of the  
22 two story addition at the top of the

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1 building where you can see in A-9 that we've  
2 articulated the frame of the two story  
3 addition. We've pushed the glass back to  
4 lighten the top of the building and then  
5 basically took that grid and extended it up  
6 past the railing to form a trellis.

7 VICE CHAIRPERSON HOOD: Okay, and  
8 so I guess also on A-9 the brownish looking  
9 on the roof -- forgive me for not knowing  
10 the correct architectural name -- is the  
11 mechanical? What do you call it, the  
12 mechanical penthouse?

13 What's going on in there?

14 MR. BARANES: The mechanical  
15 penthouse is only the area that's in white.  
16 The area that's in brown is actually the  
17 penthouse of the building to our east.

18 VICE CHAIRPERSON HOOD: Oh, okay,  
19 okay. So that's not on this building.

20 MR. BARANES: Exactly.

21 VICE CHAIRPERSON HOOD: Okay.  
22 I've got you. All right. Thank you.

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1 MR. BARANES: You're welcome.

2 VICE CHAIRPERSON HOOD: Thank  
3 you, Madam Chair.

4 CHAIRPERSON MITTEN: Anyone else,  
5 questions? Mr. Parsons.

6 COMMISSIONER PARSONS: Just to  
7 follow up on Mr. Hood's question, why is it  
8 that the trellis pitches up at the north  
9 end, I believe?

10 MR. BARANES: We pitched it up to  
11 add emphasis to the corner of the building.  
12 When you go to the intersection, which is  
13 north of where we are here, which would be  
14 the intersection of M Street and New  
15 Hampshire Avenue and looking back towards  
16 this building, you'll see that the corner of  
17 our building is actually exposed because the  
18 building to our north is set back  
19 approximately six or seven feet, I believe.

20 So we pitched the trellis up, and  
21 then we organized the windows below to add a  
22 little bit of an accent to that corner. You

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1 know, in lieu of adding a tower or any major  
2 element like that, we did it very subtly  
3 with the pitch of the trellis.

4 COMMISSIONER PARSONS: So the  
5 trellis pitches down from the south end.  
6 It's high at that end as well. It pitches  
7 down and then up. It's not a horizontal  
8 trellis in other words.

9 MR. BARANES: Exactly. It has a  
10 pitch on both sides. And you can see that  
11 the section of it on the north side that has  
12 the steepest pitch relates elevationally to  
13 the windows below. We're essentially trying  
14 to organize that grouping of windows and  
15 that pier into a single reading.

16 COMMISSIONER PARSONS: And at the  
17 south end of the building there is a  
18 structure.

19 MR. BARANES: Yes.

20 COMMISSIONER PARSONS: I don't  
21 know what else to call it. What is that  
22 accommodating?

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1 MR. BARANES: That's a fire  
2 stair.

3 COMMISSIONER PARSONS: Oh.

4 MR. BARANES: There are three  
5 existing fire stairs in the building, and  
6 we're just extending them up to the roof.

7 COMMISSIONER PARSONS: I see.  
8 Does that set back from the cornice or --

9 MR. BARANES: Yes.

10 COMMISSIONER PARSONS: I should  
11 look at the floor plan.

12 MR. BARANES: We have a roof  
13 plan. It coincides roughly to the corridor,  
14 which is a double loaded corridor. So it  
15 coincides roughly to the corridor in the  
16 floor below.

17 COMMISSIONER PARSONS: Okay.  
18 Thank you.

19 MR. BARANES: You can see it on  
20 A-8, the drawing.

21 COMMISSIONER PARSONS: I saw it,  
22 yes. That's the trouble with elevations.

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1 It's really way back on the roof and can't  
2 be seen from the street.

3 MR. BARANES: That's right. We  
4 have some model views which might be more  
5 explanatory.

6 COMMISSIONER PARSONS: The model  
7 view works perfectly.

8 MR. BARANES: Yes.

9 CHAIRPERSON MITTEN: Anyone else?  
10 Did you have any other questions?

11 COMMISSIONER PARSONS: No, I  
12 don't.

13 CHAIRPERSON MITTEN: Anyone else?

14 COMMISSIONER TURNBULL: Yes.  
15 Madam Chair, I wonder if I might. I just  
16 wanted to make sure I'm understanding the  
17 extent of the change from R-5-E to CR on the  
18 map, and I wonder if Mr. Sher can walk us  
19 through and show us exactly what's included  
20 on the change.

21 MR. SHER: Good evening, Madam  
22 Chair, members of the Commission. For the

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1 record, my name is Steven E. Sher, the  
2 Director of Zoning and Land Use Services  
3 with the law firm of Holland and Knight.

4 As Ms. Brown indicated at the  
5 outset, when we filed this application  
6 originally, we were seeking C-3-C zoning,  
7 but through discussions with the  
8 neighborhood and the community, they  
9 indicated they didn't want us to do C-3-C  
10 and were supportive of CR. So we looked at  
11 CR and the analysis that we've done, did  
12 both zones.

13 The immediately adjacent zoning  
14 is C-3-C, which is why we started there. CR  
15 is located generally to the west in the West  
16 End area. There's not a whole lot of  
17 difference in many respects between C-3-C  
18 and CR. One of the differences is that C-3-  
19 C permits 130 feet in height. CR permits  
20 110 feet in height. We've been at 110 feet  
21 all along. So we meet the height  
22 requirements either way.

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1 Under PUD both C-3-C and CR  
2 permit 8 FAR. So that doesn't really make  
3 any difference. The existing R-5-E zoning  
4 is a 90 foot zone in 6 FAR. Our building as  
5 it's proposed is 6.9 -- I've got it here --  
6 6.97 FAR. It's as existing. It's 5.81. So  
7 we're adding a little bit over 1 FAR on the  
8 two floors for hotel use at the upper level.

9 That's sort of the overview of  
10 it. I can get into more detail if you need  
11 to.

12 COMMISSIONER TURNBULL: Thank  
13 you.

14 On your attachment here, the R-5-  
15 E goes all the way down to Washington  
16 Circle? Is this whole area up for a change  
17 you're requesting? I mean it doesn't  
18 differentiate.

19 MR. SHER: No, we're only  
20 changing the one site that is the subject of  
21 this application.

22 COMMISSIONER TURNBULL: Well,

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1 that's what I was wondering, but it doesn't  
2 really pinpoint that on your map.

3 MR. SHER: No, this is the map of  
4 the existing zoning. Clearly what we're  
5 talking about is just the site.

6 COMMISSIONER TURNBULL: Just your  
7 particular site.

8 MR. SHER: Yes, that's all we  
9 have opportunity to ask for.

10 COMMISSIONER TURNBULL: Okay.  
11 Thank you.

12 CHAIRPERSON MITTEN: Anyone else?  
13 Commissioner Jeffries.

14 COMMISSIONER JEFFRIES: Yes, I  
15 just have one question for Mr. Baranes.

16 Can you walk me through the  
17 pedestrian experience in front of this site  
18 as relates to the loading? Maybe S-4.

19 MR. BARANES: Sure, I'd be happy  
20 to do that. We are looking north here along  
21 New Hampshire Avenue, and this is the  
22 condition that has existed. So here's the

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1 canopy over the entrance, roughly in the  
2 midpoint of the building, and then on the  
3 south end of the building we have an  
4 entrance to both the loading area and the  
5 garage and the parking. Those will  
6 essentially remain in place.

7 We are proposing a change in flow  
8 to the traffic here where basically cars  
9 coming north on New Hampshire Avenue will be  
10 able to make a U turn around this island,  
11 around the sidewalk, drop off at the front  
12 door here, which is right here, and then  
13 continue on and either go down into the  
14 garage without coming back out to the street  
15 or, alternatively, turn back out to the  
16 street and continue going north.

17 And we are developing this area  
18 in front of the building as a cafe. The  
19 hotel lobby will have a coffee shop in this  
20 corner, and we're showing some outdoor  
21 seating. We've also shown some landscaping  
22 along here to protect the tables, separate

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1 the tables from the sidewalk, and we are  
2 adding some new trees which currently don't  
3 exist. I don't believe there are any trees  
4 currently in front of the building.

5 COMMISSIONER JEFFRIES: So from  
6 where the cafe is, if you move to the right  
7 and you're walking, I'm walking in that.  
8 How large is that public right-of-way?

9 MR. BARANES: Are you talkinga  
10 bout the curb cut here?

11 COMMISSIONER JEFFRIES: No, no.  
12 Go up. Go around. Yeah, am I -- I guess  
13 what's the dimension there? Where is the  
14 pedestrian walking to get past the hotel?

15 MR. BARANES: Okay. If it's a  
16 pedestrian who is just walking past the  
17 hotel, that pedestrian would be walking --  
18 the public sidewalk is along here.

19 COMMISSIONER JEFFRIES: Right.

20 MR. BARANES: Between the planter  
21 box entry. They would cross the driveway.

22 COMMISSIONER JEFFRIES: They

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1 would cross. Okay.

2 MR. BARANES: And then continue  
3 on straight.

4 COMMISSIONER JEFFRIES: And then  
5 cross again.

6 MR. BARANES: Yes.

7 COMMISSIONER JEFFRIES: And then  
8 cross again. So they have three. Okay.

9 MR. BARANES: Three crossings.  
10 That's correct.

11 COMMISSIONER JEFFRIES: Okay.

12 MR. BARANES: And then, of  
13 course, we have enough space to allow a  
14 pedestrian approaching the building on foot  
15 to walk through this way to get to the front  
16 door.

17 COMMISSIONER JEFFRIES: What is  
18 the dimension there between the front of the  
19 building and that curb?

20 MR. BARANES: Seven feet.

21 COMMISSIONER JEFFRIES: Seven  
22 feet?

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1 MR. BARANES: Seven feet for that  
2 sidewalk right there. That's how wide it  
3 is.

4 I'm sorry. Was that the  
5 question?

6 COMMISSIONER JEFFRIES: Yes,  
7 okay. You're comfortable that that is  
8 sufficient for all of the activity that will  
9 be there?

10 MR. BARANES: We are comfortable  
11 with that. It's very wide. We have a lot  
12 more width here than one typically sees in  
13 front of a hotel, and then, of course --

14 COMMISSIONER JEFFRIES: No, I'm  
15 dealing with from the face of the building  
16 to the curb.

17 MR. BARANES: Right here.

18 COMMISSIONER JEFFRIES: Yes.

19 MR. BARANES: You know, we've  
20 made the driveway wide enough to allow one  
21 car to pass another.

22 COMMISSIONER JEFFRIES: Okay.

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1 MR. BARANES: And we have been  
2 working with the hotel operator.

3 COMMISSIONER JEFFRIES: Okay.

4 MR. BARANES: And he seems to be  
5 happy with that.

6 COMMISSIONER JEFFRIES: Okay.  
7 Thank you.

8 CHAIRPERSON MITTEN: I just have  
9 a question about the amenity for the West  
10 End library, and I kind of lost track of  
11 what the plans are for the West End library,  
12 and I don't know exactly what the proffer is  
13 in terms of the timing of the contribution  
14 because there's reference made to Phase 1  
15 and Phase 2 of the renovation.

16 So can you fill me in on what the  
17 plan is for the library and then when the  
18 contribution would be made?

19 MS. BROWN: Yes. We've been  
20 working mostly with the ANC who has been  
21 coordinating that amenity for us, and I have  
22 a feeling Mr. Thomas is here and he might be

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1 able to better answer the timing for it.

2 CHAIRPERSON MITTEN: Well, okay.

3 So from the Applicant's perspective, since  
4 you're talking about the contribution being  
5 made for Phase 1 and Phase 2, do you intend  
6 there to be phased contribution?

7 MS. BROWN: No, I believe that we  
8 intend to make it one contribution to the  
9 foundation, to the West End Library  
10 Foundation that they would use for Phase 1  
11 and Phase 2.

12 CHAIRPERSON MITTEN: Okay. So  
13 the contribution is to the West End Library  
14 Foundation, not to DCPL?

15 MS. BROWN: I'm sorry. It's the  
16 DC -- yes, it's the DCPL Foundation. I  
17 apologize.

18 CHAIRPERSON MITTEN: Okay, and  
19 when would you make the contribution?

20 MS. BROWN: Typically it's made  
21 prior to C of O issuance. We haven't  
22 clarified that with the Applicant to check

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1 the needs and the timing. It has been  
2 developed over the last few days.

3 CHAIRPERSON MITTEN: Okay. So  
4 we'd like just to have that clarified at  
5 some point.

6 Okay. I will ask Mr. Thomas when  
7 he comes up for a little more information.

8 MS. BROWN: Thank you.

9 CHAIRPERSON MITTEN: Okay. So,  
10 Mr. Thomas, you're for the NAC tonight,  
11 right? Did you have any cross examination  
12 of the Applicant?

13 MR. THOMAS: I didn't. Thank you  
14 very much.

15 CHAIRPERSON MITTEN: Ms. Howell,  
16 did you have any?

17 MS. HOWELL: No.

18 CHAIRPERSON MITTEN: Ms. Kahlow?

19 Okay. Very good. Now we're  
20 ready for the report by the Office of  
21 Planning. Ms. Thomas, good evening.

22 MS. THOMAS: Good evening, Madam

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1 Chair, members of the Commission

2 The Office of Planning is happy  
3 tonight to stand on the record.

4 Thank you.

5 CHAIRPERSON MITTEN: Excellent  
6 choice. Any questions for Ms. Thomas? Does  
7 anybody have any questions for Ms. Thomas?

8 Ms. Brown, any questions?

9 Commissioner Thomas, any questions? Ms.  
10 Howell? Ms. Kahlow?

11 MS. KAHLOW: Just a few. I have  
12 questions about this September 1st set-down  
13 report. Do you have that at hand, page 5?

14 MS. STEINGASSER: No, we don't.

15 MS. KAHLOW: If I can ask you,  
16 since we have not met, it makes various  
17 references to the West End Citizens  
18 Association. With whom did you speak at the  
19 West End Citizens Association, when, and you  
20 talked about various amenities that were  
21 offered, options to them? Is there any  
22 proof of that?

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1 Because I know nothing about it.

2 CHAIRPERSON MITTEN: Just for the  
3 Commission's benefit, that might be better  
4 as a side conversation. That is of  
5 absolutely no interest to the Commission in  
6 deciding the case. Okay?

7 MS. KAHLOW: Okay. Thank you.

8 CHAIRPERSON MITTEN: Okay. Thank  
9 you.

10 Okay. We have a DDOT report that  
11 we got in our packet tonight, which is  
12 Exhibit No. 36. There's no one here from  
13 DDOT, is there?

14 Okay. Commissioner Thomas, your  
15 turn.

16 And I would note that the DDOT  
17 report is in support.

18 MR. THOMAS: Thank you, Madam  
19 Chair and members of the Commission.

20 For the record, I'm Michael  
21 Thomas, and I'm here as the Chair of ANC-2A.

22 The ANC originally had some

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1 concerns about this project, including its  
2 zoning and the precedent of a PUD on that  
3 row which we view as something of a buffer  
4 zone between downtown C-3-C zoning, which is  
5 the other side of that block, and West End,  
6 which for the most part, although not  
7 entirely, has been CR, although we've seen  
8 exceptions carved out.

9 We think those issues have been  
10 dealt with satisfactorily from our  
11 perspective. Among other reasons, the other  
12 properties unless they were combined aren't  
13 bid enough for a PUD, and the Applicant has  
14 agreed to ask only for CR zoning.

15 Let me speak to the amenity issue  
16 because that's the one that you asked about.  
17 Initially, we had proposed, and the  
18 Applicant was agreeable to this, that there  
19 be a package of money or for the benefit of  
20 the West End library to install a computer  
21 lab, and that had been costed out by the  
22 Friends of the West End Library at \$300,000.

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1                   There remained \$162,000 in the  
2                   available amenity money that we had  
3                   discussed with the Applicant, and initially  
4                   we thought that we could structure something  
5                   that would be of assistance to renters in  
6                   our part of town, either with rent or with  
7                   buyout. But that didn't turn out to be  
8                   feasible.

9                   And so we went back to the  
10                  drawing board, and only in the last couple  
11                  of days have we gotten confirmation from  
12                  Jenny Cooper, the Chief Librarian, that as  
13                  she put it, she would be delighted to have a  
14                  separate bundle of money go to the  
15                  foundation. So the DCPL Foundation would  
16                  hold the money, subject to disbursement as  
17                  the work was done, and there would be  
18                  additional improvements on the second floor  
19                  of the library. At least I think they would  
20                  all be on the second floor.

21                  Now, because this has come  
22                  together, this last part has come together

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1 pretty late, we do understand that what we  
2 need is to document this with an agreement  
3 with DCPL and with the foundation, and so we  
4 would ask that we be able to work that out  
5 and submit it.

6 But there's a long list of  
7 possibilities for that \$162,000. And let me  
8 say, I mean, we are all aware that this is  
9 Square 37, and we are trying to do things  
10 that are not structural changes. You know,  
11 these are things that by and large can be  
12 relocated if that's necessary.

13 CHAIRPERSON MITTEN: If that kind  
14 of recognition that you just articulated,  
15 things that could be relocated that this  
16 money will go for things that will not be  
17 lost in the event that there's a  
18 redevelopment of the library, if that could  
19 be articulated in the letter that you get  
20 from DCPL, that would be very helpful.

21 MR. THOMAS: All right.

22 CHAIRPERSON MITTEN: Thank you.

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1 Any questions for Commissioner  
2 Thomas? Anyone have questions? Ms. Brown?  
3 Ms. Howell?

4 MS. HOWELL: No.

5 CHAIRPERSON MITTEN: Ms. Kahlow?

6 Okay. Thank you very much.

7 MR. THOMAS: Thank you.

8 CHAIRPERSON MITTEN: Go ahead.

9 MS. HOWELL: Madam Chair.

10 CHAIRPERSON MITTEN: I need you  
11 to turn on the microphone. There we go.

12 MS. HOWELL: Madam Chair, members  
13 of the Commission, thank you for having us  
14 here tonight. I'm Joy Howell. I live at  
15 955 26th Street. I'm the President of the  
16 Foggy Bottom Association, as I think you  
17 know, and I'm here representing the more  
18 than 400 members of our association tonight.

19 I'd like to thank the Commission  
20 and the Applicant for granting the FBA's  
21 request for party status in this matter. We  
22 are the principal community association in

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1 the Foggy Bottom West End neighborhood  
2 representing our members for nearly 50 years  
3 with the goals of protecting, preserving,  
4 and enhancing the quality of life for our  
5 residents.

6 We are very pleased to support  
7 this application and to have worked closely  
8 with our Advisory Neighborhood Commission  
9 representatives to develop a good solution  
10 that we think will benefit all of the  
11 residents of our community.

12 We also think that the West End  
13 library has been making great strides in  
14 recent years with its goal to become a model  
15 library and a vital community center for our  
16 neighborhood. We look forward to our  
17 continuing involvement with the ANC, the  
18 D.C. Public Library, and our long time  
19 library director, Barbara Kubinski, and the  
20 Friends and staff of the West End Library to  
21 further enhance their facilities and  
22 operations as this amenity package moves

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1 forward.

2 Thank you.

3 CHAIRPERSON MITTEN: thank you  
4 very much.

5 Any questions for Ms. Howell?

6 Does anyone have any questions?

7 VICE CHAIRPERSON HOOD: Madam  
8 Chair.

9 CHAIRPERSON MITTEN: Commissioner  
10 Hood.

11 VICE CHAIRPERSON HOOD: I think  
12 this is a good time for me to ask this  
13 question.

14 Ms. Howell, the Foggy Bottom  
15 Association, the site, is that in the  
16 jurisdiction of the Foggy Bottom  
17 Association?

18 MS. HOWELL: Yes, it is.

19 VICE CHAIRPERSON HOOD: And the  
20 West End Citizens Association, is it also in  
21 the jurisdiction of the West End Citizens  
22 Association? I mean, do you have

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1 boundaries?

2 MS. HOWELL: You know, I don't  
3 know what the boundaries are of the West End  
4 Citizens Association. I mean, I can tell  
5 you that ours encompassed the entire area of  
6 Foggy Bottom on the West End.

7 VICE CHAIRPERSON HOOD: So this  
8 particular project, the site is within the  
9 boundary of Foggy Bottom Association?

10 MS. HOWELL: Yes, it is.

11 VICE CHAIRPERSON HOOD: Okay.

12 Thank you.

13 Thank you.

14 CHAIRPERSON MITTEN: Anyone else?

15 Ms. Brown?

16 MS. BROWN: No.

17 CHAIRPERSON MITTEN: Mr. Thomas?

18 Ms. Kahlow?

19 Okay. Thank you.

20 MS. HOWELL: Thank you very much.

21 CHAIRPERSON MITTEN: Ms. Kahlow.

22 MS. KAHLOW: I, Barbara Kahlow,

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1 am testifying tonight on behalf of the West  
2 End Citizens Association.

3 On our letterhead, on the party  
4 status letterhead, it shows the boundaries  
5 of the West End Citizens Association, our  
6 January 29th letter. Boundaries: 15th  
7 Street on the east, Potomac Park on the  
8 south, Rock Creek and Potomac on the west, N  
9 Street on the north.

10 This testimony is in furtherance  
11 of that letter. The West End Citizens  
12 Association has worked with the Applicant to  
13 revise both its requested map amendment and  
14 its amenities package to more appropriately  
15 protect and benefit the Foggy Bottom West  
16 End community.

17 First I'll talk about the map  
18 amendment. In the original submission in  
19 June, the Applicant requested a change in  
20 zoning from R-5-E to C-3-C and requested a  
21 height increase from 90 feet to 110 feet.

22 In its December pre-hearing

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1 submission it gave an alternative of either  
2 CR or C-3-C since all they needed was 110  
3 feet. In the supplemental filing, they have  
4 now agreed to CR only, and the reason that's  
5 important to us is because of the precedent.  
6 Most of the West End is CR. The only C-3-C  
7 in the residential area is basically on the  
8 Avenue, and that's what we were talking  
9 about in the Square 54 issue, that it's  
10 basically a residential neighborhood. So we  
11 are happy with the CR.

12 Second was the roof structure and  
13 penthouse, and that was in response to some  
14 of the questions that were asked. In the  
15 original June application, the Applicant  
16 stated there would be a new two story  
17 rooftop addition, is enclosed of a metal and  
18 grass curtain wall. The Applicant also  
19 requests flexibility for multiple roof  
20 structures that do not meet the setback  
21 requirements.

22 Well, we worked with the

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1 Applicant on that also because of the  
2 precedent, and they then stated in December  
3 that they had eliminated the enclosed  
4 rooftop snack bar and created in its place  
5 an open terrace with a decorative pergola,  
6 and the CR designation would prohibit any  
7 attempt to do an enclosed structure. And  
8 that was another reason to go with CR  
9 instead of C-3-C.

10 In addition, the Applicant  
11 reduced the size of the penthouse in  
12 response to our concerns, and in the final  
13 submission they showed that the updated  
14 drawing reflects a trellis at the roof  
15 terrace which replaces the enclosed pool  
16 snack bar shown on earlier drawings.

17 Again, we are happy not to have  
18 the precedent of an enclosed structure,  
19 which was an issue in Square 54 as well, as  
20 you know.

21 Let me talk about amenities. In  
22 the June application, the applicant said

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1 there would be plenty; didn't identify what  
2 they were. In the set-down report to which  
3 I made reference, the Office of Planning  
4 mentioned amenities, about which we had  
5 never heard nor would we have supported, at  
6 least four of the five.

7 Then we decided to work, and the  
8 ANC and the West End had multiple meetings  
9 with the Applicant, and we came up with  
10 something we all think would benefit the  
11 community at large, and the West End  
12 supports the amended application on the  
13 condition that, one, rezoning only be to CR;  
14 two, there be no enclosed roof structure;  
15 and (c) the community amenities be those  
16 that the Applicant put in their submission  
17 of yesterday and which were outlined by Mr.  
18 Thomas.

19 Thank you for the consideration  
20 of our views.

21 CHAIRPERSON MITTEN: Thank you.

22 Any questions for Ms. Kahlow?

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1 Anyone have any questions?

2 VICE CHAIRPERSON HOOD: Ms.  
3 Kahlow, I want to thank you for the  
4 clarification. I guess I'm getting old. I  
5 don't see as well as I used to, but let me  
6 ask you, and I tried to look at the  
7 boundaries as you have recorded on your  
8 submittal on the 29th.

9 This project is not in the area.

10 MS. KAHLOW: It is in the area.

11 VICE CHAIRPERSON HOOD: It is?

12 MS. KAHLOW: It says N Street on  
13 the north, and this is south of N Street.  
14 It's on New Hampshire south of N. It's  
15 actually south of M.

16 VICE CHAIRPERSON HOOD: So,  
17 again, let me go back to my first question.  
18 So apparently you have some overlap here.

19 MS. KAHLOW: That is correct.  
20 There's a great deal of overlap. I've  
21 described in the past that the Foggy Bottom  
22 Association has centered more of its

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1 membership, to my knowledge and belief, is  
2 centered west of 23rd Street where the Foggy  
3 Bottom Historic District is, and in any  
4 case, the West End Citizen Association  
5 membership is centered more to the east of  
6 23rd, which is where the university area is.

7 So even though they have many  
8 overlaps, there are different memberships.  
9 Some people belong to both. I belong to  
10 both, and some people belong to just one of  
11 the two.

12 VICE CHAIRPERSON HOOD: Let me  
13 just ask this. I'm just asking for future  
14 reference. Is there a charter where both  
15 organizations like you have a civic  
16 association, you have the federation of  
17 citizen associations; do they come up under?

18 MS. KAHLOW: Actually I think  
19 both are in part of the federation. I'm not  
20 certain, but --

21 VICE CHAIRPERSON HOOD: The  
22 federation or --

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1 MS. KAHLOW: They both are  
2 members of the federation.

3 VICE CHAIRPERSON HOOD: -- the  
4 citizens? Civic or citizens? I don't want  
5 to have a community meeting because I know  
6 my colleagues don't want to hear about it,  
7 but the reason I'm asking --

8 MS. KAHLOW: Federation of  
9 Citizens Associations. I just turned to one  
10 of the officers.

11 VICE CHAIRPERSON HOOD: Normally  
12 under the charter you can't have this  
13 overlap. So I was just wondering how this  
14 was able to happen here, because I'm the  
15 president of a civic association, too, and  
16 we can't do an overlap unless you -- but  
17 anyway, that's another case, another story.

18 MS. KAHLOW: I don't represent  
19 them on it, and I don't know, and I'm sorry.

20 VICE CHAIRPERSON HOOD: Got you.

21 MS. KAHLOW: The West End was a  
22 member originally, and I think the Foggy

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1 Bottom was a member, dropped out, and then  
2 dropped back in. When I was on the board of  
3 Foggy Bottom, we had dropped out of it, but  
4 I now believe it is back in, I don't think  
5 anybody knew this overlap issue. So sorry.

6 VICE CHAIRPERSON HOOD: All  
7 right. Thank you.

8 CHAIRPERSON MITTEN: Thank you.

9 Anyone else? Ms. Brown?

10 Commissioner Thomas? Ms. Howell?

11 Okay. Thank you very much.

12 Anyone else who would like to  
13 testify in support of the application?

14 Anyone who would like to testify in support?

15 Anyone who would like to testify  
16 in opposition? Anyone who would like to  
17 testify in opposition?

18 Okay. Ms. Brown.

19 MS. BROWN: Thank you, Madam

20 Chair.

21 We would as for your approval on  
22 this application based on the evidence of

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1 record and the testimony you heard tonight,  
2 and if at all appropriate, we would be very  
3 happy if you made a bench decision provided  
4 we submit the additional information you  
5 requested.

6 Thank you.

7 CHAIRPERSON MITTEN: Okay. I  
8 think we can celebrate having a bench  
9 decision on a case in Foggy Bottom-West End  
10 when we have all of this support. I think  
11 we should celebrate that.

12 COMMISSIONER JEFFRIES: On a warm  
13 night.

14 CHAIRPERSON MITTEN: Right. So I  
15 would move approval of Case No. 06-29 under  
16 the proffered conditions including those  
17 that the Applicant articulated tonight that  
18 they would incorporate, such as the  
19 conservation measures for the hotel  
20 operation that had been suggested by the  
21 Office of Planning and the valet parking as  
22 recommended by DDOT, and that we would leave

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1 the record open to receive -- and we'll get  
2 the date in a second -- leave the record  
3 open to receive the first source agreement  
4 with DOES and memorandum of understanding  
5 with the Department of Local Small Business,  
6 whatever. I have lost track of that, and  
7 the letter from the DCPL, either DCPL  
8 Director or the DCPL Foundation, describing  
9 the timing issues.

10 COMMISSIONER JEFFRIES: Is there  
11 a second?

12 CHAIRPERSON MITTEN: Not yet. I  
13 was kind of going on with some -- but I  
14 would welcome a second.

15 COMMISSIONER JEFFRIES: Well,  
16 second.

17 CHAIRPERSON MITTEN: Thanks.

18 We just need to fill in the one  
19 issue about holding the record open until a  
20 date. Do you think two weeks is sufficient?  
21 Two weeks?

22 MS. SCHELLIN: That would put us

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1 at April 5th.

2 CHAIRPERSON MITTEN: April 5th,  
3 and then --

4 MS. SCHELLIN: Parties can  
5 respond by April 12th.

6 CHAIRPERSON MITTEN: Okay. Okay.  
7 Any discussion?

8 (No response.)

9 CHAIRPERSON MITTEN: Then all  
10 those in favor please say aye.

11 (Chorus of ayes.)

12 CHAIRPERSON MITTEN: Those  
13 opposed please say no.

14 (No response.)

15 CHAIRPERSON MITTEN: Ms.  
16 Schellin.

17 MS. SCHELLIN: The Staff would  
18 record the vote five to zero to zero to  
19 approve the proposed action in Zoning  
20 Commission Case No. 06-29, Commissioner  
21 Mitten moving, Commissioner Jeffries  
22 seconding, Commissioners Hood, Turnbull and

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1 Parsons in favor.

2 And just to restate the dates,  
3 the record will remain open for the  
4 additional requested documents only until  
5 April 5th, and responses from the parties  
6 due by April 12th.

7 CHAIRPERSON MITTEN: Thank you.  
8 Thank you all very much, and have a nice  
9 evening.

10 (Whereupon, at 7:15 p.m., the  
11 public hearing was concluded.)

12

13

14

15

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