

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: : Case No.

Zoning Map Amendment- : 08-19

Square 101, Lot 74, :

The HSC Foundation :

-----:

Thursday,

December 18, 2008

The Public Hearing of Case No.

08-19 by the District of Columbia Zoning

Commission convened at 6:30 p.m. in the

Office of Zoning Hearing Room at 441 4th

Street, N.W., Washington, D.C., 20001,

Gregory N. Jeffries, Vice Chairman,

presiding.

ZONING COMMISSION MEMBERS PRESENT:

GREGORY N. JEFFRIES, Vice Chairman

PETER MAY, Commissioner

MICHAEL G. TURNBULL, FAIA, Commissioner

(AOC)

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

PAUL GOLDSTEIN
JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on December 18, 2008.

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

6:50 p.m.

VICE-CHAIR JEFFRIES: Good

evening, ladies and gentlemen. This is the public hearing of the Zoning Commission of the District of Columbia for Thursday, December 18, 2008.

My name is Gregory Jeffries. Joining me this evening are Commissioners Peter G. May and Michael Turnbull. We are also joined by the Office of Zoning staff Donna Hanousek.

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

The subject of this evening's hearings is Zoning Commission Case No. 08-19. This is a request by HSC Foundation for approval of a map amendment from R-5-D to C-3-C for property located at Square 101, Lot 874.

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1 Notice of today's hearing was
2 published in the *D.C. Register* on October 31,
3 2008. And copies of that announcement are
4 available to my left on the wall near the
5 door.

6 The hearing will be conducted in
7 accordance with the provisions of Section 11,
8 DCMR 3022 as follows: 1) preliminary matters;
9 2) the Applicant's case; 3) report of the
10 Office of Planning; 4) report of other
11 government agencies, if any; 5) report from
12 ANC 2A; 6) organizations and persons in
13 support; 7) organizations and persons in
14 opposition; and 8) rebuttal and closing by the
15 Applicant.

16 The following time constraints
17 will be maintained in this meeting. The
18 Applicant will get 30 minutes, organizations
19 will get five minutes, and individuals will
20 get three minutes.

21 The Commission intends to adhere
22 to the time limits as strictly as possibly in

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1 order to hear the case in a reasonable period
2 of time. The Commission reserves the right to
3 change the time limits for presentations if
4 necessary and notes that no time shall be
5 ceded.

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

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

20 The decision of the Commission in
21 this case must be based exclusively on the
22 public record. To avoid any appearance to the

1 contrary, the Commission requests that persons
2 present not engage the members of the
3 Commission in conversation during any recess
4 or at any time. The staff will be available
5 throughout the hearing to discuss procedural
6 questions.

7 Please turn off all beepers and
8 cell phones at this time so not to disrupt
9 these proceedings. And I will do that right
10 now.

11 Would all individuals wishing to
12 testify please rise to take the oath?

13 Ms. Hanousek, would you please
14 administer the oath?

15 MS. HANOUSEK: Do you solemnly
16 swear or affirm that the testimony you will be
17 giving in tonight's proceedings will be the
18 truth, the whole truth, and nothing but the
19 truth?

20 VICE-CHAIR JEFFRIES: And thank
21 you.

22 At this time, the Commission will

1 consider any preliminary matters.

2 Does the staff have any
3 preliminary matters?

4 MS. HANOUSEK: Yes. The
5 maintenance affidavit has been submitted, and
6 it's in order. And there are three proffered
7 expert witnesses. Two of them previously
8 accepted. And there is a request for party
9 status.

10 VICE-CHAIR JEFFRIES: Okay. My
11 colleagues, do you have the list? Do you have
12 any questions about the expert witnesses that
13 are being proffered?

14 COMMISSIONER MAY: The previously
15 accepted were Sher and Milanovich?

16 VICE-CHAIR JEFFRIES: Yes.

17 Okay. So Lewis, would you come
18 forward, please?

19 Please pronounce your last name.

20 MR. GOETZ: Goetz.

21 VICE-CHAIR JEFFRIES: Goetz. I
22 actually know that.

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1 Anyway, Mr. Goetz, have you ever
2 been before the Commission or the BZA?

3 MR. GOETZ: Yes. Not -- not
4 recently. But yes.

5 VICE-CHAIR JEFFRIES: Okay. So
6 you've never been proffered? Okay.

7 Colleagues, any questions for Mr.
8 Goetz?

9 COMMISSIONER MAY: I don't have
10 any questions. I don't have any issues. We
11 have good resumes and good information, and
12 well qualified witnesses.

13 VICE-CHAIR JEFFRIES: We always
14 have to check with Mr. May on these things.

15 Okay. We're set. All three
16 proffered expert witnesses that were submitted
17 will be acknowledged.

18 Okay. And any other preliminary
19 matters?

20 MS. HANOUSEK: Just the party
21 status, which you have in that summary.

22 VICE-CHAIR JEFFRIES: Okay. Well,

1 fellow Commissioners, we have before us a West
2 End Citizens' Association letter dated
3 November 4 requesting party status on this
4 case. West End Citizens Association has
5 obviously been before this Commission on many,
6 many occasions. I don't think they've ever
7 like not received party status, correct?
8 We're not going to change that trend tonight,
9 I don't think. But I would like to hear from
10 my fellow Commissioners if they have any
11 concern.

12 COMMISSIONER TURNBULL: I have no
13 issue.

14 VICE-CHAIR JEFFRIES: And also
15 from the Applicant, do you have any concerns?

16 MR. QUINN: We have lots of
17 concerns, but no opposition.

18 VICE-CHAIR JEFFRIES: Wise man.
19 Okay.

20 So I think we have consensus here
21 that West End Citizens' Association will have
22 party status in this case. Okay?

1 Okay. So we will start with the
2 Applicant's case. You're going to get 30
3 minutes. Will you need fully 30 minutes?

4 MR. QUINN: No, we do not think
5 so.

6 VICE-CHAIR JEFFRIES: Oh, great.
7 Great.

8 Okay. So but you'll still put us
9 on the clock.

10 Excuse me. Yes. Come forward.

11 MS. KAHLOW: I'm Barbara Kahlow of
12 the West End Citizens' Association.

13 Will we have 15 minutes as a
14 party? You didn't announce that. That's why
15 I assume it was in the announcement.

16 VICE-CHAIR JEFFRIES: Oh, yes.

17 MS. KAHLOW: Thank you.

18 VICE-CHAIR JEFFRIES: Yes. That's
19 fine.

20 Okay. Proceed.

21 MR. QUINN: Thank you, Chairman,
22 Members of the Commission. My name is Wayne

1 Quinn with Dennis Hughes of Holland & Knight.
2 We represent the HSC Foundation which is the
3 owner of 2013 H Street.

4 The Foundation is the parent
5 organization for the HSC Pediatric Center and
6 Health Services for Children and Special
7 Needs, Inc. They acquired the property in
8 2007 with the intent to locate their
9 administrative offices there.

10 This case is an uncomplicated
11 request for an extension of the C-3-C zoning
12 to the site which is presently zoned R-5-D.
13 So the issue before the Commission is fairly
14 simple. Is it appropriate under the Zoning
15 Act? And is it not inconsistent with the
16 comprehensive plan?

17 We believe that the request meets
18 both those tests, especially since this
19 Commission determined last year in the George
20 Washington University Campus Plan case that
21 the C-3-C zoning was appropriate for the
22 adjacent property in its first stage PUD.

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1 That's the property immediately to the east.

2 There's no objection from any
3 nearby property owner. The site is located in
4 the midst of a nonresidential building square.
5 And Mr. Sher will cover that shortly. And
6 it's consistent -- the C-3-C zoning is
7 consistent with building heights permitted to
8 heights that are surrounding the property,
9 especially to the north and on either side.

10 We believe that the OP report is
11 excellent. I think it's quite obvious why,
12 because it's very detailed and supportive.
13 DDOT has filed a report in support as well.

14 Accordingly, we intend to call
15 only one witness, namely Mr. Steven Sher, the
16 urban planner, to cover the basis for the
17 extension of the zoning. This is unusually
18 because most of the time as you know he is our
19 clean-up hitter. Now he's going to be a
20 clean-up hitter up front.

21 Dr. Thomas Chapman, President and
22 CEO of the Foundation, is here for any

1 questions, as are Lewis Goetz, architect for
2 the project, and Jami Milanovich of Wells &
3 Associates traffic consultants.

4 Unless there are questions, I'd
5 like to call Mr. Sher. And he has now been
6 qualified as an expert in the field of urban
7 planning and zoning.

8 VICE-CHAIR JEFFRIES: Great. Mr.
9 Sher?

10 MR. SHER: Mr. Chairman, Members
11 of the Commission, for the record, my name is
12 Steven E. Sher, the Director of Zoning and
13 Land Use Services with the Law Firm of Holland
14 & Knight.

15 As Mr. Quinn has mentioned, the
16 site that's before you this evening is located
17 on the north side of H Street between 20th and
18 21st Street. It carries the address of 2013
19 H Street, Northwest. It's in the square
20 abounded by H, I, 20th and 21st Streets. It
21 has frontage of approximately 36 feet on H
22 Street only.

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1 It is within the boundaries of the
2 Foggy Bottom Campus of George Washington
3 University, obviously property not owned by
4 the University, but still within the
5 boundaries of the campus plan that was
6 approved. And it's also within the boundaries
7 of the proposed George Washington University
8 Historic District that was part of the campus
9 plan. And the second page of the outline you
10 have before you is an excerpt of the map from
11 the campus plan showing in green the
12 boundaries of that proposed historic district.
13 And our site is the one that's right next to
14 the one marked 101A. But it's really in that
15 boundary.

16 The subject square as I said is
17 bounded by H, I, 20th and 21st Streets on the
18 north side of the square facing I Street and
19 across the federal reservation Pennsylvania
20 Avenue is the property known as 2000
21 Pennsylvania Avenue, sometimes called Red Lion
22 Row. It's a high-rise office building in

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1 behind reconstructed townhouses that face
2 north there. To the east is a surfaced
3 parking lot owned by GW University. And it
4 also wraps around to the north of the subject
5 property. And you can see that on the tax
6 plat which is behind page two of the outline
7 before you. I'm talking about Lot 60 with
8 respect to that parking lot. And you can also
9 see it on the aerial photograph which follows
10 the tax plat.

11 To the west, there is a strip of
12 vacant land that actually provides access from
13 H Street to the 2000 Penn building. Beyond
14 that, a three- and four-story plus basement
15 building, owned and used by the Bureau of
16 Catholic Indian Missions. And then further to
17 the west of that at the corner of 21st and H
18 is the School of Media and Public Affairs
19 Building owned and used by George Washington.

20 As Mr. Quinn stated earlier, the
21 property is zoned R-5-D, which is a high
22 density residential zone. We are asking the

1 Commission and proposing to rezone that
2 property to C-3-C which is a medium high
3 density office, retail, mixed-used type zone.

4 The effect of that proposed change
5 obviously would be to permit commercial use of
6 the property, specifically the Foundation
7 would like to use it for its own offices
8 ultimately and for office use in general.
9 There would be no change in the permitted
10 height. Both zones allow a height of 90 feet.
11 But the FAR would increase from the 3.5
12 permitted by R-5-D to the 6.5 permitted by C-
13 3-C. So that goes up by 3.

14 The standards applicable to
15 rezoning map amendment are set forth on page
16 6 of the outline. And I will not repeat them.
17 Prime among them is that the regulations and
18 maps not be inconsistent with the
19 comprehensive plan for the National Capitol.

20 And starting on the lower part of
21 page 6 and continuing, we have looked at --
22 and I have done -- an analysis of how this

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1 relates to the comprehensive plan. Foremost
2 among the comp plan issues are the future land
3 use map. That's where we usually start.

4 And in this case, as you can see
5 following on page 7 the excerpt from the land
6 use map shows that the property is in the
7 institutional category. Pretty much the whole
8 George Washington University campus area is in
9 the institutional category with some other
10 exceptions. But that area of -- call it grey
11 -- extends for several squares in directions
12 predominantly south and west from where we are
13 here. But it also in the case includes some
14 other properties occupied by the International
15 Monetary Fund, for example -- the
16 institutional category.

17 VICE-CHAIR JEFFRIES: Excuse me,
18 Mr. Sher.

19 So what does the grey --

20 MR. SHER: The grey is
21 institutional.

22 VICE-CHAIR JEFFRIES:

1 Institutional. Okay.

2 MR. SHER: Yes. The red is high
3 density commercial. And the grey is
4 institutional. We are between 20th and 21st,
5 H and I.

6 VICE-CHAIR JEFFRIES: Okay.

7 MR. SHER: So going pretty much
8 south, southeast, southwest and west, it's all
9 institutional.

10 The comp plan does not
11 particularly show density or intensity of use
12 on institutional sites. But it does say that
13 if a change in use occurs, the new
14 designations should be compatible in density
15 or intensity to those in the vicinity. And
16 we'll get to that in a couple minutes.
17 Although not very many minutes.

18 With respect to relevant policies
19 and goals of the comprehensive plan, they are
20 as I said set forth beginning on page 6 and
21 continuing on through page 10. I'll just
22 highlight a number of those -- not all of them

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1 -- that the plan suggests concentrating
2 redevelopment efforts in Metro Station areas.

3 We are between two -- Foggy Bottom
4 and Farrugut West. That the overall goal is
5 to strengthen the District's economy by
6 sustaining its core industries, attracting new
7 and diverse industries, accommodating future
8 job growth. It suggests that we should
9 accommodate growth in the office sector
10 through infill and renovation within
11 established commercial districts. And then
12 there are things related to urban design and
13 historic preservation.

14 I'll stop just for a second on
15 historic preservation. As I noted earlier,
16 the property is within the boundaries of that
17 area designated for an historic district in
18 the George Washington University plan. That
19 district has not yet been established and
20 delineated. However, we have proceeded on the
21 assumption that by the time we would go to get
22 any permits, we would have to deal with that

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1 as a reality.

2 So we have been to the Historic
3 Preservation Review Board. Gotten their
4 concept approval for what we propose to do to
5 the existing building. We have assumed we
6 will not be able to tear the existing building
7 down, even though right now today it is not a
8 landmark or in an historic district. We just
9 assume in the interest of prudence and taking
10 a conservative view of this that this is going
11 to be an historic district. We're going to
12 have to deal with the reality of that.

13 So we have addressed those issues in how
14 we have proceeded here.

15 The University's campus plan which
16 was approved by Order Nos. 06-11/06-12 denotes
17 H Street as the primary campus street with
18 active pedestrian traffic between academic and
19 student focused facilities and open spaces.
20 The subject site not owned by the University
21 is not included in one of the development
22 sites of the campus plan. Not a university

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1 property. They couldn't do that.

2 However, the property immediately
3 to the east in the southeast corner of Square
4 101 at the corner of 20th and H Streets was
5 designated as a campus development site. It
6 was designated as a site that would ultimately
7 be rezoned as part of a second-stage PUD.

8 I'm sure the Commission remembers
9 the combination campus plan and plan unit
10 development that was approved for the
11 University. That's a site that was shown for
12 C-3-C, and it's suggested that it would be a
13 building of about 7.5 FAR, which would be even
14 higher than the matter of right for C-3-C
15 normally provided.

16 With respect to other standards
17 that would be applicable to a change of
18 zoning, the health, safety and general welfare
19 of the city, we note that the heightened bulk
20 of permitted development under C-3-C is
21 consistent with the permitted use height and
22 bulk on adjacent property. Sorry. C-3-C

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1 applies to the property to the north and will
2 apply to the property to the east. And the
3 rezoning represents a 36-foot extension of the
4 adjacent zoning to the east. So we have
5 already C-3-C both north and east. And we're
6 taking this one building, which is one lot
7 which is 36 feet wide and extending the zoning
8 to include that.

9 With respect to creation of
10 favorable conditions, we have examined the
11 heights of buildings permitted in the
12 vicinity. And following page 11, there's a
13 map that was prepared by Group Goetz
14 Architects, which shows the variety of heights
15 in the building. The site and our proposed
16 building is circled in the middle. And you
17 can see that heights range from going up to
18 over 110 feet down to those that are below 65
19 feet. And we are sort of right in the middle
20 of that representing a step down from north
21 and east going to the south and west.

22 With respect to the uses of the

1 property in the vicinity, if you turn to the
2 following page which is a diagram also
3 prepared by Group Goetz which is labeled
4 "Building Uses," we looked at the larger area,
5 but then we focused in specifically on the
6 subject square and the six surrounding and
7 confronting squares, but not going north of
8 Pennsylvania Avenue. So when we looked at
9 those squares, we determined that only 6.5
10 percent of the total land area in those seven
11 squares is devoted to residential use. Five
12 of those are George Washington University
13 dormitories. And only one is a privately-
14 owned apartment house -- the President Condo
15 -- which is the building in red in the square
16 diagonally to the north and west of where our
17 site is. The remaining 93.5 percent of that
18 area is all devoted to nonresidential uses --
19 commercial, office and retail, and
20 predominantly University uses, but not
21 University dormitory use.

22 We also note that with regard to

1 traffic which is an issue that the Zoning Act
2 speaks to, you have the report in the record
3 from Wells & Associates and you have the
4 concurring report of the Department of
5 Transportation both indicating that rezoning
6 this property would not have an adverse impact
7 on traffic conditions or generation.

8 We conclude therefore that the
9 application for rezoning meets the tests under
10 the Zoning Act, that the change in zoning is
11 not inconsistent with the comprehensive plan,
12 that the height and bulk in our view and my
13 view will not be intrusive, nor would it cause
14 any adverse effect on any nearby properties.
15 We note that the design of the project has
16 been reviewed by the Historic Preservation
17 Review Board and concept approval has been
18 granted by the Review Board, and we actually
19 submitted that to the Commission on November
20 26. You should have that before you in the
21 record. And for all of those reasons and
22 based on all of that analysis, we would

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1 suggest that the application for rezoning
2 should be approved.

3 VICE-CHAIR JEFFRIES: Okay. Is
4 that it?

5 MR. SHER: I'm done.

6 VICE-CHAIR JEFFRIES: Okay. Mr.
7 Quinn?

8 MR. QUINN: Mr. Chairman, that
9 completes our direct presentation as I'd
10 indicated. We took less time than we were
11 allocated. And we have our witnesses to
12 answer questions if you -- we thought Mr. Sher
13 actually hit all the questions that dealt with
14 the change in zoning. But if there are other
15 questions, as I mentioned, a representative of
16 HSC is here, a traffic person is here, and the
17 architect is here.

18 VICE-CHAIR JEFFRIES: Obviously
19 with these map amendments, I mean, we're
20 probably less interested in architecture and
21 the building in particular, but just really
22 comprehensive plan and the zone plan and so

1 forth. So I think most of our questions will
2 be around that.

3 So any questions from Turnbull?

4 COMMISSIONER TURNBULL: Thank you,
5 Mr. Vice-Chair.

6 Mr. Sher, you didn't mention --
7 and it's sort of subset of this thing -- that
8 you will be going before the BZA to get relief
9 from parking because you're not providing any
10 parking on site?

11 MR. SHER: That is correct.

12 COMMISSIONER TURNBULL: And
13 reading through your submittal, it looks like
14 you're either going to use the garages or use
15 on-street parking.

16 MR. SHER: I think we expect that
17 we will be able to secure parking in any one
18 of a number of surrounding commercial garages
19 to accommodate the actual real needs of the
20 tenants who would be in the building. We
21 don't have a building. We don't have tenants.
22 We don't know what that real demand is at this

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1 point. But we know that there are many
2 commercial garages including one in the
3 basement of 2000 Penn immediately to the
4 north, another one across the street at 1919
5 Pennsylvania Avenue, and others going another
6 half a block up on 20th Street. So there are
7 garages in the vicinity that have spaces to
8 rent. We believe that if we need to secure
9 spaces, we can do that.

10 COMMISSIONER TURNBULL: And I
11 guess that what gets from your impact is that
12 there's no direct impact to this particular
13 site from parking. It's impact on the
14 existing infrastructure of Pennsylvania Avenue
15 and the other streets which your report says
16 it can handle it.

17 MR. SHER: That's the view of the
18 traffic consultant in DDOT. I'm here to say
19 that there's view if you need to ask Ms.
20 Milanovich to substantiate that, I'm sure she
21 can.

22 COMMISSIONER TURNBULL: Okay.

1 Talking about HPRB, you mentioned that the
2 house but also it's the Coach House is also
3 being preserved?

4 MR. SHER: Yes.

5 MR. QUINN: Yes. The Carriage
6 House.

7 MR. SHER: It's being incorporated
8 into the bottom of the building that will be
9 built behind the front house. And that will
10 extend to the rear and then go up.

11 COMMISSIONER TURNBULL: And
12 normally we don't have projects to look at,
13 but since you've given us a little snapshot of
14 what could be occurring, I just happened to
15 look at one of the photos. And there's that
16 walkway that connects from the building to the
17 north on down. And in the next photo in
18 section A, there's a view of the back of the
19 building that shows it looks like the Carriage
20 House built into the building or somehow
21 incorporated into the features of it.

22 I'm just curious. Did that whole

1 circulation issue is University property then
2 back there?

3 MR. QUINN: The access from H
4 Street to 2000 is yes, university property.

5 COMMISSIONER TURNBULL: Okay.

6 MR. SHER: The proposed
7 university?

8 COMMISSIONER TURNBULL: Right.
9 Yes. That's the one.

10 The proposed University project on
11 the other side -- PUD -- again, you're
12 building up to the lot line?

13 MR. SHER: Not quite, but almost.

14 COMMISSIONER TURNBULL: But
15 almost.

16 It looks like there isn't any
17 windows. But assuming that GW builds up to
18 the lot line, I'm assuming from the building
19 that I see in your proposal -- again, normally
20 we don't get involved with the architecture --
21 but it looks like a solid wall on that one
22 side.

1 MR. QUINN: What the plans show --
2 and we can call the architect if we need to --
3 but basically, we were putting windows there.
4 And if the building does build close to us,
5 we'll have to parge those windows up.

6 COMMISSIONER TURNBULL: Okay.
7 That doesn't really significantly affect your
8 floor plans or operation?

9 MR. QUINN: No. We can call the
10 architect. But we can represent --

11 COMMISSIONER TURNBULL: Well, as I
12 say, we really don't get into the
13 architecture.

14 MR. QUINN: And when we go to BZA,
15 we have a burden of proof there --

16 COMMISSIONER TURNBULL: Yes.

17 MR. QUINN: -- on the parking.

18 So.

19 COMMISSIONER TURNBULL: Okay.

20 Thank you.

21 VICE-CHAIR JEFFRIES: Okay.

22 Commissioner May?

1 COMMISSIONER MAY: First, if you
2 could clarify, Mr. Sher, in your testimony --
3 your outline -- you referred to the drawing --
4 the neighborhood height map. That was done by
5 Group Goetz. And most of the site is
6 indicated to be mid-rise -- 65 to 85?

7 MR. SHER: Yes, sir.

8 COMMISSIONER MAY: And that's
9 based on what is intended to be built, right?
10 Not what the zoning would be?

11 MR. SHER: Zoning would allow 90.

12 COMMISSIONER MAY: Ninety.

13 MR. SHER: We're proposing a 84
14 1/2-foot building. That's what's been shown
15 to HPRB. That's what the plans that we have
16 submitted to you represent.

17 COMMISSIONER MAY: Okay. I don't
18 want to get too hung up on the building
19 itself. But the building is pretty glassy --
20 what's being proposed -- as it faces -- sorry,
21 I'm fumbling around for the right images.
22 Thanks. Quite glassy as it fronts on the GW

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1 property which is the access through to 2000.
2 And what do we know about the future of that
3 GW parcel? Do we know that it's going to stay
4 in that form?

5 MR. SHER: That's my
6 understanding.

7 COMMISSIONER MAY: Okay. You were
8 kind of getting into it before. I just wanted
9 to make sure I understood, because there's a
10 lot of -- if they were to at some point to try
11 to build that out, and you have this giant
12 glass box, it would be a lot of glass to lose.

13 MR. SHER: Okay. It's an R-5-D --
14 the office building if you're looking at this
15 view. And I'm not sure if that's the one
16 you're looking at.

17 COMMISSIONER MAY: Yes.

18 MR. SHER: The office building is
19 C-3-C. The strip of land that comes from the
20 office building out to H Street is R-5-D. So
21 it couldn't be built to the same height and
22 density as the office building which was a PUD

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1 and would need to be modified, but it's not.
2 The development sites under the campus plan do
3 not show this site as one to be developed.

4 COMMISSIONER MAY: Okay.

5 MR. SHER: That walkway when I say
6 this site.

7 COMMISSIONER MAY: Okay. Of
8 course, you know once we zone this property C-
9 3-C -- if we decide to do that -- it would be
10 very difficult to say that that site next door
11 couldn't be. Right? I'm just trying to
12 predict potential outcomes 20 years from now
13 -- 30 years from now.

14 MR. SHER: I have the campus plan
15 here. And we can look at the maps. But it
16 was not shown as a site to be developed under
17 the plan.

18 COMMISSIONER MAY: Okay. Does
19 anybody know when the whole glass box fad is
20 going to end?

21 MR. SHER: I don't.

22 COMMISSIONER MAY: I'm just --

1 VICE-CHAIR JEFFRIES: -- sit back
2 here to talk about glass boxes.

3 COMMISSIONER MAY: That's right.
4 I like to ask the question every once in a
5 while because I'm starting to see them around
6 town with all the stuff that falls off the
7 desk that's up against the glass. Anyway.
8 Never mind.

9 MR. SHER: I live in one everyday.
10 So I don't know. But that's okay with me.

11 COMMISSIONER MAY: Do you keep all
12 the stuff on your desk, or does it fall down
13 behind the desk against the glass?

14 MR. SHER: No. I don't think --
15 there's a lot of stuff piled on the credenza
16 next to the window. But it doesn't fall down
17 on the floor is the point there.

18 COMMISSIONER MAY: All right.
19 Thanks.

20 I really don't have any problem
21 with glass boxes. I really don't. It seems
22 to be what every building is now. That's all.

1 Thanks.

2 VICE-CHAIR JEFFRIES: Okay. And I
3 just have one question for Mr. Sher. And it's
4 really around the end of your presentation --
5 the Group Goetz exhibits -- range of building
6 heights and the building uses. Are you trying
7 to make a point that the square in question
8 here or the property in the square that this
9 is sort of a transitional square? I'm trying
10 to get the thrust of what your conclusion --

11 MR. SHER: I think that's what it
12 is. I think if you look at the -- I don't
13 know. Let me pull this out.

14 If you look at this and say the
15 area to the immediate east and generally to
16 the north is mostly blue in one shade or
17 another. And the area to the south and
18 southwest is yellow -- beige -- whatever color
19 that is -- colors those are. And we're sort
20 of right on the edge of that. And so with
21 116-foot high building immediately to the
22 north, a 95-foot high building proposed at the

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1 corner, an 84-foot high building proposed on
2 this site, the one at the corner where the
3 media school is 80. So as you go further
4 down, particularly as you go into the
5 University yard square which is the one that's
6 immediately to the south, those buildings are
7 not proposed to be that high. They're going
8 to infill part of the north wall of that yard.
9 But my understanding is it's going to be at
10 about the same height of the buildings that
11 are already there.

12 VICE-CHAIR JEFFRIES: And the good
13 news here it seems -- I mean, we have an
14 historic structure or -- the building has it
15 been designated or it's proposed?

16 MR. QUINN: No. It has been
17 proposed to be part of the historic district.

18 VICE-CHAIR JEFFRIES: Okay.

19 MR. SHER: It's not proposed to be
20 an individual landmark. It's proposed to be
21 part of their overall district. But that has
22 not yet been submitted to HPRB.

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1 VICE-CHAIR JEFFRIES: So in your
2 second page -- your historic preservation plan
3 -- when we have this snake-like green
4 boundary, this is what's been proposed.

5 MR. SHER: This is from the campus
6 plan. And the PUD order requires a certain
7 timing for filing of applications to HPRB.
8 But the timing on that was keyed to an
9 unappealable order. And I think that case is
10 on appeal. So they have not yet filed the
11 appropriate historic designation documents
12 with HPRB.

13 VICE-CHAIR JEFFRIES: Okay. Okay.
14 That's it.

15 Okay. Let's move to questioning.
16 First, is anyone here from ANC 2A? Do you
17 have any questions for the Applicant?

18 (No audible response.)

19 VICE-CHAIR JEFFRIES: Okay. Then
20 how about West Side Citizens' Association? Do
21 you have any questions, Ms. Kahlow?

22 MS. KAHLOW: I do.

1 VICE-CHAIR JEFFRIES: Thank you.

2 MS. KAHLOW: I'm with the West
3 End.

4 VICE-CHAIR JEFFRIES: I'm sorry.
5 I'm thinking of Chicago again.

6 MS. KAHLOW: I'm from Chicago too.

7 VICE-CHAIR JEFFRIES: Yes.

8 MS. KAHLOW: Mr. Sher, are there
9 any other non-PUD upzoning ever in Foggy
10 Bottom West and from R-5, R-5-B, R-5-D, R-5-E
11 to C-3-C? Are there any? Have there been
12 any?

13 MR. SHER: The fast answer is I
14 don't know.

15 MS. KAHLOW: Okay. Mr. Quinn
16 testified about it yesterday. But I can't ask
17 him a question. I'll mention it in my
18 testimony.

19 Question 2, why did the Applicant
20 reject any mixed-use or less high commercial
21 zoning such as S-P-2, C-R, C-2-C, or C-3-C?

22 MR. SHER: I think there are two

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1 answers to that.

2 Number one, the zone that is
3 contiguous to this property is C-3-C, and we
4 thought that rezoning this property would be
5 a logical continuation and extension of that
6 zoning category.

7 And secondly, the Applicant's
8 desired program would not fit within the FAR
9 limits of the mixed-use zones that you
10 identified.

11 MS. KAHLOW: What is the zoning of
12 the townhouse at 2021 H Street immediately
13 opposite, and is there residential use there?

14 MR. SHER: If you're referring to
15 the property owned by the Bureau of Catholic
16 Indian Missions --

17 MS. KAHLOW: Yes.

18 MR. SHER: -- my understanding is
19 that it is zoned R-5-D as is most of the
20 southern portion of the square at the moment.
21 And that there may be one floor of that
22 building devoted to residential use. But I

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1 have not been in the building. And I only say
2 that because that's what I've been told.

3 MS. KAHLOW: Because there is
4 residential use, have you done any shadow
5 studies of what this tall building would do to
6 the existing residences in that building?

7 MR. SHER: No.

8 MS. KAHLOW: Thank you. That's
9 all my questions.

10 VICE-CHAIR JEFFRIES: Okay. Thank
11 you, Ms. Kahlow.

12 Okay. So let's move on to the
13 Office of Planning.

14 MR. GOLDSTEIN: Good evening, Mr.
15 Chairman and members of the Commission.

16 For the record, my name is Paul
17 Goldstein. And I am a development review
18 specialist with the Office of Planning.

19 OP recommends approval of the
20 zoning amendment from R-5-D to C-3-C. It's
21 more explicitly provided in our report. The
22 proposed rezoning would not be inconsistent

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1 with the 2006 comprehensive plan and future
2 land use map. And C-3-C zoning would be
3 comparable to neighboring properties. The
4 proposal is not inconsistent particularly with
5 the future land use map's institutional
6 designation. Nor is it inconsistent with
7 several comp plan policies.

8 This is a rather truncated
9 recitation of our position. That's in the
10 report. But I'm happy to answer any
11 additional questions that you might have.

12 VICE-CHAIR JEFFRIES: Thank you.

13 Fellow Commissioners, any
14 questions? None?

15 Commissioner May?

16 Okay. How about ANC 2A, do you
17 have any questions for the Office of Planning?

18 (No audible response.)

19 VICE-CHAIR JEFFRIES: Great.

20 Okay.

21 You should probably come to the
22 mic. Just identify yourself, please.

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1 MR. CORSON: I don't have any
2 questions. My name is Asher Corson. And I'm
3 Chair of ANC 2A.

4 VICE-CHAIR JEFFRIES: Okay. Thank
5 you, Commissioner Corson.

6 Okay. And you have no questions
7 for the Office of Planning? Okay. Thank you.

8 Ms. Kahlow from West End Citizens'
9 Association?

10 MS. KAHLOW: Mr. Goldstein, you
11 heard my questions to the Applicant. I'm
12 going to ask you some of the same.

13 Do you know of any other non-PUD
14 upzoning cases in Foggy Bottom West End from
15 R-5, R-5-B, R-5-D, R-5-E to C-3-C? Are there
16 any either north of Pennsylvania Avenue in
17 west end or south of Pennsylvania in Foggy
18 Bottom?

19 MR. GOLDSTEIN: I'm not aware of
20 any.

21 MS. KAHLOW: Thank you.

22 Are you aware of the current use

1 of 2021 H Street? Is there any residential
2 use currently?

3 MR. GOLDSTEIN: I've been told by
4 the Applicant and also in testimony here
5 tonight -- you are referring to the Bureau of
6 Indian Catholic Missions?

7 MS. KAHLOW: That is correct.

8 MR. GOLDSTEIN: I've been told
9 that there's one floor perhaps of residential
10 use there.

11 MS. KAHLOW: And have you done any
12 shadow studies or any kind of studies of the
13 effect of what this tall building with this
14 massing would do on that floor of residential
15 use?

16 MR. GOLDSTEIN: No, I have not.

17 MS. KAHLOW: Thank you. Thank
18 you.

19 VICE-CHAIR JEFFRIES: Actually, I
20 do have a question for the Office of Planning.

21 Would you actually pursue such a
22 study under a map amendment? I mean, would

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1 you normally undertake such like a shadow
2 study or the like?

3 MR. LAWSON: Thank you, Mr. Chair.
4 Joel Lawson with the Office of Planning.

5 We normally would not, especially
6 in a case like this where the proposed zone
7 and the existing zone allow the same height by
8 right.

9 VICE-CHAIR JEFFRIES: Okay. Thank
10 you.

11 Do we have any reports from any
12 other governmental agencies? Do we have
13 anyone here from -- excuse me? We have a DDOT
14 report?

15 Okay. Do we have anyone here from
16 DDOT?

17 (No audible response.)

18 VICE-CHAIR JEFFRIES: Okay. I
19 have a report here from Karina Ricks who's the
20 Associate Director dated December 17.
21 Effectively, the brief says that DDOT supports
22 the Applicant's request for the zoning map

1 amendment due to sufficient analysis of the
2 impacts to transportation operations and
3 infrastructure. DDOT has spoken with the
4 Applicant's transportation consultant about
5 the proposal. And we -- DDOT -- feels that
6 the proper commitments are being pursued.

7 So I just wanted to put that on
8 the record.

9 Okay. Let's move on to other
10 parties in terms of presentation or testimony.

11 Why don't we have Commissioner 2A?
12 Can you come up? It is Corson? Corson.
13 Thank you.

14 MR. CORSON: Good evening,
15 Commissioners.

16 As you know, what we're talking
17 about tonight is one of the few remaining
18 examples of the once elegant residential
19 neighborhood that existed in this section of
20 Foggy Bottom dating back to 1888. It's quite
21 a historic area.

22 The proposed seven-story addition

1 to this three-story 2013 rowhouse which would
2 result in a 379 percent increase in gross
3 square feet from 6,225 square feet to 29,801
4 square feet would overwhelm the integrity of
5 the rowhouse and would block the air and light
6 from the sister three-story residential
7 townhouses at 2021 H Street, which also date
8 from the same period.

9 The site is located -- and this is
10 the main thrust of our opposition to this
11 application -- the site is located in an
12 tremendously large R-5-D area with the only
13 all-commercial zoning either along
14 Pennsylvania Avenue or in approved PUDs in
15 which as you Commissioners know if it were a
16 PUD, the community would get some type of
17 amenities.

18 Upzoning from all residential to
19 all-commercial zoning would set a dangerous
20 precedent which could adversely change the
21 residential and mixed-use character of both
22 Foggy Bottom and the West End.

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1 Those are the points that I have
2 to make. And the last thing I'd like to say
3 is that this was not a contentious issue for
4 our ANC. This was a unanimous vote. Every
5 Commissioner felt very strongly that we need
6 to hold the line in our residential community
7 and not allow anymore of our residential
8 neighborhood to become commercial. We really
9 feel if we were to break this wall down, we
10 would really be opening ourselves up to our
11 entire neighborhood potentially being open for
12 commercial upzoning.

13 VICE-CHAIR JEFFRIES: Okay. Thank
14 you, Commissioner.

15 Did your Commission take a vote?
16 I don't seem to have anything in the record
17 about a vote of opposition.

18 MR. CORSON: Our Commission wasn't
19 actually able to get a full quorum in a
20 meeting until last evening where this was
21 considered in public at a duly-noticed regular
22 meeting. So that's when the vote was taken.

1 And I actually have before me --
2 which if it would be acceptable to the
3 Commission -- I understand you'd have to waive
4 the seven-day rule for me to be able to give
5 this to you. But the Foggy Bottom West End
6 ANC unanimously passed a resolution that I
7 have before me.

8 VICE-CHAIR JEFFRIES: Now, let me
9 understand. So you just didn't have quorum
10 before? I mean, what happened that --

11 MR. CORSON: We couldn't get a
12 meeting due to scheduling and quorum issues.
13 That's correct.

14 VICE-CHAIR JEFFRIES: But you had
15 enough time though? Did the Commission have
16 enough time?

17 MR. CORSON: We had enough time.
18 But the issue is we didn't have enough time to
19 have a meeting and then submit a letter to you
20 before the seven-day period.

21 So it's true that we had plenty of
22 time. But the problem was as the Chair I

1 couldn't get a quorum. I tried my best.

2 VICE-CHAIR JEFFRIES: Okay. Thank
3 you.

4 MR. CORSON: And actually, I'd
5 like to --

6 VICE-CHAIR JEFFRIES: Whatever you
7 have in your possession, can you give it to
8 Mrs. Hanousek?

9 MR. CORSON: Sure. And the only
10 thing I'd like to add is I actually attempted
11 -- and it was advertised in the *Foggy Bottom*
12 *Current* -- I attempted to hold a special ANC
13 meeting specifically on this issue so that we
14 wouldn't have to ask you to waive the seven-
15 day rule.

16 What happened was the day of the
17 meeting, I found out that I wasn't going to
18 have quorum, and I had to cancel the meeting
19 that day. So not only -- I'm not just telling
20 you that. There's a verifiable trail that we
21 did everything we could to hold a meeting.

22 VICE-CHAIR JEFFRIES: Sure. Okay.

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1 Whatever you have in your
2 possession, can you submit it to Ms. Hanousek?
3 And let's just take a look at what he has, and
4 we can make a determination here if we want to
5 waive notice.

6 COMMISSIONER MAY: I have
7 questions actually.

8 VICE-CHAIR JEFFRIES: Excuse me.
9 Commissioner?

10 COMMISSIONER MAY: Do you want to
11 act on the --

12 VICE-CHAIR JEFFRIES: Yes. Why
13 don't you --

14 MR. CORSON: Do you want me to go
15 up first?

16 VICE-CHAIR JEFFRIES: Yes. Yes.
17 Go up first. And then come back and take
18 questions.

19 Does the Applicant have a copy of
20 -- oh, you just got it. Okay.

21 Okay. While I'm quickly going
22 through this, where's the vote?

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1 MR. CORSON: The vote is not
2 listed on here.

3 VICE-CHAIR JEFFRIES: Okay.

4 MR. CORSON: I hope that's not a
5 problem.

6 VICE-CHAIR JEFFRIES: Excuse me?

7 MR. CORSON: I said I hope it's
8 not a problem. But it sounds like it might
9 be.

10 VICE-CHAIR JEFFRIES: Yes. It's a
11 problem because normally obviously the form
12 and function -- I mean, you understand that we
13 give the ANC great weight?

14 MR. CORSON: Yes.

15 VICE-CHAIR JEFFRIES: But we
16 typically require that it is -- I mean,
17 clearly your citations are appropriate. But
18 we normally there is some record of a vote.
19 And each Commissioner will state approval or
20 opposition. And so we don't have that here.

21 So I mean, I clearly trust what
22 you're telling me on record. But we normally

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1 have a paper trail.

2 MR. CORSON: Okay. So is what
3 you're saying, Mr. Jeffries, if this printed
4 sheet just simply had a number with six to
5 zero, it would have been acceptable to you?

6 COMMISSIONER MAY: I think they're
7 actually several things that have to be stated
8 in what's transmitted to us. You have to say
9 that it's a duly-notice public meeting, that
10 there was a quorum present, and what the vote
11 was.

12 MR. CORSON: Okay. I understand.

13 COMMISSIONER MAY: And I mean, is
14 there any reason why he can't do that by
15 handing -- I mean, he's the Chairman. He can
16 sign it, and then we're -- I mean, it may not
17 be the prettiest ANC resolution.

18 VICE-CHAIR JEFFRIES: Well, my
19 suspicion here is that I don't know if we're
20 going to take a vote tonight. We might leave
21 the record open for a short while for you to
22 get the correct form of letter from the ANC.

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1 MR. CORSON: We would really
2 appreciate that.

3 VICE-CHAIR JEFFRIES: Okay.

4 MR. CORSON: And I very much
5 apologize for not submitting it in the correct
6 form.

7 VICE-CHAIR JEFFRIES: That's
8 perfectly -- that's fine. These things
9 happen.

10 Okay. Mr. Turnbull? I'm sorry.
11 So Commissioner May and perhaps Mr. Turnbull
12 has a question for you.

13 COMMISSIONER MAY: Yes. If I
14 understood correctly, the biggest concern you
15 had had to do with height of the building and
16 the potential for it to impact I guess the
17 light that would hit the neighboring
18 townhouse, right?

19 MR. CORSON: Well, that's one of
20 the concerns we mentioned.

21 I would say height actually isn't
22 the biggest concern. It's use. That's the

1 biggest concern.

2 Because like I mentioned during my
3 statement, the big concern here is precedent.
4 We want to make sure that no R-5-D zones are
5 upzoned to C-3-C zones. That's what we want
6 to make sure. And there's a lot of areas that
7 we're very concerned about, including areas
8 like the Schneider's Triangle, which make us
9 worry that something like this could happen
10 there. And --

11 COMMISSIONER MAY: What's the
12 Schneider's Triangle? I know a lot of stuff
13 about Washington, but I don't know that one.

14 MR. CORSON: It's a group of
15 townhouses. And it's surrounded by some
16 commercial buildings.

17 COMMISSIONER MAY: Where is it?

18 MR. CORSON: It's on Washington
19 Circle.

20 COMMISSIONER MAY: Sorry. Which -
21 northwest, northeast corner?

22 MR. CORSON: Yes.

1 COMMISSIONER MAY: Northwest.
2 Northeast. Because Northwest already got
3 towered over by the other building.

4 MR. CORSON: I hear that it's the
5 northeast corner. But I don't know that for
6 certain.

7 COMMISSIONER MAY: Yes. Yes. Ms.
8 Kahlow's nodding her head. I will trust that
9 she's absolutely correct.

10 MS. KAHLOW: I will be presenting
11 information about that.

12 COMMISSIONER MAY: Okay. All
13 right.

14 I guess I misunderstood because I
15 thought that there was much more emphasis on
16 the impact of the tall building on the
17 neighboring, potentially residential, because
18 it's hard to see that there really is that
19 much potential.

20 MR. CORSON: Right. Well,
21 frankly, that's more of the dressing on the
22 argument. The thrust of our argument and the

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1 reason that this got a unanimous vote from the
2 Commission was because we were concerned about
3 precedent.

4 COMMISSIONER MAY: Okay. Thank
5 you.

6 VICE-CHAIR JEFFRIES: Mr.
7 Turnbull?

8 COMMISSIONER TURNBULL: Thank you,
9 Mr. Chair.

10 Commissioner, I'm wondering --
11 they're actually preserving the existing
12 rowhouse. And HPRB seems to be -- I mean,
13 what they've done is sort of a -- what they
14 want to add is actually at the back of the
15 building in considering that there's a planned
16 PUD next to it that will be taller than it.
17 I think and as a matter of right, they could
18 go to 90 feet.

19 VICE-CHAIR JEFFRIES: Residential.

20 COMMISSIONER TURNBULL:

21 Residential.

22 MR. CORSON: And frankly, we would

1 welcome that. I mean, residential use is very
2 different for us than commercial use. We see
3 it as different.

4 COMMISSIONER TURNBULL: But
5 they're not putting in any parking into the
6 area. They're --

7 MR. CORSON: Which frankly makes
8 it worse in this case. I mean --

9 COMMISSIONER TURNBULL: You don't
10 like pedestrians? Or people?

11 MR. CORSON: Of course, we do.
12 But to believe that because there's a parking
13 lot three, four blocks away that everybody
14 going to this destination is going to use that
15 is simply in my opinion foolish. My
16 experience has been people look for the most
17 convenient parking spot that they can find,
18 which in this case will mean we're going to
19 have increased traffic and increased parking
20 gridlock in our neighborhood which we also
21 don't want.

22 COMMISSIONER TURNBULL: You would

1 also have that with residential parking.

2 MR. CORSON: Right. We could also
3 have that with residential. But those would
4 be people that would be living in our
5 neighborhood and staying there in evening and
6 not leaving and having it be vacant.

7 COMMISSIONER TURNBULL: Okay.
8 Thank you.

9 VICE-CHAIR JEFFRIES: So your
10 issue is less about height. It's more about
11 use?

12 MR. CORSON: Yes.

13 VICE-CHAIR JEFFRIES: Okay. And
14 your assumption here is that the use -- I
15 mean, office is more of an intense use on the
16 residential zone.

17 MR. CORSON: Yes. That's part of
18 it. And the big concern here is a matter of
19 breaking down the wall between the residential
20 and the commercial parts of our neighborhood.
21 And this is moving or upzoning an R-5-D area
22 to a commercial area. And if that can happen

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1 here, our concern is that it could happen
2 elsewhere.

3 VICE-CHAIR JEFFRIES: So let me
4 ask you. You got a copy of Mr. Sher's
5 presentation -- correct -- and the last pages
6 that were prepared by Group Goetz?

7 MR. CORSON: Yes.

8 VICE-CHAIR JEFFRIES: It really --
9 and I like these kind of exhibits because they
10 really show the context. And I love context.
11 And it really seems to indicate -- I mean,
12 this whole question about squares that might
13 be transitional in nature. And if you look at
14 those -- the one with the building uses, and
15 then the one before -- I mean, if you could
16 comment on that. I guess it just doesn't seem
17 to be overtly unreasonable given sort of the
18 context and where it sits, if you can help me
19 with that.

20 MR. CORSON: Sure. See, I guess I
21 see something different than you,
22 Commissioner. What I see here is a line

1 dividing commercial zoning and residential
2 zoning.

3 VICE-CHAIR JEFFRIES: Okay. Let's
4 get on the same page.

5 MR. CORSON: Okay.

6 VICE-CHAIR JEFFRIES: Which one
7 are you looking at?

8 MR. CORSON: Where are you?

9 VICE-CHAIR JEFFRIES: Okay. One
10 says "Building Uses," and the other one says
11 "Range of Building Heights." So where's the
12 line that you're referring to?

13 MR. CORSON: Can I point to it?
14 Here.

15 VICE-CHAIR JEFFRIES: Okay. The
16 lines -- so it's somewhat parallel to
17 Pennsylvania Avenue?

18 MR. CORSON: Yes.

19 VICE-CHAIR JEFFRIES: Okay. Okay.
20 So you say that that line is broken. There's
21 an imaginary line that denotes commercial from
22 institutional. It's not residential really.

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1 But --

2 MR. CORSON: It was at one time.
3 And I would note that those conversion were
4 largely done through PUDs in which the
5 neighborhood received some amenity for those
6 conversions. I see this as simply us only
7 losing.

8 VICE-CHAIR JEFFRIES: Okay. I
9 understand.

10 Okay. Thank you, Commissioner
11 Corson.

12 The Applicant has a question.

13 MR. QUINN: Mr. Corson, as you
14 know I was here last night.

15 My recollection is that there was
16 one vote -- just to correct the record. I
17 don't mean to think it makes much difference.
18 But there was one vote that you did not get
19 that either voted against it. He was the
20 gentleman that was not immediately to your
21 right but the next person over -- did not vote
22 for it. And I think he actually voted against

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1 it.

2 MR. CORSON: My recollection is
3 different.

4 MR. QUINN: Could you check on
5 that, please?

6 MR. CORSON: I will. And the fact
7 that you raised the concern is enough for me
8 to request that you leave the record open so
9 that we can verify that. Because I would like
10 to have it be correct.

11 VICE-CHAIR JEFFRIES: Sure. We
12 would like that too.

13 MR. CORSON: But my recollection
14 is that it was unanimous. And I can hear that
15 that was Ms. Kahlow's recollection as well.

16 VICE-CHAIR JEFFRIES: Okay. Okay.
17 Ms. Kahlow, do you have any questions for Mr.
18 Corson?

19 MS. KAHLOW: No.

20 VICE-CHAIR JEFFRIES: Okay. Okay,
21 great. Any other questions from the
22 Commission?

1 (No audible response.)

2 VICE-CHAIR JEFFRIES: Okay. Thank
3 you very much.

4 MR. CORSON: Thank you,
5 Commissioner.

6 VICE-CHAIR JEFFRIES: Okay.

7 So next we're going to have the
8 West End Citizens' Association come forward
9 and give their presentation.

10 Now I'm certain you can read that
11 without -- you know it without having to read
12 it.

13 MS. KAHLOW: Thank you for your
14 indulgence.

15 I, Barbara Kahlow, live at 800
16 25th Street, Northwest. I'm testifying on
17 behalf of the West End Citizens' Association,
18 the oldest citizens organization in the Foggy
19 Bottom West End area.

20 As you all know, the WECA is
21 primarily interested in maintaining and
22 improving the quality of life for the existing

1 residential community in Foggy Bottom West
2 End. On November 4, we asked for party
3 status. Thank you for granting it to us.

4 In that point in that document, we
5 stated that Ms. Maddox was going to be joining
6 me, and at the last minute she was detained.
7 You will see and I will be presenting my
8 testimony, then hers. And we had cut who was
9 doing what. So that's why you have two
10 testimonies. The President of the West End
11 Citizens' Association, Mr. Bateman, is here.
12 But I'll be presenting both because Ms. Maddox
13 --

14 VICE-CHAIR JEFFRIES: -- I'm not
15 on. I'm sorry.

16 Ms. Maddox is not here. She would
17 be representing --

18 MS. KAHLOW: The other half. We
19 were preparing a joint testimony.

20 She was discussing the historic
21 changes in the fabric of the immediate
22 neighborhood. And I'm presenting the zoning

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1 case.

2 VICE-CHAIR JEFFRIES: Okay. Okay.

3 MS. KAHLOW: So you'll see the
4 testimony is complimentary.

5 VICE-CHAIR JEFFRIES: I
6 understand.

7 MS. KAHLOW: Thank you.

8 The Applicant's related board is
9 on the adjustment case for reduced parking is
10 not yet been scheduled, but the WC intends to
11 state its objections in this case. We're
12 happy that the abutting property owner -- the
13 George Washington University -- will also
14 appear in opposition in the BZA case. They
15 submitted a letter yesterday to the Zoning
16 Commission stating their objection to the BZA
17 case.

18 The Applicant's proposal calls not
19 only for a zoning map amendment, upzoning in
20 a huge R-5-D area from 100 percent residential
21 use with 3.5 floor area ratio and 75 percent
22 lot occupancy to 100 commercial use with 6.5

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1 FAR -- almost double -- and 100 percent lot
2 occupancy. This would be an 86 percent
3 increase in density, but also for a seven-
4 story addition to a three-story historic
5 townhouse. Such upzoning would set an
6 unwelcome and most unfortunate precedent for
7 non-planned unit development -- PUD -- high-
8 density commercial use off the avenues
9 throughout our community, both in Foggy Bottom
10 south of Pennsylvania and west in the west end
11 north of Pennsylvania. I will go into that in
12 some detail in a few minutes. We know of no
13 other such non-PUD's upzoning.

14 I would like to cover two areas in
15 today's testimony: a) process problems and b)
16 substantive objections. With respect to the
17 process, on September 17, the Applicant
18 appeared for its first time at the ANC
19 meeting. The Commission requested that the
20 Applicant hold a substantive discussion
21 meeting with the community to explore other
22 options such as mixed-use zoning, such as S-P-

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1 2, C-R, or a lesser commercial zoning -- C-2-C
2 or C-3-B -- with at least some residential
3 component where the immediately affected
4 neighbors including the residential use in
5 2021 H rowhouse across the narrow pedestrian
6 alley, and the two major Foggy Bottom West End
7 community organizations -- the WECA and the
8 Foggy Bottom Association.

9 I regret to inform you that the
10 Applicant never initiated the requested
11 community meeting. So that's why the ANC when
12 it finally had its vote was a straight no.

13 With respect to substance, the
14 WECA agrees with the HPRB Chairman Tersch
15 Bosderg's summary comments at the September 25
16 initial HPRB hearing. He stated, "It looks
17 like it's on steroids with a 379 percent
18 increase in gross square feet from 6,225
19 square feet to 29,801 square feet." And it is
20 "totally overwhelming and inappropriate."

21 The HPRB staff stated that 2013 is
22 one of the few surviving 1988 row houses in a

1 once elegant residential neighborhood, and
2 that both the rowhouse and carriage house are
3 remarkably intact.

4 The HPRB did not -- not -- approve
5 this. The staff report only commented on it.
6 They took no official action whatsoever.

7 The WECA requests that the
8 Commission not undermine retention of one of
9 the last remaining historic intact and low
10 scaled buildings in this part of our
11 community. The WECA believes that the seven-
12 story addition proposal overwhelms the
13 historic elements, are most unattractive, and
14 would block light from the sister rowhouse's
15 residential use at 2021 H Street.

16 If the Applicant were to upzone
17 the site to all commercial versus to more
18 community-friendly, mixed-use zoning, it will
19 be the first non-PUD, all commercial upzoning
20 anywhere in our community. I spent hundreds
21 of hours reading every single PUD case and
22 every single zoning case. There is none in

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1 the records of the Zoning Commission of such
2 a change.

3 Attachment A -- which I would like
4 you to look at -- is the relevant part of the
5 D.C. Zoning Map 10 for Foggy Bottom West End.
6 It shows the PUDs and the other zoning. It
7 reveals no non-PUD upzoning in any R zone, R-
8 5-B, R-5-D, and R-5-E, into all commercial
9 zoning. The Applicant's attorney confirmed
10 this fact in last night's ANC 2A meeting.

11 Also, unlike in PUD cases, the
12 proposal upzoning would provide no benefits
13 such as amenities whatsoever to our community.
14 Instead the proposal would seriously undermine
15 one of our historic gems.

16 Now if we can talk about the site.
17 Specifically to the north, the site at 2000
18 Pennsylvania Avenue is GW's Red Lion Row. And
19 that was a PUD. To the west in Square 101 at
20 the corner of 21st and H after the pedestrian
21 alley and after the sister low-scale rowhouse
22 at 2021 H is GW's Media and Public Affairs

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1 Building. That was a PUD. Immediately to the
2 east is a GW parking lot which is one of the
3 60 development sites in the recently approved
4 GW University Omnibus PUD, and is proposed for
5 -- listen to this -- residential use -- 244
6 new beds.

7 Attachment B shows the part of the
8 campus plan proposal. And it shows the 344
9 beds would be exactly to the east. Attachment
10 B is an exhibit from GW's Omnibus PUD
11 submission about this intended use. In fact,
12 the recently approved GW plan calls for
13 residential development all along H Street, as
14 mentioned in the Office of Planning's December
15 8 report on page 4. This H Street and this
16 site are supposed to be residential.

17 To the south across H Street in
18 Square 102 is GW's University R, part of which
19 is included as another one of the 16
20 development sites in the recently approved
21 Omnibus PUD. Upzoning a small single record
22 lot -- 874 in Square 101 -- could lead to

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1 multiple upzonings elsewhere in Foggy Bottom
2 West End.

3 For example, I want to talk about
4 Schneider's Triangle. If we can look at the
5 Exhibit Attachment A, and you see the circle
6 in the middle. That's Washington Circle.

7 To answer your question, Mr. May,
8 52 and 53 are Schneider's -- to the north of
9 that little circle are Schneider's Triangle.
10 If you look at the property PUD 094 to the
11 east of that, which is in the R-5-Z zone, the
12 Commissioner asked the Applicant last night
13 about that square. Because here we have
14 historic townhouses right across from -- as
15 you see -- C-3-C zoning. And any one of those
16 could go from low-scale to commercial or all
17 commercial. And if one went, they all go.

18 And that's the case all throughout
19 this map. Wherever there is R zoning, and you
20 see this R-5-D goes all the way down -- R-5-D,
21 R-5-E, R-5-B -- taking one little townhouse
22 out and having it be all commercial -- let's

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1 pretend the Foggy Bottom Historic District.
2 Anywhere could be a very bad precedent for our
3 community.

4 This would result in the
5 destruction of our residential and mixed-use
6 community. Please do not approve this
7 disturbing, unjustified map amendment.

8 Now I'd like to move to Ms.
9 Maddox's testimony.

10 The reason that she and I split it
11 is she has lived in this neighborhood since
12 1965, and she remembers what was in every
13 single square. So she goes square by square
14 what used to be there when it was all
15 rowhouses and townhouses. And she has been a
16 witness as she says to the history of
17 residential, commercial and institutional
18 changes in the neighborhood.

19 Although Square 101, which is the
20 square today a split zone, this is a result of
21 an historical accident in the construction of
22 an office building owned by GW which is now

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1 Red Lion Row. This accident along with that
2 involving an historic church in the District
3 was the impetus of the Greater Historic
4 Preservation Movement in D.C.

5 To say that changing the R-5-D
6 district in this square to C-3-C as a natural
7 evolution is a very large error. This would
8 be precedent setting and unleash of re-
9 districting in the Foggy Bottom West End area,
10 which in the end will be a concrete village
11 devoid of human scale building, green grass
12 and trees, and the last pieces of this
13 historic neighborhood as a residential
14 neighborhood which houses and continues to
15 house working tax-paying citizens.

16 A review of the past actions
17 begins with the obliteration of the historic
18 church -- the old Western Presbyterian Church
19 -- in Square 120. And that was by the IMF.
20 Then we go to Square 119 to its north. And
21 it's another huge fortress.

22 Further down that series of

1 squares, you that there was a loss of
2 townhouses in F Street to accommodate the
3 World Bank. Two of those townhouses were
4 moved to the 600 block of 21st and are now
5 offices for GW. Other low-scale buildings
6 along E which housed a long time neighborhood
7 restaurant and liquor store among other small
8 businesses fell prey to this development. Now
9 they're more concrete office buildings by GW.

10 Along F between 21st and 22nd,
11 there was a four-story apartment building and
12 brick townhouses. The apartment buildings are
13 gone replaced by higher buildings with no
14 green areas or set backs. GW has constructed
15 a dorm over what had been tennis courts. And
16 Mr. May is quite familiar with that. That's
17 the school without walls taking away more open
18 space between 22nd and 23rd Streets. In the
19 600 block of 22nd, GW took away the brick
20 townhouse and built the Smith Athletic Center.

21 Then she talks about things west
22 of 23rd. And she goes through each square

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1 there, including the overwhelming historic St.
2 Mary's Episcopal Church, the oldest black
3 Episcopal Church in the Washington Diocese.

4 If you look around at the other
5 buildings currently shown on the just replaced
6 campus plan, along with the proposed buildings
7 in the 20-year campus plan, it's obvious that
8 the paving over with giant concrete structures
9 by GW will continue.

10 Directly across the street from
11 2013 H is the GW University dorm, bordered on
12 the east by the GW Law School. This is the
13 last open green area on the campus. This area
14 without a doubt will be the first victim of
15 any zoning change granted in this case before
16 you tonight.

17 Granting the Applicant's zoning
18 map amendment change will create additional
19 problems because the need for variance
20 concerning parking. They will not be an asset
21 for the owner of the property, but a
22 complication created by the Applicant in

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1 needing to be bailed out of a bad business
2 decision in the planning for the use of the
3 property. Secondly, this house is within the
4 non yet proposed -- that was also misstated
5 earlier. The University will not be funding
6 the proposal, but the proposal would come from
7 the City of a pending historic district. It
8 has not been proposed because they're waiting
9 to see what happens in the litigation over the
10 campus plan.

11 If the zoning map amendment change
12 is approved, it would change the nature of the
13 asset which is to be included in the proposed
14 historic district. That's beginning the
15 unraveling of the historic district before
16 it's even begun.

17 Although the proposed structure
18 was presented before the HPRB, because it was
19 not nominated for designation, there are no
20 standards applied to the decision process, and
21 there was no formal decision by the Board,
22 just an approval of the staff report which

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1 represented an opinion. This is hardly within
2 the standards and appropriate D.C. government
3 process.

4 Under the comp plan, land use
5 policy guidance for any fill development,
6 which was mentioned earlier by Mr. Sher, this
7 project does not represent an infill because
8 it's not vacant land. Instead, it's a proper
9 house built in accordance with the
10 requirements at the time of its construction.
11 It is not vacant land near a Metro station
12 requiring development as other parcels in
13 other areas of the District have been approved
14 by the other zoning plans. It certainly will
15 not promote commercial development or expand
16 employment which are different comp plan
17 provisions.

18 The owner is a nonprofit
19 organization looking to collect rent from
20 other nonprofits to support itself. These
21 efforts do not contribute to the expansion of
22 continued economic growth in the District as

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1 taxes and amenities with no requirement to
2 employ D.C. residents.

3 Thank you for your consideration
4 of these facts. I ask that you deny this
5 request in order to protect the remaining
6 historic and residential elements of Foggy
7 Bottom West End neighborhood, and secondly not
8 to have the bad precedent of this change which
9 will be used before you in coming cases.

10 I want to be sure that the letter
11 to Mr. Hood from GW objecting to the BZA case
12 is in the record. If not, I can present it in
13 -- the December 17 letter.

14 VICE-CHAIR JEFFRIES: I'm going to
15 actually read from it in a minute.

16 MS. KAHLOW: Very good. Thank
17 you. I just wanted to be sure it's in the
18 record. Thank you.

19 VICE-CHAIR JEFFRIES: Sure.

20 MS. KAHLOW: I wanted to be sure
21 it was.

22 And I am available to take

1 questions. I tried to meld our two
2 testimonies to not be duplicative. Thank you.

3 VICE-CHAIR JEFFRIES: Thank you
4 very much, Ms. Kahlow.

5 Questions from the Commission?

6 COMMISSIONER MAY: Yes. My first
7 question actually is about the GW letter.

8 In your testimony you said that GW
9 plans to oppose this at BZA?

10 MS. KAHLOW: Just the parking.
11 That's the only part that needs to be --

12 COMMISSIONER MAY: Right. Can you
13 tell me where it says that in the letter?

14 MS. KAHLOW: Okay.

15 COMMISSIONER MAY: Because I'm
16 reading this and I see that there are
17 concerns. But I'm not seeing the word
18 opposition or opposed to.

19 MS. KAHLOW: "We understand the
20 Applicant will be seeking a variance of the on
21 site parking requirements in subsequent
22 proceeding before the BZA. And as an adjacent

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1 property owner of its own parking requirements
2 demanded by the campus plan, GW has a vested
3 interest in the Applicant's provision of
4 adequate parking for its uses. So
5 accordingly, the University plans to
6 participate in the BZA case and will address
7 this issue in attempts to ensure a successful
8 resolution."

9 And my understanding in subsequent
10 emails when it was sent back and forth to me
11 is that is what was intended, that they don't
12 want the parking exemption.

13 COMMISSIONER MAY: Okay.

14 MS. KAHLOW: In their earlier
15 sentence, "The proposed da da da" --

16 COMMISSIONER MAY: Clearly there
17 are concerns. But to say that this indicates
18 their opposition, it does not. If there's
19 other evidence to that effect --

20 MS. KAHLOW: Yes. But I don't
21 have it except for in emails.

22 But they're not opposed to the

1 upzoning. They're opposed to the fact that
2 there will be no parking.

3 COMMISSIONER MAY: I understand.

4 MS. KAHLOW: Thank you.

5 VICE-CHAIR JEFFRIES: Well, that's
6 just a little bit different than I think what
7 I heard.

8 MS. KAHLOW: I'm sorry if I wasn't
9 clear.

10 VICE-CHAIR JEFFRIES: Okay.

11 MS. KAHLOW: But luckily, you have
12 my record. That's why I asked for you to have
13 it in the record. Because I don't like to
14 speak for other entities. I just wanted to be
15 sure you had it.

16 COMMISSIONER MAY: Sure. I have a
17 question about what you testified about in
18 terms of HPRB. And you read that the Chairman
19 stated that it looks like "on steroids with a
20 379 percent increase in gross square feet."
21 The way you read it, it sounded like that's
22 what he said.

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1 MS. KAHLOW: He did not say the
2 parenthetical. I added the -- he said as the
3 quote marks say, "It looks like on steroids."
4 So the quote marks said "totally overwhelming
5 and inappropriate." Those are his quotes. I
6 added the parenthetical.

7 COMMISSIONER MAY: Okay. But his
8 two quotes were "It looks like on steroids,"
9 and "totally overwhelming and inappropriate?"

10 MS. KAHLOW: That is correct.
11 Those are his exact words.

12 COMMISSIONER MAY: This is at the
13 9/25 hearing?

14 MS. KAHLOW: That was at the first
15 hearing. At the second --

16 COMMISSIONER MAY: There was a
17 second one?

18 MS. KAHLOW: There was a second
19 one. And at the second one, he was silent
20 after I mentioned what he had said at the
21 first. So he was deferring to other members.

22 COMMISSIONER MAY: Okay. Is there

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1 actually a report from the subsequent hearing?
2 Because what I have is this staff
3 recommendation. But there's often the
4 subsequent actual report.

5 MS. KAHLOW: What they do is they
6 send down -- I don't remember if they've sent
7 it out this time yet. They send down a
8 monthly listing to everybody who's on their
9 mailing list of what happened. And in this
10 case it says that they adopted the staff
11 report. So it doesn't have the full body.

12 COMMISSIONER MAY: So they adopted
13 the staff report?

14 MS. KAHLOW: And the staff report
15 said we can't make a comment. It's not an
16 historic district.

17 COMMISSIONER MAY: Right. But
18 they didn't say anything about it being on
19 steroids or being --

20 MS. KAHLOW: That is correct.
21 That was a direct quote.

22 COMMISSIONER MAY: -- overwhelming

1 and inappropriate? So theoretically the
2 project changed between the first hearing and
3 the second, did it?

4 MS. KAHLOW: Not in that regard.
5 It was only minor changes in the back. Minor
6 changes -- not -- it still is the same density
7 and the rest.

8 COMMISSIONER MAY: Okay. Well --

9 MS. KAHLOW: It was imperceptible
10 to us at least.

11 COMMISSIONER MAY: I mean, it is
12 essentially kind of unofficial action anyway
13 because --

14 MS. KAHLOW: That's right.

15 COMMISSIONER MAY: -- it's not an
16 actual project within an historic district.
17 But it's helpful to have whatever they say be
18 said officially and not related necessarily in
19 this manner. So we'll rely on what's written
20 in the staff recommendation.

21 MS. KAHLOW: I was just talking
22 about his impression which I happen to agree

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1 with.

2 COMMISSIONER MAY: I understand.
3 I just want to make sure it's clear that
4 that's an impression. That's not an official
5 --

6 MS. KAHLOW: That is correct.

7 COMMISSIONER MAY: -- reaction of
8 HPRB.

9 In Ms. Maddox's testimony which
10 you delivered, you referred to the
11 obliteration of an historic church. Is that
12 the church that was actually moved, or was
13 there another church that was obliterated?

14 MS. KAHLOW: To be honest with
15 you, I don't know which church she was talking
16 about. The Western Presbyterian Church I
17 don't believe was that, because that was years
18 later. The Red Lion Row was many years before
19 that. So if she's thinking of another church,
20 I didn't live in the neighborhood then. I
21 don't know the name of that church. So it was
22 not the Western Presbyterian Church. It was

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1 another.

2 COMMISSIONER MAY: Okay.

3 MS. KAHLOW: Let me just see if
4 Mr. Bateman knows. He doesn't know either.
5 I'm sorry. I didn't live there then.

6 COMMISSIONER MAY: Okay. All
7 right. I was just looking for clarity on
8 that.

9 Now looking at all of the
10 potential changes that you're seeing on the
11 horizon in the neighborhood and this potential
12 for converting existing residential zones to
13 commercial zones, and looking at this case in
14 particular, what we have is a case where
15 what's really working in favor of a sensitive
16 development of the property is the fact that
17 there is an existing historic building or
18 potentially historic building -- potentially
19 contributing structure in an historic
20 district. That seems to be what protection
21 comes here, because there certainly is no
22 inherent protection in what action the Zoning

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1 Commission might take because if the Zoning
2 Commission maps it as commercial,
3 theoretically the door's open to do any number
4 of things so long as it complies with the
5 zoning.

6 And then we talk about the fact
7 that the proposed historic district has not
8 really been acted on because it's going to be
9 funded by the University and that case is in
10 limbo. I'm wondering if there is -- I mean,
11 it seems to me only logical that there's a
12 very significant amount of protection that
13 would come for the historic housing stock
14 within the neighborhood if in fact there was
15 an historic district. And I'm wondering after
16 all these many years, why there isn't already
17 an historic district, and why active citizens
18 groups like yours have not actually tried to
19 establish that.

20 MS. KAHLOW: Well, there is one as
21 you know to the west of 23rd -- the Foggy
22 Bottom Historic District. They had enough

1 fabric left that they could do it.

2 We tried to do one in the next
3 area that had the most fabric left. That was
4 the 2501 block of Pennsylvania Avenue --

5 COMMISSIONER MAY: Right.

6 MS. KAHLOW: -- and 25th Street
7 and Pennsylvania Avenue. And the HPRB said
8 too much has been taken. Too much has been
9 changed.

10 So after we spent a lot of money
11 surveying all of it, we won one, we lost one.
12 That was our best case. We decided not to
13 pursue it based on the HPRB saying you're not
14 going to be able to make it.

15 COMMISSIONER MAY: And why does
16 anybody think that now that GW is going to
17 fund -- was that for a different area than
18 what GW was funding?

19 MS. KAHLOW: No. GW is proposing
20 it. Do we think it's going to be successful?
21 I think the odds are low. And this would
22 start the unraveling.

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1 As part of the arguments in the
2 HPRB second discussion was is this part of a
3 loaf or is this no loaf? Do we get something?
4 And as Ms. Maddox says, it starts unraveling
5 if this is one of the few buildings that's
6 left that are actually contributing, it starts
7 unraveling the whole idea. And that's what
8 happened on 25th Street.

9 Those townhouses you remember on
10 25th between Penn and M, they look great. But
11 they've had little changes to them. And that
12 was enough that it didn't make it.

13 COMMISSIONER MAY: Okay. I think
14 that's it for me.

15 MS. KAHLOW: That's Square 14 if
16 anybody wants to know what square number we're
17 talking about.

18 VICE-CHAIR JEFFRIES: Okay.
19 Commissioner Turnbull, any questions?

20 COMMISSIONER TURNBULL: Well, I
21 guess I'm just concerned about when we talk
22 about the preservation. If this was R-5-D and

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1 was developed as a residential project, you'd
2 have a similar scope of work. You'd still
3 have a rather large building at the back
4 probably. But the Applicant is proposing to
5 save this building. So historic fabric is
6 still remaining.

7 MS. KAHLOW: We don't think it's
8 saving the building. I mean, if you look at
9 it, it's completely lost. It's glassed in.
10 And that's what some of the members said. I
11 don't think it's saving the building. That is
12 our major difference.

13 And I meant to say one other
14 squares, Mr. May, and I'm sorry I didn't.

15 Besides Square 14, we also tried
16 Square 14 and 15 combined. If you look across
17 Pennsylvania Avenue -- the little rowhouses
18 that have little restaurants -- and they said
19 if you're looking at Penn at 25th between 25th
20 and 26th, and they said again the little
21 rowhouses had too many changes.

22 So we tried Square 14. We tried

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1 Square 14, 15. We lost both of those. Spent
2 a great deal of money. And that's why we
3 haven't proceeded with any other option.

4 VICE-CHAIR JEFFRIES: Ms. Kahlow,
5 did you dessert Commissioner Turnbull? Were
6 you finished with your questioning?

7 COMMISSIONER TURNBULL: No.

8 MS. KAHLOW: I tried -- I realized
9 that I hadn't answered Mr. May's question. I
10 think I answered Mr. Turnbull's.

11 VICE-CHAIR JEFFRIES: Oh, okay.

12 COMMISSIONER TURNBULL: Yes. No,
13 I'm fine.

14 VICE-CHAIR JEFFRIES: Okay. So
15 you're fine. Okay.

16 Ms. Kahlow, and before I read
17 certain parts of the GW letter, I want to ask
18 you about the second page of your testimony.
19 And clearly twice or three times tonight
20 you've sort of put an exclamation point on
21 this statement. And that is if the Applicant
22 were to upzone this site to all commercial

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1 versus to more community-friendly mixed-use
2 zoning, it would be the first non-PUD, all
3 commercial upzoning anywhere in our community.

4 What am I supposed to do with
5 that? I mean --

6 MS. KAHLOW: The precedent. As
7 Commissioner Chairman Corson said, the
8 precedent would destroy the rest of the
9 neighborhood. If you can take any single
10 record lot, we have lots of little rowhouses
11 -- Square 14, Square 15 -- all around Foggy
12 Bottom, Schneider's Triangle -- if you take
13 any one and make it from R to any of those R
14 categories to C, everything else. Once one
15 goes, they all go. And then you've lost 100
16 percent of the fabric of Foggy Bottom which
17 used to be little rowhouses everywhere. Any
18 one will do it.

19 VICE-CHAIR JEFFRIES: But wouldn't
20 we really have to look at individual cases,
21 look at the context, look at -- I mean, you
22 just can't make a --

1 MS. KAHLOW: I think this is a
2 precedent. This is the first one off the --

3 VICE-CHAIR JEFFRIES: Excuse me.
4 Can I finish?

5 MS. KAHLOW: I'm sorry.

6 VICE-CHAIR JEFFRIES: I just
7 wanted to -- you can help me out here. I
8 mean, obviously you have to look at one case
9 at a time. I mean, this is a consistency case
10 effectively. I mean, that's what's being
11 presented here, unless I'm mistaken. But it's
12 a map amendment application.

13 And so it would seem to me that in
14 all those instances, if there are places that
15 in fact are not consistent, are not in keeping
16 with the comprehensive plan, then those cases
17 would come before us and we would decide.

18 So I understand what you're
19 saying. But it seems to be within the right
20 of the Applicant and for the Office of
21 Planning to look at each of these zones
22 throughout the District and make

1 determinations on whether a particular area or
2 locale has not -- the envelope has not been
3 built out efficiently.

4 I mean, I just --

5 MS. KAHLOW: Well, let's look back
6 at Schneider's Triangle. That's a C-3-C zone
7 right next to K Street. And you would be
8 putting a decision -- so you're looking at the
9 circle -- immediately to the right of the
10 circle -- the Washington Circle. You'd be
11 putting that at risk. And that is of great
12 concern to --

13 VICE-CHAIR JEFFRIES: What square
14 is that? That is --

15 MS. KAHLOW: Fifty-three.

16 VICE-CHAIR JEFFRIES: Fifty-three.
17 Okay.

18 MS. KAHLOW: And it's right across
19 -- you see K Street's down there. And that's
20 all commercial -- C-3-C. And actually it
21 later becomes C-4. You're putting at risk
22 those rowhouses that are most -- most

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1 rowhouses are 53 and 52.

2 VICE-CHAIR JEFFRIES: Because
3 you're saying the same conditions exist there
4 that exist here?

5 MS. KAHLOW: Yes. Unfortunately.
6 And that's what we're worried about -- the
7 precedent.

8 If you take one example, they can
9 point to this case forever and say you did it
10 once, why not elsewhere.

11 VICE-CHAIR JEFFRIES: And I'm
12 going to make the same point that I think both
13 my colleagues have made. And that is the
14 whole notion of the historic structure. I
15 mean, it's a contributing building, or will be
16 a contributing building. And it obviously
17 keeps the scale at a certain point because
18 it's a contributing building.

19 Does that at all help you out in
20 terms of what's being proposed here?

21 MS. KAHLOW: It does not keep the
22 scale. It's a three-story building. They

1 want a seven-story addition.

2 VICE-CHAIR JEFFRIES: In the back.

3 MS. KAHLOW: In the front too. I
4 couldn't understand when you all said that.
5 It's both places.

6 If you look at the pictures -- I
7 don't have them here -- but they want to do it
8 in both places. They want to have a lot of
9 height in the front building and the back
10 building. And that's why we think that it's
11 on steroids. And that's why it's such a huge
12 increase in density.

13 VICE-CHAIR JEFFRIES: I didn't
14 want to get into the architecture, but if you
15 look --

16 MS. KAHLOW: Let me get mine.

17 VICE-CHAIR JEFFRIES: Do you have
18 Exhibit 18?

19 MS. KAHLOW: I may have it. I may
20 not.

21 VICE-CHAIR JEFFRIES: And I'm
22 looking at perspective of a rendering. I'm

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1 looking north. And what I'm looking at is
2 sort of like a glass box that is in the
3 background, and this three-story contributing
4 structure in the foreground.

5 When you say they're building in
6 the front, perhaps I'm confused.

7 COMMISSIONER TURNBULL: It's got
8 the tabs A and B on it. And it's behind Tab
9 B.

10 MS. KAHLOW: Yes. I don't have it
11 here.

12 VICE-CHAIR JEFFRIES: November 26.
13 Okay.

14 COMMISSIONER TURNBULL: I thought
15 I saw something with Tabs A and B in your --

16 MS. KAHLOW: This one. I think
17 this is a different document.

18 COMMISSIONER TURNBULL: Different
19 one?

20 MS. KAHLOW: This is November 26.

21 COMMISSIONER TURNBULL: If the
22 Applicant could -- oh, sorry about that.

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1 MS. KAHLOW: Sorry. I'm missing
2 that insert.

3 VICE-CHAIR JEFFRIES: Okay. Ms.
4 Kahlow, can you please walk me through? Let
5 me make certain I'm clear about this.

6 You're saying that the addition is
7 going to hover over this --

8 COMMISSIONER TURNBULL: That's it.

9 VICE-CHAIR JEFFRIES: -- historic
10 structure?

11 MS. KAHLOW: It is going to hover
12 over part of it on the side. Yes. It doesn't
13 show it here. It shows it here. I don't know
14 what number that is. And it shows it here.

15 VICE-CHAIR JEFFRIES: Oh, I see.
16 Okay. If you look at the second page, the
17 brick here that's shown on -- right here?
18 You're saying it wraps around.

19 MS. KAHLOW: Yes.

20 VICE-CHAIR JEFFRIES: Okay.

21 MS. KAHLOW: But we do think that
22 it -- as I said -- we don't think it -- it

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1 would no longer be a contributing building.
2 It would be so encompassed as Jim Kane thought
3 that it would lose it's original identity.
4 He's one of the HPRB members. That was his
5 point.

6 VICE-CHAIR JEFFRIES: Okay. Okay.
7 I'm going to just read some excerpts from the
8 December 17 letter addressed to our Chair here
9 from GW. In fact, I don't think that any
10 representatives from GW are here. Okay.

11 I'm not going to read the entire
12 letter. But I'll just read the second
13 paragraph and some of the third.

14 The second paragraph says, "After
15 reviewing the application and revised building
16 design, GW has concluded that it has no
17 objection to the requested map amendment to
18 change the zoning from R-5-D to C-3-C.
19 Additionally, the University was pleased to
20 learn that the Applicant has consulted
21 extensively with HPRB staff relative to the
22 design of the project, and has modified

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1 elements of the proposed building to preserve
2 existing structures of historic relevance. As
3 the adjacent property owner and supporter of
4 the proposed historic district in the area,
5 the University was pleased to learn of this
6 cooperation."

7 "GW remains concerned" -- third
8 paragraph -- "with the impact of the project
9 as related to parking, however. The proposed
10 20,000 square foot addition is contemplated to
11 be constructed without any on site parking
12 which is of concern to the University. We
13 understand that the Applicant will be seeking
14 a variance on the on site parking requirements
15 in a subsequent proceeding before the Board of
16 Zoning Adjustment. And as an adjacent
17 property owner with its own parking
18 requirements mandated by the campus plan, GS
19 has vested interest in the Applicant's
20 provision of adequate parking for its users."

21 And that's a letter dated December
22 17 signed by Alicia O'Niel, Associate Vice

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1 President. I just wanted to put that on the
2 record because I thought perhaps there was
3 some other testimony earlier that could have
4 sort of contradicted some of what the letter
5 was stipulating. Although I think we got on
6 the same page --

7 MS. KAHLOW: Thank you.

8 VICE-CHAIR JEFFRIES: -- Ms.
9 Kahlow, as we moved along. So I will put that
10 on the record as well.

11 And obviously once again, the
12 Applicant has every right to go before the
13 Board of Zoning Adjustment to make its case
14 about the request for a parking variance. And
15 all the parties will be able to come out and
16 make their case. And so there will be in that
17 instance proper outreach and discussion around
18 that matter. So they'll be another bite at
19 the apple.

20 MS. KAHLOW: Thank you.

21 VICE-CHAIR JEFFRIES: Okay. Oh,
22 the ANC. Commissioner Corson is --

1 MS. KAHLOW: He's left.

2 VICE-CHAIR JEFFRIES: He's left.

3 Okay.

4 Any questions for Ms. Kahlow?

5 Okay. Great.

6 Okay. Any more questions from the
7 Commission for Ms. Kahlow? No.

8 Thank you, Ms. Kahlow.

9 Next, we'll have organizations and
10 persons in support of the application. Do we
11 have anyone here? I have Mr. Chapman with HSC
12 Foundation. Does he want to come forward, or
13 has he gone? He's gone. Okay.

14 Okay. One last time. Any
15 organizations or persons here in support, even
16 if you did not sign the list, if you're
17 interested in coming forward. Okay. None
18 noted.

19 How about organizations and
20 persons in opposition? Ms. Kahlow, do you
21 want to come forward as an individual? Okay.
22 Thank you very much. I appreciate that.

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1 Anyone else here in opposition?

2 (No audible response.)

3 VICE-CHAIR JEFFRIES: Okay. If
4 the Applicant can come forward with rebuttal
5 and closing, it'd be appreciated.

6 MR. QUINN: Mr. Chairman and
7 members of the Commission, we do not intend to
8 call any rebuttal witnesses. I would like to
9 make just a closing statement and really try
10 to address what we've heard from those in
11 opposition.

12 First, it seems to me that what is
13 really being said here is -- and it happened
14 at the ANC and I think that's what the
15 position also of WECA is -- a precedent
16 situation, that somehow this case is going to
17 be a precedent. I think it's particularly
18 helpful to me at least to see that there was
19 no discussion of any -- or even assertion that
20 there was some type of adverse impact on
21 surrounding properties. That simply was not
22 part of any testimony.

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1 But precedent? Ms. Kahlow is
2 absolutely right. I love to cite precedent.
3 If there's anything I can find that's a good
4 precedent, we'll use it.

5 But what is a precedent? A
6 precedent is based on facts. And if you don't
7 have similar facts or similar law, then it's
8 not good precedent. So let's talk about what
9 we have here.

10 Number one, we have a site that
11 has a history of nonresidential use. Number
12 two, we have -- it's adjacent to a building
13 116 feet high. Number three, it's an
14 extension of the C-3-C zone which exists
15 adjacent to the area. That's what we're
16 seeking right now.

17 There's no residential use within
18 any square that's tangent to this square. The
19 first -- I had one other point there. But the
20 point is that C-3-C by this Commission was
21 found to be compatible on the adjacent land.
22 That's in your PUD order.

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1 Next -- and this one is something
2 that I'd really like to call to your attention
3 -- is the citation to Mr. Bosberg's comment
4 the first time amount juxtaposed to what
5 happened the second time around. And I think
6 that's very significant because I'm holding in
7 my hand which I'd like to pass up to the
8 Commission the actual document that says what
9 happened -- I'm sorry, this one -- which
10 basically says that -- not basically. It does
11 say. The Board adopted the staff report
12 noting that the property's not currently
13 subject to review under the Preservation Law,
14 and as such the Board's role is an advisory
15 one.

16 But the 7 for -- 7 to 1. Ms.
17 Kahlow cites the one person -- Jim Kane -- who
18 dissented. And we would file for the record
19 a copy of the transcript, and you will see
20 there is tremendous support for this design
21 and the way it was treated. There were
22 questions about the glass. But we'll let the

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1 transcript speak for itself. And we will file
2 that for the record.

3 Additionally, one of the major
4 factors here on consistency with the
5 comprehensive plan as far as precedent goes is
6 something that Ms. Kahlow did call to your
7 attention is that the Schneider Triangle is
8 residential under the comprehensive plan.

9 Here we have a square that's high-
10 density commercial for the northern portion of
11 it, and institutional for the balance. Plus,
12 the R-5-D that we're talking about is all
13 owned by GW. And you all know what that
14 means. That doesn't mean that any residential
15 has to be built.

16 As Mr. Sher pointed out, 93
17 percent of the area is nonresidential. And of
18 the six and a half percent I think it is that
19 is residential, some were dormitories. And
20 there was only one single building on H Street
21 next to the Burns Building that is residential
22 that's not owned by GW.

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1 So my only point there is there
2 are a lot of factors here that you have to
3 apply for a precedent. And believe me, I've
4 been before you where you certainly can
5 discriminate between what's applicable and
6 what's not.

7 And I think you also have
8 judgment. I mean, citing a precedent doesn't
9 mean that you're going to follow the
10 precedent. You have independent judgment, and
11 we're seeing that more and more as we appear
12 before you.

13 With regard to parking, I think
14 you covered the basic point that I wanted to
15 talk about, namely that GW is concerned, and
16 they have a right to be concerned. But we
17 think we can probably use the available
18 parking in their garage. So it might be a
19 plus for them.

20 But at any rate, we have a burden
21 of proof that we have to meet at the BZA. The
22 trend right now is to get away from required

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1 parking as much as possible and to have people
2 ride share or whatever. And if you note in
3 the DDOT report, it is said that the HSC is
4 taking steps to deal with parking.

5 And that's really all I wanted to
6 say is I think that what we have here is an
7 appropriate change of zoning based upon the
8 standard test for an extension of the zone.
9 I think that a lot of the discussion about
10 parking and HPRB frankly is just not germane
11 to this decision. But since it was stated, I
12 thought I should cover it. And just for the
13 record, would like to file that transcript of
14 the HPRB negotiation -- not negotiations --
15 but discussion of the Commissioners when they
16 decided the case.

17 Thank you very much. We would
18 love to get the case decided as soon as
19 possible. And that of course is within your
20 discretion.

21 Thank you.

22 VICE-CHAIR JEFFRIES: I appreciate

1 your final comments.

2 Even though early on I did state
3 that we were going to try to stay away from
4 discussions around architecture and buildings
5 and so forth because it really is not germane
6 to these map amendment cases and so forth.
7 But we can't help ourselves, right?

8 But I've got this HPRB. And quite
9 frankly, I mean, it has really no bearings on
10 -- no bearing on at least how I'm going to
11 review the case.

12 So I think we've already stated
13 that we're going to keep the record open for
14 ANC 2A to get the proper form of letter into
15 us so that we might give them great weight in
16 our deliberations and final decision.

17 I don't know if there's anything
18 else that my colleagues need from the
19 Applicant, or from West End for the record.
20 Is there anything else?

21 COMMISSIONER MAY: No. I would
22 just concur with the Chairman that seeing the

1 actual transcript from HPRB I don't think is
2 really necessary for the case. We do have the
3 report, and we have the official action that
4 they had taken. And I think that's sufficient
5 to explain what the position of HPRB is.

6 VICE-CHAIR JEFFRIES: Yes. I
7 mean, I understand that the Applicant wanted
8 to rebut things that were put on the record.
9 But I just wanted to further superimpose over
10 that that's not part of the review here I
11 don't think.

12 Commissioner Turnbull, anything?

13 COMMISSIONER TURNBULL: No, I
14 would agree.

15 VICE-CHAIR JEFFRIES: Okay.
16 Great.

17 So we're going to leave the record
18 open for -- I wish that the Commissioner was
19 here. We don't really know their timeline in
20 terms of when he could pull together a quorum.

21 COMMISSIONER MAY: I don't know
22 that he needs --

1 VICE-CHAIR JEFFRIES: He just
2 needs to write a letter, right?

3 COMMISSIONER MAY: Right. I think
4 he needs to poll the one Commissioner whose
5 vote was questioned. Yes.

6 VICE-CHAIR JEFFRIES: How about a
7 week?

8 COMMISSIONER TURNBULL: He just
9 needs to formalize what he has and put it in
10 --

11 VICE-CHAIR JEFFRIES: So let's
12 just keep the record open for a week. Okay.

13 COMMISSIONER MAY: 3:00 p.m.
14 Right?

15 VICE-CHAIR JEFFRIES: Do you want
16 to do the following Monday?

17 I mean, I don't even think he
18 really needs a week. It's just a matter of --

19 COMMISSIONER MAY: Well, where
20 does that put us in terms of decision making?

21 VICE-CHAIR JEFFRIES: Yes. But --
22 turn your mic on, Ms. Hanousek.

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1 MS. HANOUSEK: There's a January
2 12 meeting. And it doesn't seem that you've
3 asked for them to come back with anything. So
4 --

5 VICE-CHAIR JEFFRIES: Okay. Yes,
6 why don't we just set it for the following
7 Monday? And that'll be enough time. And
8 we'll just make a decision in the January 12
9 hearing. Okay?

10 Excuse me. So what's the date?
11 Give us the date when the record closes.

12 MS. HANOUSEK: Okay.

13 VICE-CHAIR JEFFRIES: Monday,
14 December 20 -- or is it 29th or what date is
15 it?

16 MS. HANOUSEK: That would be
17 Monday, December 29.

18 VICE-CHAIR JEFFRIES: Okay. So
19 the record is open until that date.

20 And we're only looking for one
21 item. Okay? We're not looking for additional
22 things. We're just looking for a letter from

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1 ANC 2A.

2 Okay. I think that's it for the
3 evening. Thank you all for coming down. And
4 take care.

5 Meeting adjourned.

6 (Whereupon, at 8:30 p.m., the
7 hearing was adjourned.)

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