

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

PER STAR M STREET PARTNERS,  
LLC - Modification to PUD

Case No.  
07-21B

Thursday,  
October 27, 2011

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

The Public Hearing of Case No. 07-21B by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman  
KONRAD W. SCHLATER Vice Chairman  
PETER G. MAY Commissioner (NPS)  
MICHAEL G. TURNBULL Commissioner FAIA,  
(AOC)

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy  
Director, Development Review  
and Historic Preservation  
STEVEN COCHRAN  
MATT JESICK

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF  
PRESENT:

JEFF JENNINGS

This transcript constitutes the  
minutes from the Public Hearing held on October  
27, 2011.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

WELCOME:

Anthony Hood, Chairman ..... 5

ZC CASE NO. 07-21B - Per Star M StreetPartners, LLC - Mod to PUD: ..... 5Preliminary Matters:

3 Party Status Requests in Support ..... 8

Approve WECA Party Status ..... 10

Approve FBA Party Status ..... 10

Deny WEF Party Status ..... 10

## Party Status Request in Opposition

by 22 West A Condominium: ..... 11

Motion/Vote 2-2-1 to Deny - Fails ..... 28

Motion/Vote 2-2-1 to Approve - Fails ..... 29

Grant Expert Witness Status ..... 32

APPLICANT PRESENTATION:

Christopher Collins, Attorney ..... 32

Thomas Messervy, OTO ..... 36

Shalom Baranes ..... 44

Patrick Burkhardt ..... 59

Jami Milanovich, Wells &amp; Assoc. .... 69

Steve Sher, Holland &amp; Knight ..... 82

Board Questions: ..... 86Cross-Examination: ..... 144OFFICE OF PLANNING:

Steve Cochran ..... 157

DDOT:

Jeff Jennings ..... 158

Board Questions: ..... 164ANC-2A:

Rebecca Coder, Chairperson ..... 174

Board Questions: ..... 186PERSONS/PARTIES IN SUPPORT:

Barbara Kahlow, WECA ..... 192

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

## T-A-B-L-E O-F C-O-N-T-E-N-T-S

PERSONS/PARTIES IN SUPPORT (Continued):

Anita Diliberto, WEF .....	199
Lionel Gloster, Saint Mary's .....	243

PERSONS/PARTIES IN OPPOSITION:

Sally Blumenthal, 22 West .....	202
<u>Board Questions:</u> .....	212
<u>Cross-Examination:</u> .....	228

BOARD QUESTIONS OF DDOT: ..... 229REBUTTAL:

Christopher Collins .....	230/241
Kyle Oliver, VIKA .....	231
<u>Board Questions:</u> .....	232
Thomas Messervy .....	233
Shalom Baranes .....	239
Jami Milanovich .....	240
<u>Board Questions:</u> .....	246

Specifically Requested Materials: ..... 248Set Decision for 11/28/11: ..... 250ADJOURN:

Anthony Hood, Chairman .....	255
------------------------------	-----

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

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

6:29 p.m.

CHAIRMAN HOOD: Okay. Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission for the District of Columbia for Thursday, October 27, 2011, being held in the Jerrily R. Kress Memorial Hearing Room.

My name is Anthony Hood. Joining me are Vice Chairman Konrad Schlater, Commissioner Peter May and Commissioner Michael Turnbull.

We are also joined by the Office of Zoning Staff Ms. Sharon Schellin, Office of Planning staff Mrs. Steingasser, Mr. Cochran and District Department of Transportation Mr. Jennings.

This proceeding is being recorded by a court reporter and is also webcast live.

The subject of this evening's hearing is Zoning Commission Case No. 07-21B. This is a request by Per Star M Street Partners, LLC for approval of a modification to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 a previously-approved PUD for property located  
2 in Square 50.

3 Notice of today's hearing was  
4 published in the DC Register on August 19, 2011  
5 and copies of that announcement are available  
6 to my left on the wall near the door.

7 This hearing will be conducted in  
8 accordance with provisions of 11 DCMR 3022 as  
9 follows: Preliminary matters; applicant's  
10 case; report of the Office of Planning; report  
11 of other Government agencies; reports, in this  
12 case, of the ANC, which is 2A; organizations  
13 and persons in support; organizations and  
14 persons in opposition; and rebuttal and closing  
15 by the applicant.

16 The applicant is down for 45  
17 minutes, if needed; organizations 5 minutes;  
18 and individuals 3 minutes.

19 All persons appearing before the  
20 Commission are to fill out two witness cards.  
21 These cards are located to my left on the table  
22 near the door.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Upon coming forward to speak to the  
2 Commission, please, give both cards to the  
3 reporter sitting to my right before taking a  
4 seat at the table.

5           The decision of the Commission in  
6 this case must be based exclusively on the  
7 public record.

8           The staff will be available  
9 throughout the hearing to discuss procedural  
10 questions.

11           Please, turn off all beepers and  
12 cell phones, at this time, so as not to disrupt  
13 these proceedings.

14           Would all individuals wishing to  
15 testify, please, rise to take the oath?

16           Ms. Schellin, would you, please,  
17 administer the oath?

18           MS. SCHELLIN: Yes, sir. Please,  
19 raise your right hand.

20           (Whereupon, witnesses sworn.)

21           MS. SCHELLIN: Thank you.

22           CHAIRMAN HOOD: At this time, the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Commission will consider any preliminary  
2 matters.

3 Does the staff have any preliminary  
4 matters?

5 MS. SCHELLIN: Yes, sir. We do have  
6 three party status requests in support. I will  
7 state that the third one from West End Friends  
8 was received late. It was filed on October  
9 17<sup>th</sup>, so it did come in late. The other two are  
10 from West End Citizens Association and Foggy  
11 Bottom Association.

12 We also have a party status request  
13 in opposition from 22<sup>nd</sup> West A Condominium.  
14 And once the applicant comes forward, they do  
15 have some experts that they would like to  
16 proffer.

17 CHAIRMAN HOOD: Okay. Thank you.  
18 Mr. Collins, if you can come forward while we  
19 begin this process?

20 Commissioners, let's look at the  
21 applications in support first. In this case,  
22 as we already know, ANC-2A is automatically a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 party, so we won't have to go through that.

2 I will be, Commissioners, and I'm  
3 just opening this up for discussion, willing to  
4 grant Exhibit 18, which is the West End  
5 Citizens Association as well as Exhibit 27,  
6 which is the Foggy Bottom Association's  
7 president party status, but I am not, and this  
8 is just support, in favor of West End Friends.

9 They will have time to testify  
10 because if you look in their submission,  
11 whereas it's most important where we distinctly  
12 detect whether or not someone should be given  
13 party status, they put NA, which means not  
14 applicable.

15 So I think that they can give us  
16 their presentation while they are testifying at  
17 the appropriate time when everyone else is  
18 testifying. So that is my recommendation as  
19 far as those in support.

20 Let me open it up for discussion.  
21 Okay. I would move in that fashion that those  
22 two be granted party status, West End and Foggy

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Bottom; and deny West End Friends. It's good  
2 to have friends and I'm glad they are in  
3 support, but we have to do it on the merits of  
4 the application. But we will hear your  
5 testimony at the appropriate time.

6 So that is my motion. Can I get a  
7 second?

8 VICE CHAIRMAN SCHLATER: Second.

9 CHAIRMAN HOOD: It is moved and  
10 properly seconded. Any further discussion?  
11 All those in favor?

12 ALL: Aye.

13 CHAIRMAN HOOD: Not hearing any  
14 opposition, Ms. Schellin, would you, please,  
15 record the vote?

16 MS. SCHELLIN: Staff records the  
17 vote 4-0-1 to approve the party status  
18 applications in support to West End Citizens  
19 Association and Foggy Bottom Association and to  
20 deny the party status application in support to  
21 West End Friends.

22 Commissioner Hood moving,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Commissioner Schlater seconding, Commissioners  
2 Turnbull and May in support, Commissioner Cohen  
3 not present not voting.

4 CHAIRMAN HOOD: Okay. And we have  
5 one party request in opposition, which I think  
6 -- is this 22<sup>nd</sup> West or 21<sup>st</sup> West? I'm sorry.

7 MS. SCHELLIN: 22<sup>nd</sup> West --

8 CHAIRMAN HOOD: 22<sup>nd</sup> West.

9 MS. SCHELLIN: -- a Condominium.

10 CHAIRMAN HOOD: 22<sup>nd</sup> West A  
11 Condominium. And the application is before you  
12 which is Exhibit, I think it is, 28,  
13 Commissioners. Let me open it up for  
14 discussion. Any discussion? Vice Chairman  
15 Schlater?

16 VICE CHAIRMAN SCHLATER: Mr.  
17 Chairman, I would tend to support this party  
18 status request. The condo building is  
19 diagonally across the street from the proposed  
20 site. And many of the units have a direct view  
21 to the property approximate to the site. They  
22 seem to meet the test.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   CHAIRMAN HOOD: Any other comments?  
2           Everybody is fine with it?

3                   COMMISSIONER TURNBULL: Mr. Chair, I  
4           don't know if I am in support. I mean, there  
5           are several other buildings that are in support  
6           and I don't think that the test for party  
7           status relies, basically, on a visual view of  
8           the property.

9                   I think we usually look at an  
10          impact, whether the property is adjacent or  
11          next to it, across the street and definitely  
12          has something either to do with the impact of  
13          the building itself, traffic, the sun blocking,  
14          you know, I'm not sure that just being able to  
15          see a building is enough to grant party status.  
16          That's just my thought.

17                  VICE CHAIRMAN SCHLATER: It's more  
18          than just being able to see it though. I mean,  
19          it may not be technically within 200 feet of  
20          the property, but it's definitely within 250  
21          feet, which is very close. And so if there are  
22          going to be traffic impacts or impacts on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 streetscape, these residents are going to be  
2 uniquely affected.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: I think I tended  
5 to think in terms of close proximity, when a  
6 party is in very close proximity. And, you  
7 know, this is not like a residential  
8 neighborhood where your property is immediately  
9 next door and is going to be really truly  
10 affected by this, there is a certain sort of  
11 insulation that comes from being in a more  
12 dense urban environment.

13 But I still think that the concept  
14 still applies. In fact, it's sort of -- it  
15 becomes -- I think I tend to be a bit more  
16 lenient in this circumstance because of the  
17 greater urban context and the fact that, you  
18 know, you are introducing or you are -- it's a  
19 big chunk of the density in that area.

20 So I would be inclined to grant.

21 CHAIRMAN HOOD: Well, it looks like  
22 we have a problem, because I agree with Mr.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1     Turnbull.     So maybe we will just hold this  
2     whole hearing in abeyance and wait for Marcy to  
3     come back from her trip and she can break the  
4     tie.     Any suggestions?

5                     I would just ask all of my  
6     Commissioners to look at the -- as Mr. Turnbull  
7     and you all were discussing, I looked at,  
8     again, as we -- the reason we deny someone else  
9     and let's look at the paragraph of the  
10    submission, because we have to operate on the  
11    merit of the submission.

12                    I know how we feel.     There is a lot  
13    of ways I feel, but I have to look at what is  
14    presented in front of me.

15                    I would ask us to just take a moment  
16    and read their submission, which is No. 6, how  
17    they are uniquely affected, and see if we still  
18    feel the same.

19                    COMMISSIONER TURNBULL:     Well, I  
20    guess, you know, I mean, I hate to reject  
21    things on technicalities.     I mean, I still feel  
22    that, you know, there is like 20 buildings that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 can see this building and I don't see that is  
2 necessarily a function of party status.

3 But their party request, the letter  
4 that accompanies it is not signed by anybody.  
5 It is not an official letter. You know, if I  
6 look at West End, I see the president signs it  
7 and he designates who is going to represent  
8 them.

9 This really doesn't say anything.  
10 Although, there is a letter that came in as of,  
11 I just saw it, tonight that talks -- from them  
12 that says the actual party status request  
13 really doesn't say anything like that.

14 APPLICANT SMITH: But the party  
15 status request form has been signed. And  
16 there's not really a requirement that anybody  
17 submit a letter or say they submit the form  
18 signed -- sign the form.

19 Provide justification on the space  
20 provided or in attached sheet. This is just  
21 the attached sheet.

22 You know, going back to No. 6, you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 know, this is the circumstance where you have  
2 not just a single condominium owner who happens  
3 to be able to see it. We are talking about the  
4 condo association or the board of directors for  
5 the building. So it's, theoretically,  
6 representing a very large population in close  
7 proximity.

8 It is, you know, I guess presumably  
9 hundreds of people who are very close to the  
10 property. And I think just on the proximity  
11 test, I think there is value to that. It's not  
12 just a matter of seeing it. It's a matter of  
13 having this new population introduced and not  
14 just a new population, but a new -- you know, a  
15 particular class of hotel that is being  
16 introduced.

17 I think that they have legitimate  
18 concerns that ought to be aired and can only be  
19 aired by -- through party status.

20 CHAIRMAN HOOD: I just want to pick  
21 apart my colleague's proximity test. The  
22 proximity test is -- how many feet is this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 away? How many feet? Does anyone know?

2 VICE CHAIRMAN SCHLATER: I read  
3 somewhere in here that it was -- they said it  
4 was 180 feet. 22 West is, approximately, 180  
5 feet diagonally across the intersection from  
6 the site at the southeast corner of 22<sup>nd</sup> and M  
7 Street.

8 CHAIRMAN HOOD: Ms. Schellin, were  
9 these people served? Would they fall within  
10 the 200 feet?

11 MS. SCHELLIN: My understanding from  
12 the applicant was that they are, approximately,  
13 210 feet.

14 CHAIRMAN HOOD: So I don't know what  
15 --

16 MS. SCHELLIN: They did not get  
17 notice.

18 CHAIRMAN HOOD: -- the proximity  
19 test is. I have been here 13 years now and I  
20 have -- the proximity test, that's the way I  
21 look at the test. But, you know, at some point  
22 in time, I guess we need the fifth Member,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 because I am not willing to grant party status  
2 to this group, at least on the merits of what I  
3 see in the application.

4 If somebody can point to me No. 6  
5 where they are differently or uniquely  
6 affected, and as a matter of fact, let me see,  
7 I was reading, there is no similar condition  
8 within the West End where one intersection --  
9 there are three hotels and one residential  
10 property.

11 Therefore, 22 West will be more  
12 significantly and uniquely affected than the  
13 general population of the West End, if the  
14 proposed modification were approved by the  
15 Zoning Commission or the addition of a lower  
16 quality Hilton Garden Inn would represent a  
17 dramatic departure from higher quality  
18 neighborhood development efforts in the last  
19 decade.

20 I don't buy that. I'm sorry.

21 MR. COLLINS: Mr. Chairman?

22 CHAIRMAN HOOD: Mr. Collins?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. COLLINS: Just as a point of  
2 clarification.

3 CHAIRMAN HOOD: You want to get in  
4 on this conversation?

5 MR. COLLINS: I just want to point  
6 out one thing, that there is -- this is not the  
7 only corner where there are three hotels, one  
8 residential building in the West End.

9 CHAIRMAN HOOD: So are you  
10 supporting? You're the fifth Member. Are you  
11 going to support them getting party status?

12 MR. COLLINS: No.

13 CHAIRMAN HOOD: Is that what --

14 MR. COLLINS: No, sir.

15 CHAIRMAN HOOD: Oh.

16 MR. COLLINS: I'm with you.

17 CHAIRMAN HOOD: Oh, you're with me?  
18 Okay. I just wanted to know where you were.

19 MR. COLLINS: But I'm just --

20 CHAIRMAN HOOD: That's a good  
21 decision.

22 MR. COLLINS: -- pointing out a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 fact.

2 CHAIRMAN HOOD: Okay.

3 MR. COLLINS: The statement in the  
4 application --

5 MS. SCHELLIN: Chairman Hood, also,  
6 I think maybe Mr. Collins should confirm what I  
7 said, too, because I don't think it is in the  
8 record, that they are 210 feet away. That was  
9 just a conversation we had, so I think he  
10 should confirm that conversation, because I  
11 don't think there is anything in the record and  
12 you shouldn't just take my word for it. That  
13 was just what I was told.

14 MR. COLLINS: I saw that. Thank  
15 you, Ms. Schellin. When we saw that statement,  
16 we looked at our documents that we used to  
17 clarify -- to establish the list of property  
18 owners and then we contacted OTO for their  
19 independent verification.

20 And I have an email response from  
21 OTO, if you would like, I could put it in the  
22 record.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   CHAIRMAN HOOD:    Okay.    And I was  
2                   just really messing with you, because I'm  
3                   trying to figure out, stalling for time, how to  
4                   deal with the 22 issue.

5                   COMMISSIONER MAY:  Mr. Chairman, can  
6                   I ask a question of you?  If this particular  
7                   condo association were -- condo were located  
8                   immediately adjacent to it, would you have any  
9                   difficulty with them being -- receiving party  
10                  status?

11                  CHAIRMAN HOOD:  You want me to go  
12                  sit down there and answer your question?

13                  COMMISSIONER MAY:  No.  I just --  
14                  I'm just curious of your -- you are throwing  
15                  away the proximity test.  I mean, to me, the  
16                  difference between 200 feet and 210 feet is  
17                  insignificant.

18                  CHAIRMAN HOOD:  Well --

19                  COMMISSIONER MAY:  You know, as far  
20                  as I'm concerned, they are in close proximity  
21                  and it's a large number of people who would be  
22                  affected.  And I think that that in itself is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 enough for them to have party status.

2 CHAIRMAN HOOD: Well, let me do  
3 this, Commissioner May. Since you asked me a  
4 question, I'm going to ask you one.

5 COMMISSIONER MAY: Okay.

6 CHAIRMAN HOOD: Show me in 6 where  
7 are the merits and the validation or help me.  
8 Maybe I'm not reading right, the validation  
9 warrants them or grants them or where we should  
10 grant them party status on the merits of their  
11 application.

12 COMMISSIONER MAY: Okay. Well, I  
13 can't get into the issue of how many  
14 intersections there are with three hotels and a  
15 residential property. But if, in fact, there -  
16 - the corner consists of three hotels and an  
17 owner-occupied residential property. I think  
18 that in itself is an indication of how these  
19 residents are affected by it.

20 And I think it is -- this is --  
21 party status is a means by which, you know,  
22 groups of people who are affected can get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 together and bring greater weight to their --  
2 you know, what they have to say in a proceeding  
3 like this.

4 I just don't see that the fact that  
5 they might be 10 feet further outside of the  
6 200 feet that we often use as a measure is of  
7 any great significance in this particular  
8 neighborhood, given the widths of streets and  
9 things like that.

10 I mean, you've got -- I mean, to me,  
11 I'm actually puzzled that it's even an issue.  
12 I just think it's kind of an easy call to make.

13 So it's hard for me to come up with substance  
14 to justify it, because I didn't think it was a  
15 question.

16 Anyway --

17 CHAIRMAN HOOD: I think --

18 COMMISSIONER MAY: -- the Vice  
19 Chairman has something to say? You are leaning  
20 forward.

21 CHAIRMAN HOOD: But I want you to  
22 hear what I have to say. I think there are a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 lot of nights when I think things are not at  
2 issue. So, you know, I just think that --

3 COMMISSIONER MAY: Right.

4 CHAIRMAN HOOD: -- that's just the  
5 way it is tonight. And I bought Mr. Turnbull -  
6 - I agree with Mr. Turnbull. Vice Chairman  
7 Schlater?

8 VICE CHAIRMAN SCHLATER: I would say  
9 by any reasonable interpretation of what a  
10 neighbor means, this is a neighboring building  
11 to the project. And I think neighbors who have  
12 objections to projects or changes to projects  
13 should be afforded the opportunity to have  
14 party status in a case.

15 I don't see it as -- I'm in  
16 agreement with Commissioner May. I don't even  
17 think it's a close call.

18 COMMISSIONER TURNBULL: I think it  
19 is a close call. I think it's very clear. I  
20 think they are not uniquely affected by this  
21 than some of the other buildings. If I use  
22 that logic, then I can cross New Hampshire

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Avenue and pick the building across the street  
2 and say they are uniquely affected. They have  
3 a direct view. They look right across.

4 Obviously, the Ritz is directly  
5 affected. Obviously, I can go down the street  
6 three or four blocks and say they are all  
7 uniquely affected. That is not the test of  
8 being uniquely impacted.

9 VICE CHAIRMAN SCHLATER: I disagree,  
10 Commissioner Turnbull. If we had --

11 COMMISSIONER TURNBULL: Well, good.  
12 Disagree.

13 VICE CHAIRMAN SCHLATER: -- a number  
14 of homeowners who were sitting across the  
15 street --

16 COMMISSIONER TURNBULL: We have done  
17 this on BZA cases. We look at residential  
18 houses and we look at who is really impacted  
19 and you have sat through them. You know the  
20 test.

21 I am not going to agree.

22 COMMISSIONER MAY: This is not just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 an issue of view. I mean, there is a lot that  
2 goes with this building, other than the  
3 building being there. And I mean, if their  
4 objections to it are solely because it doesn't  
5 look good enough, I don't think that's going to  
6 hold much water.

7 I don't know what the full case is  
8 that they are going to present. But I think  
9 that they are in close proximity. It's a fair  
10 number of vehicles that are going to be coming  
11 and going. It's a number -- it's a lot of  
12 people who are going to be coming and going.  
13 And I think all those things have an impact on  
14 your immediate vicinity.

15 So I think, I mean, they are close  
16 enough. If somebody came here and was on New  
17 Hampshire Avenue and said well, I can see the  
18 building, I need party status, you are right, I  
19 would completely disagree with that.

20 I would disagree with it for a lot  
21 of, you know, neighboring properties or if it  
22 were a single condo owner in a building that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 had a view of it. I don't think that's  
2 uniquely affected, because everybody in the  
3 building is affected.

4 But this is everybody in the  
5 building. And I think everybody in the  
6 building is more affected than the -- any of  
7 the other cases that you, you know, cited.  
8 People who can see it.

9 CHAIRMAN HOOD: Okay. All right. I  
10 would move to deny party status for Exhibit 28  
11 and ask for a second.

12 COMMISSIONER TURNBULL: Second.

13 CHAIRMAN HOOD: It has been moved  
14 and properly seconded. Any further discussion?

15 All those in favor?

16 CHAIRMAN HOOD: Aye.

17 COMMISSIONER TURNBULL: Aye.

18 CHAIRMAN HOOD: Any opposition?

19 COMMISSIONER MAY: I vote no.

20 VICE CHAIRMAN SCHLATER: No.

21 CHAIRMAN HOOD: Okay. Ms. Schellin,  
22 could you record the vote?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: If I heard correctly,  
2 the vote would be 2-2-1 to deny.

3 CHAIRMAN HOOD: 2-2? Oh, I'm sorry,  
4 I thought you said 2-1, okay. I'm sorry.

5 MS. SCHELLIN: 2-2-1 to deny party  
6 status to 22 West A, which means the motion  
7 fails. Commissioner Hood moving, Commissioner  
8 Turnbull in seconding, Commissioners May and  
9 Schlater opposed. Commissioner Cohen not  
10 present not voting.

11 COMMISSIONER MAY: Mr. Chairman, in  
12 order for this to be a clean record, I think  
13 that there needs to be a motion to approve,  
14 because, you know, the motion to deny has  
15 failed. That means it is still nebulous,  
16 right?

17 MS. SCHELLIN: Yes.

18 COMMISSIONER MAY: I want to make a  
19 motion --

20 CHAIRMAN HOOD: You catch on real  
21 quick.

22 COMMISSIONER MAY: I would make the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 motion to approve.

2 VICE CHAIRMAN SCHLATER: Second.

3 COMMISSIONER MAY: All right.

4 MS. SCHELLIN: Call for it.

5 CHAIRMAN HOOD: Do I have to? Okay.

6 It has been moved and it is properly seconded.

7 Any further discussion?

8 All those in favor?

9 COMMISSIONER MAY: Aye.

10 VICE CHAIRMAN SCHLATER: Aye.

11 CHAIRMAN HOOD: Any opposition?

12 CHAIRMAN HOOD: No, opposed.

13 COMMISSIONER TURNBULL: No.

14 CHAIRMAN HOOD: Okay. Ms. Schellin,  
15 would you record the vote?

16 MS. SCHELLIN: Staff records the  
17 vote 2-2-1, which means the motion fails, to  
18 approve party status to 22 West A Condominium.  
19 Commissioner May moving, Commissioner Schlater  
20 seconding. This time Commissioner Hood and  
21 Commissioner Turnbull oppose and Commissioner  
22 Cohen not present not voting.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   CHAIRMAN HOOD: Okay. I believe due  
2 to the fact of both motions failing, they will  
3 not have party status, I think. You know, I'm  
4 not a lawyer, but I'm going to be one now,  
5 right now.

6                   I think both motions fail, they are  
7 not granted party status.

8                   Okay. Let's move on.

9                   MS. SCHELLIN: The applicant has  
10 some experts that they would like to proffer, a  
11 couple -- actually, it looks like all of them  
12 have previously been accepted.

13                  CHAIRMAN HOOD: Okay. I'm sorry,  
14 Ms. Schellin. What?

15                  MS. SCHELLIN: Yes. All four  
16 proffered experts that the applicant has have  
17 all previously been accepted by this  
18 Commission.

19                  CHAIRMAN HOOD: Okay.  
20 Commissioners, I don't have it in front of me,  
21 but all of them have been accepted, according  
22 to Ms. Schellin, so I don't think we need to go

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 through all of that, unless there are any  
2 objections.

3 MS. SCHELLIN: I can list them if  
4 you want me to.

5 CHAIRMAN HOOD: Could you just name  
6 them?

7 MS. SCHELLIN: Shalom Baranes, Jami  
8 Milanovich, Eric Smart and Steven Sher.

9 CHAIRMAN HOOD: Okay. Definitely,  
10 okay. All right. So thank you. Anything  
11 else, Commissioners?

12 MR. COLLINS: Mr. Chair, as a matter  
13 of clarification, also with Mr. Baranes is also  
14 Mr. Patrick Burkhardt and we have submitted his  
15 rèsumé as well.

16 CHAIRMAN HOOD: Was he accepted  
17 previously? Okay. So Mr. Burkhardt, we will  
18 accept all the ones we have previously.

19 Okay. We got through that  
20 relatively quickly. So, Mr. Collins, if you  
21 would like to begin?

22 MR. COLLINS: I would just like to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 assemble the team at the table.

2 CHAIRMAN HOOD: Okay. Okay. Are  
3 you ready, Mr. Collins?

4 MR. COLLINS: Yes. Yes, sir. Thank  
5 you.

6 CHAIRMAN HOOD: You may begin.

7 MR. COLLINS: Good evening. My name  
8 is Christopher Collins with the Law Firm of  
9 Holland and Knight and seated with me at the  
10 table beginning to my left is Mr. Bob Geimer  
11 from Starwood Capital, Mr. Thomas Messervy from  
12 OTO and then Jami Milanovich from Wells and  
13 Associates, Shalom Baranes and Patrick Burkhart  
14 from Shalom Baranes and Associates and Steve  
15 Sher from Holland & Knight.

16 We also brought with us this  
17 evening, Mr. Chairman, an entire team of others  
18 who are involved in the project in case there  
19 are any kind of questions or issues that need  
20 to be discussed.

21 I'll be very quick. This is a  
22 modification application to an approved PUD.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 The building envelope and the L-shaped  
2 configuration of the building are essentially  
3 the same as what was approved with the new  
4 design on the exterior.

5 The interior configuration is,  
6 essentially, the same. The height of the  
7 building has been reduced from 110 feet to 107  
8 feet. The FAR was approved by the Commission  
9 at 7.84. It was administratively approved by  
10 the Zoning Administrator given his authority  
11 under the Zoning Regulations to 7.97 and we are  
12 now proposing a modification of 7.98.

13 The location of the loading, the  
14 parking, the building entrances are all the  
15 same. The valet garage operation is still the  
16 same. There was a car elevator for access to  
17 the garage in the original plan and that has  
18 been replaced by a conventional ramp.

19 The layby out on the 22<sup>nd</sup> Street  
20 side is the same as what was approved in the  
21 original PUD.

22 There was a 71 car capacity garage

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 in the prior plan. The current plan has 53  
2 spaces with an opportunity for more parking in  
3 the garage.

4 The last application was Zoning  
5 Commission approved. The application with the  
6 stipulation that the design-achieved LEED  
7 certification status. This one will -- has  
8 been designed at achieve LEED silver status.  
9 The next step up.

10 There has been a change in LEED  
11 since the time of the original application,  
12 such that the threshold, the baseline is higher  
13 than it used to be, so by going from the new  
14 certified to silver where it is actually more  
15 than just one jump, so the building is more  
16 environmentally friendly than the previous  
17 design.

18 And finally, there is a different  
19 hotel brand than what was approved previously,  
20 which we can discuss.

21 There are three documents that you  
22 have in the record from the applicant. The

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 original application dated June 20, the pre-  
2 hearing submission dated July 29 and the 20-day  
3 submission dated October 7. These three  
4 documents together provide a significant amount  
5 of information in response -- in the original  
6 application plus responses to issues that we  
7 have heard from the Commission, from Office of  
8 Planning, from the Department of Transportation  
9 and from the community.

10 We are pleased with the extent of  
11 support that we have for the application. We  
12 have heard a number of comments in the last  
13 several weeks which we believe are based upon  
14 misinformation, so we are pleased tonight to be  
15 able to come here and present to you a clear  
16 application for a PUD modification.

17 So unless you have any questions of  
18 me, I would like to go right to the first  
19 witness and that's Mr. Messervy. Could you,  
20 please, identify yourself for the record and  
21 proceed with your testimony?

22 MR. MESSERVY: Sure. Good evening,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Mr. Chairman and Members of the Commission. My  
2 name is Thomas Messervy. I'm the Director of  
3 Real Estate for OTO Development. I represent  
4 the ownership group for the hotel and  
5 restaurant proposed development.

6 The original approved PUD project  
7 was led by Perseus Realty and Starwood Capital.

8 Perseus Realty is a D.C.-based real estate  
9 investment and development firm that focuses on  
10 institutional real estate primarily in the  
11 greater D.C. area.

12 Starwood Capital is a global real  
13 estate investment firm with a long track record  
14 of delivering successful projects.

15 Earlier this year, OTO Development  
16 was brought on to the team to provide hotel  
17 development and operational expertise.

18 OTO Development, the company I work  
19 for, is a leading hotel developer. We  
20 developed 45 hotels under th Marriott Hilton  
21 and Hyatt brand of companies. Not only are we  
22 the developer, but we are also the owner and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 operator.

2 So what that means is we are  
3 involved from the entitlement process through  
4 construction and on the day-to-day operations  
5 of the hotel. And what we have found is this  
6 lets us better address the needs of our guests,  
7 but also the communities in which we operate.

8 The original PUD contemplated a one  
9 hotel, which represented an attempt to develop  
10 the prototype for the one hotel, which was a  
11 new and untested brand. For a variety of  
12 reasons, the brand never materialized.

13 The very high cost involved with  
14 this project, including the land and the  
15 building costs, combined with the declining  
16 economy and the nearly inaccessible capital  
17 markets made the project infeasible and the  
18 team was not able to proceed.

19 In hindsight, this actually turned  
20 out to be a good thing. The one hotel would  
21 not be successful in this market. As the  
22 market has evolved, we are confident that our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 new and improved design, which leverages the  
2 Hilton Garden Inn brand better addresses the  
3 needs of the guests in this market and  
4 compliments the architecture in the  
5 neighborhood.

6 Based on our experience in this  
7 market, we project that our guests at this site  
8 will include travelers visiting local  
9 businesses, vacation travelers and family  
10 members coming to visit members of the  
11 neighborhood.

12 Hilton Garden Inn brand is a proven  
13 upscale brand in the Hilton family of companies  
14 and it delivers all the amenities that our  
15 guests are looking for.

16 Our amenities at the hotel include a  
17 fitness center, an outdoor terrace and a high-  
18 quality restaurant, which will include room  
19 service. The restaurant would also include a  
20 lounge, which will be a great amenity not only  
21 for our guests, but also for the community.

22 Our amended room design includes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 refined room layouts, which allows us to have  
2 238 rooms, which is an increase over the  
3 original 170 room design.

4 Creating an environmentally  
5 responsible development has always been a high  
6 priority for our ownership group. As Chris  
7 mentioned earlier, the original project had  
8 committed to achieving the base level of LEED  
9 certification.

10 In this amended PUD application, we  
11 are committing to achieving the silver LEED  
12 certification. So what that means is we will  
13 be using proven high-efficiency technologies  
14 that allow us to be better stewards of the  
15 environment.

16 And following in line with our  
17 commitment for public space and education, we  
18 will incorporate an interactive display in our  
19 lobby which highlights the environmental  
20 sustainable features of our hotel. This is  
21 consistent with the originally approved PUD.

22 In addition, our project will have a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 meaningful positive effect on the local  
2 economy. We have executed a certified business  
3 enterprise agreement with the District where we  
4 will be utilizing local CBE firms for over \$11  
5 million of work during the project development.

6 In addition, we have executed a  
7 First Source Agreement with the District where  
8 we have committed to hiring the majority of our  
9 employees from the local community.

10 During construction of our hotel, we  
11 will create, approximately, 168 full-time jobs.

12 Once open, the hotel, when you include the  
13 restaurant and the valet operations, will  
14 create 110 additional jobs.

15 On an annual basis, our hotel will  
16 contribute, approximately, \$4 million to the  
17 local economy in the form of hotel usage taxes  
18 and property taxes.

19 We understand the importance of  
20 being a good neighbor and a business partner in  
21 each community in which we operate. And during  
22 the past year, we have met with multiple

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 neighborhood groups and had correspondence with  
2 them where we presented our project and  
3 received their feedback on our project.

4 We have met with representatives of  
5 West End Friends, West End Citizens Association  
6 and Foggy Bottom Association and we are honor  
7 that they have chosen to support our project.

8 In addition, we have met with our  
9 abutting neighbors to the north and to the  
10 west, who have also chosen to support our  
11 project.

12 We have also met with the ANC for  
13 two of their regularly scheduled meetings. We  
14 have presented to the community and received  
15 their feedback on our project. And we have  
16 continued to have follow-up correspondence with  
17 the ANC after our meetings.

18 As part of this community  
19 participation project, we will contribute  
20 nearly \$300,000 to fund a variety of  
21 neighborhood improvement projects and  
22 amenities.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           In determining the allocation for  
2 this funding, our first priority was to honor  
3 our original commitments that was made during  
4 the original PUD application and approval.

5           In situations where the neighborhood  
6 groups and the ANC decided that that funding  
7 would be better utilized at a different  
8 project, we incorporated their suggestions into  
9 our plan.

10           For example, we agreed to transfer  
11 the funding from the renovation of the 26<sup>th</sup>  
12 Street Dog Park to the proposed dog park at  
13 Francis Field.

14           Finally, over the past few weeks, we  
15 have learned of concerns about our project that  
16 have been voiced by a few members of the  
17 community. As we have discussed these concerns  
18 with various neighborhood organizations and  
19 citizens, unfortunately, we have learned that a  
20 lot of these concerns are based on  
21 misinformation or lack of complete information,  
22 so we are very excited and grateful for the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 opportunity to present a complete presentation  
2 of our proposed hotel and restaurant for not  
3 only the Commission, but also for the  
4 community.

5 So in summary, our amended design  
6 with its increased efficiency, the adjusted  
7 room count, and the strength of the Hilton  
8 Garden Inn brand, we produced a financially  
9 viable project that we are able to move forward  
10 with.

11 We look forward to continuing our  
12 strong relationships with the community and  
13 providing an amenity and a hotel and a  
14 restaurant that is a great asset to the  
15 neighborhood.

16 We thank you for your time and  
17 consideration of our PUD amendment application.

18 MR. COLLINS: Thank you. Next, Mr.  
19 Baranes.

20 MR. BARANES: Okay. I would like to  
21 start by just showing you some context  
22 photographs of the neighborhood and a Zoning

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Map also.

2           You can see the site is pretty  
3 clearly marked on this map and the primary  
4 thing I would like to point out here is that,  
5 you know, we are in a neighborhood where most  
6 of the sites are fairly built-out. Many of  
7 these buildings have come before you or before  
8 the BZA for various variances or PUDs and  
9 rezonings.

10           But there are a few infill sites  
11 left in this neighborhood and two of them  
12 happen to be directly adjacent to our site  
13 here.

14           Directly to our north there is a  
15 site that will be developed eventually and then  
16 there is one directly here to the west, which I  
17 think has already been awarded to a development  
18 team by the District.

19           But I think you can tell by -- from  
20 this aerial photo that most of the buildings in  
21 this area are of fairly large scale. Some of  
22 them are full city blocks, others are half city

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 blocks, but generally, the projects are fairly  
2 substantial.

3 The zoning around our site is  
4 generally the CR Zoning. And then we do have  
5 residential, it's also of the higher density  
6 type, so that everything around us does go up  
7 to the -- at least 90 feet and in many cases up  
8 to 110 feet as a result of PUD approvals.

9 This is a corner view of the site.  
10 We are standing on M Street here looking  
11 towards Georgetown. And, again, directly to  
12 the north here is a low building which we  
13 expect will be demolished eventually, as is the  
14 case directly to our west. And then, of  
15 course, beyond you see other buildings which  
16 have been built-up to the full allowable height  
17 of about 110 feet.

18 Looking in the opposite direction  
19 along M Street here looking with our back to  
20 Georgetown, our site is right here. Again,  
21 there is a fire station here. These buildings  
22 we expect will be demolished in the not too

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 distant future.

2           And then looking north on 22<sup>nd</sup>  
3 Street, this is our site. The Ritz is to our  
4 left here. That was also a PUD that we  
5 designed to get to 110 feet. And again, this  
6 building here that we expect will be demolished  
7 with a taller building beyond.

8           And, you know, one of the things I  
9 would like to point out about our site is that,  
10 you know, while we feel we have a really  
11 wonderful site, which is situated on the  
12 corner, a very important corner, a very  
13 important intersection, it's not one of the  
14 most refined intersections in the neighborhood.

15           You know, unlike, for example, a  
16 block or two to our west where you have, you  
17 know, the Hyatt and you have several of the  
18 Park Hyatts, several other hotels and there is  
19 a residential building occupying all those  
20 corners. You know, here we have an Exxon  
21 station. We have a very large Walgreens. So  
22 this particular intersection is a little more

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 commercial in character.

2 When we design 22 West here, we  
3 designed it so that it could be pulled as far -  
4 - the residential units could be pulled as far  
5 away from the intersection as possible. And we  
6 turned, essentially, really the back of the  
7 building to the intersection, because we had to  
8 incorporate a gas station.

9 There is an Exxon station right  
10 there that is really, in a sense, the front  
11 door for this intersection. And we placed the  
12 residential entrance as far away from the  
13 intersection to get it away from the gas  
14 station as we could. And as you know, that is  
15 diagonally across from us.

16 And then directly to the east, as I  
17 mentioned, we have this Walgreens which  
18 occupies almost, not almost all, but a  
19 significant portion of the floor plate, the  
20 ground floor plate of the Marriott there.

21 I also want to point out that we do  
22 have an alley. We have a fairly generous 15

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 foot alley that turns into a 30 foot alley with  
2 a hammerhead here. And our loading will be  
3 access off of this point. We will show that to  
4 you shortly in more detail. And you can see  
5 our parking is coming here off to the right  
6 directly off the street.

7 In designing this building, you  
8 know, while we wanted to make a very cohesive  
9 statement, obviously, architecturally, we also  
10 wanted to respond as much as possible to the,  
11 you know, differing characteristics of  
12 differing natures of each one of the streets  
13 and then the corner itself.

14 So, you know, we started by  
15 introducing this very slender, very vertical  
16 bay element on the corner of the building,  
17 which is, you know, very visible from a long  
18 distance, especially because we have New  
19 Hampshire Avenue running to M Street with the  
20 3<sup>rd</sup> Street running into that intersection also  
21 directly to our east.

22 And so this will really be a very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 significant marker which, I think, holds the  
2 corner in a fairly significant way.

3 What I would like to point out here  
4 also is in order to enhance the scale of this  
5 piece, we very subtly demarcated this into  
6 three story sections. So you will see at the  
7 windows here, for example, are organized in  
8 groups of three, where you have a metal banding  
9 across the top and the bottom of the group and  
10 then the two bands in the center, the two  
11 windows in the center are marked by terracotta  
12 bands.

13 So as you see this from a distance,  
14 not only will it read as a large vertical  
15 element, but it will also be subdivided,  
16 essentially, into these three groups of  
17 windows.

18 We then took that grouping -- and by  
19 the way, this is something you see around  
20 Washington in buildings on many of the squares,  
21 the large squares, you know, whether it's  
22 Farragut Square or whether it's McPherson

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Square or Franklin Park, many of the buildings  
2 there, the office buildings, do use the same  
3 technique to address, you know, the larger  
4 scale of the urban space that they face.

5 We then took this organization of  
6 groups of three floors and we used it on both  
7 the south facade and the east facade. So you  
8 can see it a little bit more clearly here where  
9 we took these bays, which are slightly tilted  
10 to favor the corner, to be oriented towards the  
11 corner, and again grouped those into threes and  
12 demarcated them with these strong horizontal  
13 bands.

14 Now, when we do residential  
15 buildings in the city, we can develop a lot of  
16 texture to these facades by the use of  
17 balconies. In a hotel, you can't really use  
18 balconies. It doesn't work very well.

19 So in lieu of that, what we did here  
20 is we tilted these bays slightly so that when  
21 the sun comes across this facade, you will get  
22 a very deep shadow. You will get a very

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 sculptural sense, very sculptural quality, a  
2 very three-dimensional quality to this whole  
3 facade, which will change as the sun passes,  
4 you know, from morning to evening.

5 Tilting the bays also allowed us to  
6 reduce the energy load on the building, because  
7 by orienting these to the east and having the  
8 glass there and having no glass along these  
9 western edges, which I'll show you shortly, we  
10 were, essentially, able to reduce the heat gain  
11 on the building.

12 You know, great heat load does come  
13 from the west and the south and we have  
14 minimized the amount of glass facing that  
15 direction.

16 We also, as I said then, carried  
17 this three story organization around the 22<sup>nd</sup>  
18 Street facades and there we developed a much  
19 simpler facade, because it's flatter. As I  
20 said, it faces east. We don't have the heat  
21 gain problem. And also, it's simpler because  
22 it's a narrower street. The scale of the whole

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 street is quite different.

2 One of the interesting things about  
3 this -- actually, let me just go back for a  
4 second.

5 When you look at this facade, it  
6 looks like it's almost entirely glass, as  
7 viewed from the intersection. As you move  
8 around to the other side, you can see here,  
9 standing close and then standing further away,  
10 it changes dramatically.

11 It takes on a very different nature  
12 and starts to look very solid. And what you  
13 are seeing here is these terracotta fins which  
14 form the western face of those bays.

15 I have always been very intrigued by  
16 the banners in front of the Corcoran Gallery  
17 here in town. I don't know if you are familiar  
18 with those. They are quite beautiful. And you  
19 really have to move around them in order to  
20 understand what they are saying. And they keep  
21 changing as you move around them. It's a  
22 fairly dramatic effect.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   And so, you know, we tried to  
2 capture some of the spirit, some of the quality  
3 of that technique here by developing the bays  
4 as we did.

5                   On the 22<sup>nd</sup> Street facade as I  
6 mentioned earlier, we went flatter. We still  
7 used the terracotta to demarcate the edges of  
8 the bays and we introduced the recess here  
9 along the third bay in in order just to very  
10 subtly help mark the entrance to the hotel.

11                   So it's a very large gesture, but it  
12 is a subtle one and it does relate to the  
13 entrance.

14                   The bays on both these facades are a  
15 little under 3 feet in terms of projections  
16 over the property line. On the Ritz across the  
17 street, our projections were closer to 4 and 5  
18 feet. And then on the 22 West, and I found a  
19 little bit amusing that they are objecting to  
20 our projections here, because there we have 6  
21 foot projections.

22                   They are the largest projections we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 have ever done in the city, actually. And I  
2 think they work well there and I think these  
3 projections will work well here.

4 We didn't see a need to go as deep  
5 as 6 feet as we did on 22 West here. We felt  
6 the, you know, 3 feet was adequate and  
7 certainly works well with the layout of the  
8 hotel rooms.

9 So here I just want to point out  
10 that, you know, we will have retail here, which  
11 I'll come back to shortly. We have the  
12 entrance to the hotel and then the entrance to  
13 the parking is just tucked into the corner  
14 there and you get a better view of it right  
15 here.

16 We took the penthouse and again, we  
17 always have an issue with penthouses here in  
18 the District because of the setback  
19 requirements. But here, we took it and we  
20 pushed it as far back as we could off the two  
21 street faces and pushed it towards the alley,  
22 towards the alley site, towards the corner.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 I'm sorry, I can't read this. It's  
2 too dark. Oh, I'm running out of time. I'll  
3 try to move on a little more quickly here.

4 I know there was a concern on your  
5 part also about the -- how this facade would  
6 read and we changed it from our earlier  
7 submission. We pushed the penthouse back. We  
8 have changed the materials here. And if you  
9 compare this to our original submittal, you can  
10 see it has a very different kind of sense of  
11 scale to it. It's not quite as monumental and  
12 it has a lot more interest to it.

13 And here is a view from the street.  
14 Eventually, this wall will be covered, of  
15 course, as this whole building gets developed.

16 And on the two street facades, we  
17 are -- it's a little hard to see here, but we  
18 are also proposing to include some signage on  
19 the building, something here for the retail on  
20 the north -- on the south side, something here  
21 over the entrance for the hotel. And then  
22 these two spots at the very top of the vertical

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 bay on the corner, these signs would be,  
2 approximately, 3 to 3.5 feet tall.

3 Here you see the elevations on the  
4 courtyard, which will not be visible from the  
5 street. This is a close-up showing the punched  
6 windows.

7 And just very quickly here, I want  
8 to mention the materials that we are using  
9 which are really, I think, going to be quite  
10 beautiful, quite spectacular. The two primary  
11 street facades are all terracotta.

12 We are using two different color  
13 pallets. We are using -- we will develop a  
14 range in the grays and then we will also  
15 develop a range in this more brick color,  
16 terracotta color. You know, what I really like  
17 about this is it relates both -- it relates  
18 well to both the residential quality of the  
19 neighborhood, as well as some of the more  
20 commercial buildings.

21 Terracotta facades cost twice,  
22 double the price, roughly, of a brick building,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 which is what we did across the street at the  
2 Hilton. There is not much of a terracotta  
3 industry in the United States. We have to  
4 import most of this material from England.

5 It involves a lot of craftsmanship.

6 It gives the building a very crisp appearance.

7 And yet, it has the richness of being a very  
8 natural material. So we are really quite  
9 pleased that the budget on this project allowed  
10 us to utilize this kind of material.

11 Here you see it at the top as it  
12 meets the base of the building. We have a very  
13 tall base on the building, which is about 17  
14 feet high. On the north side the glazing here  
15 will be fixed. This will be a restaurant. And  
16 as you move closer to the corner, you see here  
17 these are all operable partitions. It's a nano  
18 wall system, so that in good weather, you can  
19 open all of this up and, essentially, have it  
20 be an extension of the sidewalk into the  
21 building.

22 And we are turning the corner here.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 This is the entrance to the hotel. And then  
2 finally here before turning over to Patrick,  
3 this is the hotel entrance looking straight in.

4 And you can see that there is a series of  
5 green terraces there that lead you up to the  
6 courtyard.

7 We made a real effort to make these  
8 visible from the sidewalk, because this space  
9 is all accessible to the public.

10 MR. BURKHART: At this point with  
11 the presentation, I would like to turn our  
12 attention to the interior planning of the  
13 building. And I'll just start briefly by  
14 orienting you to the points of access that  
15 Shalom had mentioned recently.

16 Essentially, our service and support  
17 access comes from an internal block alley and  
18 our loading in the ground floor plan as  
19 positioned here at the northwest corner. It is  
20 essentially the same loading configuration as  
21 the previously approved PUD with one exception.

22 We are not providing a loading berth for a 55

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 foot tractor trailer, which is triggered when  
2 you have more than 200 hotel rooms.

3 A 55 foot tractor trailer just  
4 simply is not necessary for the operation of  
5 this particular hotel.

6 If you are arriving at the hotel in  
7 terms of being either a guest or the public,  
8 you would alight from your vehicle here along  
9 22<sup>nd</sup> Street where we have a layby. A valet  
10 would then take your car and park it down on B-  
11 2 level using the ramp here on the north side  
12 of the property.

13 In entering the hotel, you enter  
14 here along 22<sup>nd</sup> Street through a vestibule into  
15 the main hotel lobby, check-in is to the north.

16 From there, you proceed to the elevators here  
17 and on up to the guest floors on Levels 2  
18 through 10.

19 Beginning at the hotel entrance on  
20 22<sup>nd</sup> Street and extending towards the corner at  
21 22<sup>nd</sup> and M and along the entire M Street facade,  
22 we have the restaurant and lobby/bar that will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 serve the hotel and the neighborhood. Inward,  
2 we have the kitchen and just to the north of  
3 that, we have a series of meeting rooms, which  
4 are located here, approximately 2,450 square  
5 feet, a space subdivisible into three and  
6 access from the pre-function space here  
7 directly off the lobby.

8 And then to complete the plan,  
9 stairs are located here and here, which exit  
10 directly to the sidewalk.

11 Next. The typical hotel floor is  
12 indicated here. As we described, a simple L-  
13 shape form. It is very efficient, a double-  
14 loaded corridor scheme with stair exits at the  
15 end of the wings of the L-shape and the  
16 elevator core at the center.

17 Interestingly, we continue the  
18 interior corridor to the south facade where we  
19 have windows allowing natural light and  
20 orientation today for the plan. The rooms are,  
21 essentially, 27 per typical floor.

22 So on Levels 9 -- 2 through 10, we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have a total of 238 hotel rooms. And it's a  
2 combination of double queen rooms and double--  
3 single king bedrooms uniformly distributed  
4 throughout the plan in order to provide equal  
5 percentages with exposures to either the street  
6 or to the courtyard.

7 And our second floor plan that is  
8 indicated over here, that typical plan is  
9 modified with the introduction of a garden  
10 court at the second level. It's directly above  
11 the meeting rooms on the ground floor below and  
12 over the loading area that you see here.

13 This space is open to the sky and we  
14 envision it as a landscaped area for the  
15 passive enjoyment of nature for both hotel  
16 guests and also for the public coming to the  
17 hotel, you know, consistent with a hotel  
18 operation.

19 This space is directly adjacent to a  
20 double-height volume position here in the  
21 center of the plan. And this is open to the  
22 ground floor lobby level. And we have a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 monumental stair that descends from this level  
2 down to that plan.

3 On this level, we have the penthouse  
4 of the property. And as Shalom mentioned, we  
5 have an 18.5 foot setback along the two street  
6 sides. What I want to just simply point out  
7 here is that at the roof level, we are  
8 incorporating a rooftop pool here along the  
9 southern edge.

10 It will have a trellis to cover it,  
11 which will continue along and wrap the corner  
12 of the penthouse and really complete that L-  
13 shape form with the penthouse.

14 In addition, there are two areas for  
15 equipment that is open to the sky, but enclosed  
16 by the uniform penthouse walls. And as pointed  
17 out previously, here we have a setback of,  
18 approximately, 8 inches on the west and north  
19 sides.

20 The hotel servicing plan is,  
21 essentially, the B-1 Plan, directly below the  
22 ground floor. And the white area you see here

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 is a garage ramp that spirals down through this  
2 floor to the parking level below.

3 And just briefly, on this level, we  
4 are providing all the backup house spaces,  
5 which include the utility rooms, receiving  
6 rooms, which are accessed from a circulation  
7 corridor that really brings the edge of that  
8 spiral ramp access by an elevator, service  
9 elevator up to the ground floor of loading.

10 Backup house functions position  
11 mostly here including an on-site laundry and  
12 employee facilities.

13 And then the other thing I want to  
14 point out is that we do have utility rooms  
15 here, which are adjacent to air conditioned  
16 vaults along the property just to the north  
17 allowing for the paving to match the surface of  
18 the sidewalk.

19 And then briefly, the building is  
20 organized vertically, as you can see here in  
21 this section. We have 107 feet in height, nine  
22 hotel floors and a very tall ground floor. We

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 are actually at slightly over 18 feet floor-to-  
2 floor at the ground level.

3 And that allows us to create an  
4 opportunity to combine with that double-height  
5 volume position here the opportunity to see our  
6 garden court directly from 22<sup>nd</sup> Street at this  
7 point here.

8 And I'll point out in a few slides  
9 later more detail on that. I do want to point  
10 out that we have green screen walls on the  
11 adjacent party walls of the properties facing  
12 us, so that this is really treated as a three-  
13 dimensional landscaped feature.

14 Next slide. And to talk about  
15 public space in a little more detail, this is  
16 an illustrated site plan ground floor plan  
17 showing the sidewalk treatments along 22<sup>nd</sup>  
18 Street and also along M Street. We are working  
19 with a 2 x 3 concrete pavor consistent with the  
20 previous PUD.

21 We also have several street trees  
22 also in the similar positions. These two flank

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the hotel entrance here. And I would also like  
2 to point out that we are proposing hotel  
3 restaurant seating outdoors in an area  
4 extending from the front entrance here down  
5 towards the corner and wrapping the corner.

6 It is indicated by a dashed line  
7 that you see here. And I really want to point  
8 out that we have sufficient clearance to  
9 maintain an 8 foot pedestrian pathway, both  
10 along M Street here between the planters and  
11 the face of our building and outdoor seating  
12 and even more generous here along 22<sup>nd</sup> Street.

13 This detailed plan just shows a  
14 feature at the front entrance positioned right  
15 here north of the lobby where we have a  
16 recessed area. We are going to provide a  
17 seating element that would be covered by the  
18 canopy and it really sets the theme to take  
19 materials, the granite, that we are using for  
20 that element into the lobby and back towards  
21 the pool feature here underneath that double-  
22 height space.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Next slide. And here, again, in a  
2 little more detail on the landscaping on the  
3 second floor, essentially, a large area of  
4 green along with trees and shading, hardscape  
5 surfaces for outdoor seating elements and then  
6 additional landscaping edging the perimeter.

7           Now, that landscape treatment  
8 extends from the second floor down to the main  
9 lobby level in a series of cascading steps.  
10 And again, this really reinforces the fact that  
11 you will have a line of sight from 22<sup>nd</sup> Street  
12 to this garden feature again for the public and  
13 for the hotel patrons.

14           And you can see that here through  
15 this perspective view at the front door, again,  
16 with the seating element.

17           Next. And as we see here in this  
18 view of the front looking towards the south, we  
19 will be developing this folding glass partition  
20 system and we will be asking for some  
21 flexibility as we go through the evolution of  
22 the design with the D.C. Code requirements and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Health Code Regulations.

2 And then finally, I would like to  
3 talk a little bit about the sustainability  
4 aspects of the project. I know we're running a  
5 little short on time here, but as has been  
6 mentioned, we really have -- are working with  
7 the USGBC LEEDS 2009 version, which is -- has a  
8 substantially higher bar in terms of  
9 sustainability features.

10 And our features are really based on  
11 proven technologies, many of which have  
12 advanced since the time the previous PUD was  
13 approved. And they really are features that  
14 are on the market. They are readily available.

15 They include a high-performance exterior  
16 envelope with substantially improved insulation  
17 and a rain screen design of the exterior wall.

18 We are using a very high-performance  
19 glazing which reduces the solar heat gain in  
20 the interior rooms. And then we have a  
21 mechanical system that incorporates heat  
22 recovery for all the ventilation air that will

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 circulate through the entire building. It is  
2 in a plenum space within the top story of the  
3 building.

4 And then we also are working with  
5 water conservation. We actually are doing a  
6 system which is kind of unique where we are  
7 capturing the condensate water from the cooling  
8 tower and redirecting it to irrigate the green  
9 roofs on the building.

10 And I should point out the green  
11 roofs actually cover more than 50 percent of  
12 the site area.

13 And with that, I would like to turn  
14 over our presentation to Jami Milanovich.

15 MS. MILANOVICH: Good evening,  
16 Chairman Hood, Members of the Commission. For  
17 the record, my name is Jami Milanovich with  
18 Wells and Associates, the transportation  
19 consultant for the subject PUD.

20 From a transportation perspective,  
21 the modified PUD is largely the same as the  
22 previously approved PUD plan. I'll highlight

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the key differences and similarities.

2 The number of rooms in the proposed  
3 hotel has increased from 170 rooms to 238  
4 rooms. However, the restaurant component has  
5 decreased in size from the 8,500 square feet  
6 contemplated originally to the, approximately,  
7 3,7000 square foot restaurant in the current  
8 design.

9 In the original PUD, a garage  
10 elevator system was proposed for the parking.  
11 In the current plans, the elevator system has  
12 been replaced with a conventional below-grade  
13 parking structure. As a result, the number of  
14 parking spaces on-site has been reduced from 71  
15 spaces to 53 spaces.

16 Access to the parking is still  
17 proposed via a new curb cut on 22<sup>nd</sup> Street,  
18 consistent with the original PUD shown here.

19 Valet parking for the restaurant,  
20 which will be parked at off-site locations, is  
21 proposed on M Street in front of the  
22 restaurant, again, consistent with the original

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 PUD.

2 The design of the proposed layby  
3 lane is identical to the layby lane that was  
4 reviewed extensively by DDOT and approved under  
5 the original PUD. In fact, the design you see  
6 before you this evening was proposed by DDOT as  
7 an alternative to the applicant's original  
8 proposal to provide a full-width layby lane.

9 This type of layby lane has also  
10 been used at other hotels, such as The  
11 Mayflower Hotel on Connecticut Avenue.

12 Patrons arriving at the hotel in  
13 vehicles, such as taxis and personal vehicles  
14 will use the layby lane on 22<sup>nd</sup> Street as under  
15 the original PUD. Valets will take the  
16 personal vehicles from the layby lane, pull  
17 them into the garage and park them in the  
18 below-grade parking structure.

19 Because of the change from the  
20 garage elevator system to a conventional  
21 parking structure, the valet service time for  
22 the vehicles in the layby lane is expected to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 be faster, making the layby lane more  
2 efficient.

3 In response to a concern raised by  
4 the ANC and 22 West, bus loading and unloading  
5 is proposed on M Street. Passengers will be  
6 able to board and alight curbside, rather than  
7 on the travel lane side. And the buses will  
8 not block a travel lane. Bus loading would  
9 occur here.

10 I should also note that the proposed  
11 hotel will not cater to tour groups due to the  
12 size of the hotel. As such, the number of  
13 buses will be minimal. The highest number of  
14 tour buses will occur when the hotel occupancy  
15 is otherwise low.

16 During these times, the number of  
17 tour buses is expected to be three to five per  
18 month.

19 During the original PUD process, we  
20 conducted a number of studies and evaluations,  
21 including a Traffic Impact Study and evaluation  
22 of the layby lane. Additionally, we worked

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 extensively with the DDOT Planning and Policy  
2 and Traffic Operations regarding the design of  
3 the layby lane.

4 We have also recently met with the  
5 DDOT on two occasions to discuss the proposed  
6 changes to the PUD and we submitted a number of  
7 memorandums to DDOT detailing a parking  
8 evaluation, a Transportation Demand Management  
9 Plan and a Loading Management Plan.

10 In order to evaluate the impacts  
11 associated with the increase in room count, we  
12 conducted a trip generation comparison of the  
13 original PUD plan and the current plan.

14 Although the original approval  
15 allowed for maximum of 170 rooms, the original  
16 traffic study conducted for this hotel actually  
17 assumed a 182 room hotel with an 8,500 square  
18 foot restaurant. The trip generation  
19 methodology used in the Traffic Impact Study  
20 was based on the Institute of Transportation  
21 Engineer's methodology and a conservative 25  
22 percent reduction to account for non-auto modes

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 of transportation.

2 The original PUD was predicted to  
3 generate 71 vehicle trips during the a.m. peak  
4 hour and 131 vehicle trips during the p.m. peak  
5 hour. These trips include all forms of vehicle  
6 traffic including personal cars, taxis, hired  
7 vehicles, buses, etcetera.

8 Using that same methodology, the  
9 current plan is anticipated to generate 93 a.m.  
10 peak hour vehicle trips and 127 p.m. peak hour  
11 trips.

12 You will note that the decrease --  
13 there is a decrease in trips during the p.m.  
14 peak hour. That decrease is attributable to  
15 the size of the restaurant. That is the  
16 decrease associated with the restaurant  
17 outweighs the increase associated with the  
18 higher room count.

19 Since completion of the original  
20 traffic study, we have recently collected trip  
21 generation data for similar hotels in the  
22 District. Based on the data collected, it was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 evident that urban hotels generate far fewer  
2 trips than the suburban-based Institute of  
3 Transportation Engineer's model predicts.

4 In fact, the trip generation for  
5 these urban hotels suggests that the proposed  
6 hotel will generate fewer trips than that  
7 assumed in the original study.

8 Specifically, the hotel is expected  
9 to generate 11 percent fewer trips during the  
10 morning peak and 51 percent fewer trips during  
11 the afternoon peak.

12 Said another way, the 25 percent  
13 reduction that was assumed in the original  
14 study was a conservative assumption, since data  
15 from similar hotels in the District show that a  
16 higher reduction is realized in urban  
17 conditions.

18 Based on this assessment, we  
19 determined that the original traffic study  
20 adequately addressed the impacts of the now  
21 proposed hotel.

22 The findings of the traffic study

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 indicated that the hotel would not have a  
2 significant impact on traffic operations in the  
3 vicinity of the site. The hotel is expected to  
4 account for just 1.5 to 2 percent of the peak  
5 hour traffic at the M Street/22<sup>nd</sup> Street  
6 intersection. I'm sorry, M Street/ 23<sup>rd</sup> Street  
7 intersection, just 2 to 3 percent of the  
8 traffic at the M Street 22<sup>nd</sup> Street intersection  
9 and just 1 to 2 percent of the traffic at the M  
10 Street/New Hampshire Avenue intersection. And  
11 those percentages are shown in the yellow in  
12 this graph.

13 In order to evaluate the adequacy of  
14 the proposed parking supply, we conducted  
15 parking inventories at four similar hotels in  
16 the District. The hotel study provided parking  
17 ratios ranging from .21 to .38 spaces per room.

18 The proposed hotel will provide a parking  
19 ratio of .22 spaces per room, which is within  
20 the range of the hotels studied.

21 In order to determine the parking  
22 demand for each hotel, we conducted counts of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the number of cars parked at each hotel's  
2 parking garages during peak times.

3 Based on those counts, we determined  
4 that the demand ranged from .14 spaces per room  
5 to .21 spaces per room with an average of .17  
6 spaces per room.

7 During the time the parking  
8 occupancy counts were conducted, the hotels  
9 were not at 100 percent occupancy. In order to  
10 adjust for this, we also calculated the parking  
11 demand based on the number of occupied rooms.

12 The demand per occupied room ranged  
13 from .15 spaces per room to .3 spaces per room  
14 with an average of .2 spaces per room.

15 As shown in this graph, the proposed  
16 parking slot supply will exceed the average  
17 parking demand of the four sites surveyed, both  
18 in terms of total number of rooms and in terms  
19 of occupied rooms.

20 While overflow parking is not  
21 required, not anticipated to be required during  
22 typical hotel operations, the applicant intends

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 to use the same parking operator as the  
2 Washington Marriott Hotel across the street and  
3 will negotiate an overflow agreement, if  
4 needed.

5 ProPark, who is the operator of the  
6 Marriott Hotel parking has indicated they have  
7 additional capacity to accommodate any  
8 necessary overflow parking.

9 As you know, DDOT's preference is  
10 for new developments to provide limited parking  
11 when possible, since there is currently an  
12 excess capacity in the District. Therefore,  
13 this approach which utilizes existing excess  
14 capacity at an existing garage supports DDOT's  
15 goal.

16 In order to minimize the traffic and  
17 parking impacts associated with the proposed  
18 hotel, the applicant has agreed to implement a  
19 Transportation Demand Management Plan that  
20 promotes alternative modes of transportation.

21 Specifically, the applicant will  
22 designate a member of staff as a transportation

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 coordinator for the hotel. They will advertise  
2 WMATA SmarTrip cards in the lobby of the hotel,  
3 provide hotel guests with information in  
4 Zipcar, provide maps showing the nearest Zipcar  
5 locations, provide system maps and information  
6 regarding the nearest Capital Bikeshare  
7 stations, provide safe cycling guidelines,  
8 provide instructions on obtaining a 24 hour or  
9 five day membership for Capital Bikeshare.

10 They will also provide an  
11 interactive board in the lobby that will  
12 provide information regarding alternative modes  
13 of transportation available. They are  
14 providing 15 spaces for bicycle parking on-  
15 site.

16 And additionally, in response to  
17 DDOT's request, the applicant has also agreed  
18 to provide a \$25 SmarTrip card for each  
19 employee during the initial hiring phase,  
20 provide 24 hour Bikeshare memberships for  
21 guests who wish to use Bikeshare and they have  
22 also agreed to conduct evaluations, performance

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 evaluations one year and two years after  
2 issuance of the Certificate of Occupancy.

3 Finally, the loading for the  
4 proposed hotel and restaurant will occur from  
5 the public alley, as shown here. Trucks will  
6 enter the alley front-first from 22<sup>nd</sup> Street.  
7 They will back into the loading dock and then  
8 they will be able to exit the alley front-first  
9 onto 22<sup>nd</sup> Street.

10 In order to minimize the impacts of  
11 loading on the surrounding area, the applicant  
12 has agreed to a Loading Management Plan, which  
13 addresses concerns raised by the ANC and 22  
14 West.

15 As part of the Loading Management  
16 Plan, a member of staff will be designated as  
17 the dock manager and will be responsible for  
18 coordinating all deliveries. Deliveries will  
19 be restricted to 30 foot trucks or shorter.  
20 All deliveries will be made during non-peak  
21 times.

22 Trucks will not be permitted to idle

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 while sitting in the alley. And to ensure that  
2 deliveries will be made via the alley, no  
3 deliveries will be accepted from M Street or  
4 from 22<sup>nd</sup> Street.

5 In summary, the traffic and parking  
6 impacts associated with the proposed hotel are  
7 not expected to have a significant impact on  
8 the surrounding area. A parking survey and  
9 evaluation of similar hotels in the District  
10 indicates the proposed parking for the hotel  
11 will be adequate.

12 In order to minimize the impacts,  
13 the applicant has committed to a Transportation  
14 Management Plan and a Loading Management Plan.

15 Therefore, it is our finding that  
16 the modified PUD will not have an adverse  
17 impact in the area surrounding the site.

18 With that, I'll turn it over to  
19 Steve Sher.

20 MR. SHER: Mr. Chairman, Members of  
21 the Commission, for the record, my name is  
22 Steven E. Sher, the Director of Zoning and Land

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Use Services with the Law Firm of Holland &  
2 Knight.

3 I'm going to jump right into the  
4 middle of what I have prepared and ignore the  
5 first half a dozen pages or so.

6 In terms of compliance with the PUD  
7 evaluation standards of Section 2403, the  
8 Commission is required to determine that the  
9 impact of the project is favorable, capable of  
10 being mitigated or acceptable.

11 What we are talking about here is,  
12 essentially, the same type of development that  
13 was approved in the original PUD, construction  
14 of a new hi-rise hotel contributing to the  
15 continued economic vitality of the area.

16 You have just heard Jami Milanovich  
17 talking about the parking and traffic issues  
18 and I'm not going to repeat those, but I think  
19 our conclusions are that those impacts are  
20 acceptable and need not be of particular  
21 concern.

22 The proposed height and density is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 acceptable and consistent with other approved  
2 and constructed buildings in the vicinity.

3 In the original PUD case, the  
4 Commission went through and heard both from  
5 Office of Planning, from myself and in its  
6 order went through extensive findings on  
7 consistency with the Comprehensive Plan. I'm  
8 not going to repeat those. I think you have  
9 got all that in the record before you.

10 And, essentially, that same analysis  
11 applies here.

12 In terms of the public benefits and  
13 project amenities, Tom earlier went through  
14 some of those things and they are all well-  
15 detailed and specified in the material that you  
16 have.

17 The Commission is required to  
18 balance that against the development center and  
19 the areas of flexibility. What we are asking  
20 for here is 17 feet in height over the matter-  
21 of-right in CR, which is 3 feet less than the  
22 20 feet we asked for before.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           The increase in total density is  
2 about 31,000 square feet, which is a little bit  
3 higher than what we asked for before, but, in a  
4 sense, a wash on both those things.

5           Just very quickly, in terms of the  
6 areas of flexibility, we are asking for a  
7 reduction in the rear yard. We asked for that  
8 before. A change in the public space at ground  
9 level, the same thing from the earlier  
10 application.

11           The roof structure setback is 1:1 on  
12 the street sides, but not on the court and  
13 north and west sides of the building. And Mr.  
14 Baranes went through that as well.

15           On the parking, we just went through  
16 that. We are asking for 53 spaces instead of  
17 the 68 required. More than 40 percent will be  
18 compact and 22 of the spaces are tandem. So  
19 all those are areas where we have some  
20 different from the normal requirements.

21           We are short the one 55 foot loading  
22 berth, but, as you heard before, we don't think

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 we need that. And having it is probably more  
2 of a problem than not having it.

3 In conclusion, I believe that the  
4 project is not inconsistent with the  
5 Comprehensive Plan. It is within the  
6 applicable height and bulk standards of the  
7 Zoning Regulations, that it provides an  
8 appropriate balance between the development  
9 proposed, the flexibility requested and the  
10 amenities provided.

11 A PUD, of course, allows the  
12 Commission to condition its approval to what is  
13 specifically proposed and, therefore, you have  
14 direct control over what is before you. And in  
15 my opinion, the project should be approved.

16 MR. COLLINS: Mr. Sher, did you  
17 submit your -- a copy of your testimony to the  
18 record?

19 MR. SHER: Yes.

20 MR. COLLINS: Thank you. Okay.

21 CHAIRMAN HOOD: Mr. Collins --

22 MR. COLLINS: That's our

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 presentation.

2 CHAIRMAN HOOD: -- you're finished?

3 Okay, great. We appreciate the presenters for  
4 being to the point and succinct and we  
5 appreciate that.

6 Commissioners, any questions?  
7 Commissioner Turnbull?

8 COMMISSIONER TURNBULL: Yes, thank  
9 you, Mr. Chair.

10 I want to reiterate what the Chair  
11 said. I think it was a very succinct and clear  
12 presentation and I want to thank all of you for  
13 it. I have a few questions, getting back to  
14 Mr. Messervy.

15 You had mentioned in your  
16 presentation about how one hotel would probably  
17 have been an incorrect fit in this area. I  
18 wonder if you could explain that a bit? You  
19 said it was a new and innovative hotel,  
20 something different.

21 MR. MESSERVY: Yes, sir,  
22 Commissioner, if it's okay, I will allow Bob

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Geimer, who is with Starwood Capital, who was  
2 with the original development team.

3 COMMISSIONER TURNBULL: Good.

4 MR. GEIMER: Good evening,  
5 Commissioner. I'm Robert Geimer with Starwood  
6 Capital Group, who is the private equity firm  
7 behind this project and was the parent company  
8 to the one hotel brand.

9 At the time in the mid-2000s when  
10 the brand was being launched and this is one of  
11 the first sites that was identified. There was  
12 a firm called Starwood Development who was led  
13 by a few individuals which I'm sure were here  
14 when we got this approved.

15 The building that was conceived had  
16 several suites and as a result was a lower room  
17 count. And when you combine the suites that  
18 they were underwriting, at the time, they were  
19 requiring, basically, a rental rate per night  
20 of over \$800.

21 When you do the survey of this  
22 market today, this is not a market that can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 support that. It is a good solid market, but  
2 there is a lot of per diem and \$800 certainly  
3 wasn't the direction, although much more rosier  
4 times, but today you could not justify that for  
5 this site.

6 With that being said, that does not  
7 mean that one is totally dead. They certainly  
8 are out there looking for deals, but they have  
9 positioned themselves for more exotic  
10 locations. There are no ones that exist today.

11 However, they are looking.

12 COMMISSIONER TURNBULL: In the  
13 United States?

14 MR. GEIMER: In the United States.  
15 There is not one of those, excuse the pun, but  
16 they are looking for locations. You know,  
17 primarily if you were in the U.S., this is a  
18 New York City-based hotel. They do have one  
19 deal that they are working on in Morocco and it  
20 is a deal that they are working with one of the  
21 kings or princes over there.

22 COMMISSIONER TURNBULL: Okay. So

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 again, switching and going to Hilton Garden  
2 Inn, which is a brand that I think everyone is  
3 familiar with, you feel that in this market it  
4 would -- it's a better fit for business,  
5 vacation from your study? How does that fit  
6 with the other hotels or how do you see the  
7 mix?

8 MR. GEIMER: Absolutely. This hotel  
9 is going to cater to a -- we always look at it  
10 that you've got per diem contractors in this  
11 market. It's a big market for it. And we have  
12 always envisioned that you will have at least  
13 30 percent of your business that will fill your  
14 hotel at all times with per diems. So we know  
15 that demand is out there for that.

16 The remaining portion depends on  
17 season. Obviously, summertime, it will cater  
18 to families. Families enjoy, basically, the  
19 free breakfast that comes with it. But this is  
20 a market where they will pay for the rate.

21 The Hilton Garden Inn brand, when  
22 you look at the prototype of their rooms, they

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 are fantastic. And they are on cutting edge  
2 when it comes to the efficiencies, the  
3 technologies that are in the rooms, the guest  
4 amenities that are in the room.

5 And primarily, besides the brand and  
6 we teamed up with OTO, which if you call Hilton  
7 or any of the corporations out there, they are  
8 recognized as one of the top franchisees and  
9 managers. So it was a combination of both and  
10 this is what they specialize in.

11 COMMISSIONER TURNBULL: Okay. Thank  
12 you. Let me jump to Mr. Baranes. You had  
13 mentioned talking about the terracotta and the  
14 glass, but what is 22 West? What is the  
15 material on 22 West?

16 MR. BARANES: It's a zinc panel.

17 COMMISSIONER TURNBULL: It's a zinc  
18 panel, so it is metal panel and glass?

19 MR. BARANES: Yes.

20 COMMISSIONER TURNBULL: Okay. And  
21 the Ritz is?

22 MR. BARANES: It's primarily brick

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 with curtain wall and window wall.

2 COMMISSIONER TURNBULL: Okay. And,  
3 you know, I felt very comfortable with your  
4 explanation of -- as you walked around the  
5 building and the facades and the angles and the  
6 sculptural quality of it. And I think your  
7 explanation of the 3 foot projection as related  
8 to the other sites was excellent.

9 As we -- the base. The base is  
10 where you have the nano wall or the opening  
11 wall, that's basically on two sides or just on  
12 one side?

13 MR. BARANES: The nano wall will  
14 wrap the corner.

15 COMMISSIONER TURNBULL: It will wrap  
16 the corner.

17 MR. BARANES: Yes. But the western  
18 most portion of the M Street facade will not be  
19 operable. It will be fixed glazing.

20 COMMISSIONER TURNBULL: Okay.  
21 Getting into going up to the green area, does  
22 the green area -- it's open to the public or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 people are coming into the hotel, is that an  
2 area where food/drinks will be served or is it  
3 just -- how does that integrate with the rest  
4 of the -- as an amenity to the hotel?

5 MR. BARANES: Well, it will -- why  
6 don't you go ahead and take that.

7 MR. MESSERVY: Sure. Mr.  
8 Commissioner, if I may, it is -- so we will  
9 have the pool as an amenity to the guests, but  
10 it will not be -- it is not designed to be a  
11 rooftop bar.

12 COMMISSIONER TURNBULL: No, no, no.  
13 I meant the one that you see from the street  
14 in as you walk up.

15 MR. MESSERVY: Oh, the outdoor  
16 terrace.

17 COMMISSIONER TURNBULL: The outdoor  
18 terrace.

19 MR. MESSERVY: I apologize. I  
20 misunderstood your question. Yes, so it is  
21 designed to be both a public amenity and also  
22 an amenity for our guests to use. If I'm --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER TURNBULL:       Well, I  
2                   mean, is this some place they would just go up?  
3                   Is there a bar nearby or is there anything  
4                   that -- are they going to bring food or drinks  
5                   or why would I go up there?   What draws me,  
6                   other than the fact I see green?

7                   MR. MESSERVY:   You would be able to  
8                   take your drinks or food from the restaurant up  
9                   into that area to enjoy them in the outdoor  
10                  space.

11                  COMMISSIONER TURNBULL:   Yes.

12                  MR. MESSERVY:   We do not currently  
13                  have plans to have an outdoor bar located on  
14                  the second floor of the terrace, but you would  
15                  be able to take food or drinks up there.

16                  COMMISSIONER TURNBULL:   Other than  
17                  that, it's an area -- it's just a rest pit in  
18                  the city for guests to go up or visitors to go  
19                  up and enjoy?

20                  MR. MESSERVY:   Yes, sir.

21                  COMMISSIONER TURNBULL:   Okay.   Ms.  
22                  Milanovich.   I'm always a little bit skeptical

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of -- I mean, I think you are part of a whole  
2 group that seems like it's a lot of smoke and  
3 mirrors on parking and traffic. And we are  
4 getting down to 53 spaces.

5 MS. MILANOVICH: That's correct.

6 COMMISSIONER TURNBULL: 53 spaces.  
7 And you showed a lot of little diagrams and you  
8 showed that right now, you are right where you  
9 should be. So does that mean you were over-  
10 parked before? Are you admitting that you had  
11 too many cars in your last plan? I don't mean  
12 to put you on the spot.

13 MS. MILANOVICH: No. I mean, I  
14 think based on the data we gathered  
15 specifically for this, it's hard to say for  
16 sure, because we specifically went out and  
17 surveyed hotels that are very similar in  
18 character to the Hilton Garden Inn that is  
19 proposed here.

20 COMMISSIONER TURNBULL: Right.

21 MS. MILANOVICH: So, you know, it's  
22 hard to say. We probably would have had excess

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 parking in the parking elevator system  
2 previously, because of the prevalent public  
3 transportation options.

4 COMMISSIONER TURNBULL: Yes.

5 MS. MILANOVICH: And those types of  
6 things. So probably, yes, we would have had  
7 excess parking previously.

8 COMMISSIONER TURNBULL: Well, when  
9 you show your little charts and your numbers,  
10 and I'm always -- and you talk about rooms and  
11 you come up with the .22 or whatever, 2., how  
12 do you work in the restaurant? I mean, if  
13 people are coming to the hotel, they might also  
14 be coming to the restaurant.

15 I mean, is there parking? How do  
16 you accommodate that? Are they expected to  
17 park elsewhere?

18 MS. MILANOVICH: Yes. The parking  
19 that is provided on-site is for hotel guests  
20 only.

21 COMMISSIONER TURNBULL: Just for  
22 guests.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MS. MILANOVICH: The restaurant will  
2 be valet parked from M Street and those cars  
3 will be parked off-site at other locations.

4 COMMISSIONER TURNBULL: Oh, okay.  
5 So you have the valet and they would take them  
6 to another lot? All right. I don't think I--  
7 I don't think that was explained or at least I  
8 didn't understand that. Okay.

9 And vehicle trips.

10 MS. MILANOVICH: Yes.

11 COMMISSIONER TURNBULL: I am always  
12 confused on how you estimate vehicle trips. I  
13 mean, is there -- how do you go about doing  
14 that? I mean, I don't want you to give away  
15 your trade secrets, but I am just curious --

16 MS. MILANOVICH: It's not really a  
17 secret.

18 COMMISSIONER TURNBULL: -- how you  
19 arrive at some of that.

20 MS. MILANOVICH: Um, typically what  
21 we do, we actually have what is called a trip  
22 generation manual that has data compiled from

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 all over the country for various types of uses.

2 So when we did the original traffic  
3 study, we used that manual to determine how  
4 many trips would be generated by a hotel of  
5 that particular size.

6 And the first comparison I showed,  
7 we used the same methodology to see what impact  
8 the change in the PUD would have. The thing  
9 with the Institute of Transportation Engineer's  
10 trip generation manual is that it is almost  
11 entirely based on suburban data, where there is  
12 very little walkability. There is little to no  
13 public transportation available.

14 And so what we have to do is make  
15 some adjustments to account for the fact that  
16 we are in an urban location where you can walk  
17 to dinner. You can perhaps walk to, you know,  
18 an office where you might have a meeting.  
19 There is also a lot of transportation, public  
20 transportation in this particular area.

21 So what we actually were able to do  
22 this summer, because we were working on a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 couple of hotel projects, we actually went out  
2 and did some counts at some existing hotels in  
3 the District, so that we could measure hotels  
4 that are more similar to what is being proposed  
5 in the District.

6 And that's why when I presented the  
7 trip generation data, I also projected --  
8 presented a second methodology and that's based  
9 on more comparable data. We didn't have to  
10 rely solely on the ITE data that is based, like  
11 I said, largely on suburban information.

12 We were able to sort of customize it  
13 to the District.

14 COMMISSIONER TURNBULL: All right.  
15 Some of the other hotels rated right nearby  
16 are, obviously, larger and are going to  
17 generate a lot different kind of -- I have the  
18 feeling from what I, at least, am understanding  
19 is that the impact of what this hotel is, as it  
20 is now, obviously less than it was previously  
21 in the neighborhood.

22 MS. MILANOVICH: Right. If --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER TURNBULL: Other than -  
2 - and I didn't understand the one about the  
3 inbound. I saw the outbound. And I saw 22.

4 MS. MILANOVICH: The trip generation  
5 is made up of two components. It's the  
6 restaurant component and it's the hotel  
7 component and they have different  
8 characteristics.

9 In the original traffic study, we  
10 were -- a much larger restaurant was  
11 contemplated, 8,500 square feet and 182 room  
12 hotel.

13 In this, even though the number of  
14 rooms has increased to 238, the restaurant  
15 contemplated here is much smaller. It's only  
16 3,700 square feet. So the decrease in trip  
17 generation for the restaurant was higher than  
18 the increase in trip generation associated with  
19 the hotel.

20 COMMISSIONER TURNBULL: Okay. Thank  
21 you. I had something else, but I can't see it  
22 right now. I'll -- oh, the bus loading. The

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 question on the bus loading, again you're  
2 saying three to five buses is a max at peak  
3 times?

4 MS. MILANOVICH: Right. That is  
5 three to five per month.

6 COMMISSIONER TURNBULL: Per month.

7 MS. MILANOVICH: Right.

8 COMMISSIONER TURNBULL: Right.

9 MS. MILANOVICH: So there would  
10 never be three to five at one time.

11 COMMISSIONER TURNBULL: Right.

12 MS. MILANOVICH: That's over the  
13 entire month.

14 COMMISSIONER TURNBULL: Yes. Just  
15 come up to Capitol Hill for that. Okay. Mr.  
16 Chair, I think that will be -- I'll pass.

17 CHAIRMAN HOOD: Okay. Thank you,  
18 Mr. Turnbull. Who would like to go next?  
19 Okay. Commissioner May?

20 COMMISSIONER MAY: Okay. Thanks.  
21 Continuing on the traffic and transportation  
22 issues. The layby lane is only a 3 foot

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 indentation into the sidewalk. Is that right?

2 MS. MILANOVICH: Correct.

3 COMMISSIONER MAY: Okay. And so is  
4 that lane otherwise a travel lane or is it a  
5 parking lane or?

6 MS. MILANOVICH: It is a travel  
7 lane.

8 COMMISSIONER MAY: Is it ever a  
9 parking lane?

10 MS. MILANOVICH: Yes. It's a travel  
11 lane between 7:00 a.m. and 6:30 p.m.

12 COMMISSIONER MAY: Yes.

13 MS. MILANOVICH: And all other  
14 times, there are no parking restrictions, so  
15 cars could park. I mean, obviously, they can't  
16 park next to the layby lane, but north of the  
17 layby lane they could park during those off  
18 times.

19 COMMISSIONER MAY: Yes, okay. I  
20 guess I have to ask DDOT about that. I skimmed  
21 over their report, but I didn't see them -- or  
22 I don't recall what they said specifically

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 about the layby lane and how well they think  
2 that will work.

3 So speaking of the DDOT report, have  
4 you had a chance to review their report of  
5 October 21<sup>st</sup>?

6 MS. MILANOVICH: Yes, I did.

7 COMMISSIONER MAY: Okay. And what  
8 is -- do you have a response to any of the  
9 particular issues that were raised?

10 MS. MILANOVICH: Yes. Actually, we  
11 got the report a couple of days ago. And the  
12 applicant has agreed to some additional things  
13 as a result of DDOT's report.

14 COMMISSIONER MAY: Is that spelled  
15 out somewhere in the submission that we have or  
16 is it --

17 MS. MILANOVICH: No. I attempted to  
18 address it in my presentation, but we just  
19 received the report two days ago.

20 COMMISSIONER MAY: I understand.

21 MS. MILANOVICH: But I can hit the  
22 highlights for you.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 COMMISSIONER MAY: I'm just checking  
2 to see if it's something I already missed or --

3 MS. MILANOVICH: Yes.

4 COMMISSIONER MAY: -- I mean, you  
5 know.

6 MS. MILANOVICH: One of the concerns  
7 DDOT raised was regarding the buses and in  
8 order to address the concerns that have been  
9 raised, I think specifically, they were  
10 concerned about --

11 COMMISSIONER MAY: Okay. That one I  
12 got.

13 MS. MILANOVICH: Okay.

14 COMMISSIONER MAY: The bus thing.  
15 Okay.

16 MS. MILANOVICH: So we are going to  
17 load on M Street.

18 COMMISSIONER MAY: Yes.

19 MS. MILANOVICH: They asked for some  
20 additional transportation demand management  
21 measures.

22 COMMISSIONER MAY: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. MILANOVICH: The applicant has  
2 agreed to provide a \$25 SmarTrip card that DDOT  
3 requested.

4 COMMISSIONER MAY: Yes, I caught  
5 that one. Okay.

6 MS. MILANOVICH: Complimentary 24  
7 hour Capital Bikeshare --

8 COMMISSIONER MAY: Bikeshare.

9 MS. MILANOVICH: -- memberships.

10 COMMISSIONER MAY: Right. What  
11 about helmets?

12 MS. MILANOVICH: I think DDOT had  
13 indicated they would provide those. They  
14 have --

15 COMMISSIONER MAY: Well, they were  
16 suggesting that that be part of what was  
17 provided by the hotel operator, that they make  
18 helmets available. I think that was in there.

19 MS. MILANOVICH: It says in the  
20 report "DDOT will provide the hotel operator--

21 COMMISSIONER MAY: Oh, they will  
22 provide them. Oh, okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. MILANOVICH: -- with safe  
2 cycling guidelines, bike helmets --

3 COMMISSIONER MAY: Got it.

4 MS. MILANOVICH: -- and additional  
5 information."

6 COMMISSIONER MAY: Okay. But the  
7 hotel will make them available to the guests?

8 MS. MILANOVICH: That's right.

9 COMMISSIONER MAY: And check them  
10 out or something like that.

11 MS. MILANOVICH: Correct.

12 COMMISSIONER MAY: Okay.

13 MS. MILANOVICH: And then DDOT had  
14 requested some performance monitoring after the  
15 hotel was operational. And the applicant has  
16 agreed to do that monitoring and submit a  
17 report to DDOT one year after the Certificate  
18 of Occupancy is issued and two years after the  
19 Certificate of Occupancy is issued.

20 COMMISSIONER MAY: Okay. What about  
21 the parking for bicycles and allowing guests to  
22 take bicycles to their rooms?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. MILANOVICH: We are providing 15  
2 bicycle spaces, so I think that exceeds what  
3 DDOT was asking for.

4 COMMISSIONER MAY: Where is that?  
5 Where are the 15 spaces?

6 MS. MILANOVICH: Um --

7 MR. BARANES: I can -- yes. The 15  
8 parking spaces, bicycle parking spaces are on  
9 the B-1 Level at the northwest corner and they  
10 are accessed by the service circulation  
11 corridor. So we would have to pull up the plan  
12 to show you specifically, but a room that is  
13 about 11 x 30 feet has been provided.

14 COMMISSIONER MAY: B-1? So how far  
15 away is that from grade?

16 MR. BARANES: That would be about 10  
17 feet from grade.

18 COMMISSIONER MAY: So it's down one  
19 flight?

20 MR. BARANES: It's down on flight.

21 COMMISSIONER MAY: Okay. That's not  
22 too bad. And what about bikes to the rooms? I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 thought that was an odd request.

2 MR. MESSERVY: You're right. We  
3 don't normally run into that in our operations,  
4 but we would be fine with it.

5 COMMISSIONER MAY: Really? Okay.  
6 Don't try to get a bike in this building. They  
7 don't like that. You have to sneak it in.  
8 Anyway, just, you know, given the relatively  
9 small number of parking spaces that are being  
10 provided, and I think the general importance of  
11 having parking available for your guests as a  
12 hotel operator, I mean, what -- do you  
13 anticipate that the parking garage is going to  
14 operate all the time at no more than 80 percent  
15 of capacity or 90 percent of capacity or do you  
16 need to actually think about what happens if  
17 you reach 100 percent and all of a sudden you  
18 need to park more cars and there is no space?

19 MR. MESSERVY: Sure.

20 COMMISSIONER MAY: What do you do?

21 MR. MESSERVY: So a couple parts to  
22 that question. So we also own and operate a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 hotel in Washington, D.C., so we have ProPark  
2 as our operator for there, so we understand the  
3 variation in demand for parking spaces. And so  
4 we are comfortable with the studies that we  
5 have conducted.

6 Our experience -- ProPark also  
7 operates, as Jami said, the hotel directly  
8 across 22<sup>nd</sup> Street from us, so we have a year's  
9 worth of data, so we understand how parking  
10 varies over cycles and that was also included  
11 in her report.

12 COMMISSIONER MAY: Yes.

13 MR. MESSERVY: And it also shows  
14 that the demand is less than what we actually  
15 accommodate from a parking space.

16 To your point about with demand  
17 varying, the Washington -- it's right across  
18 the street and if for some reason we did exceed  
19 our parking capacity, they almost never run out  
20 of spaces, so since we intend on having the  
21 same operator, they could just pull the car  
22 over to the hotel on the adjacent side.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           But we also have agreements with a  
2 substantial amount of other parking decks in  
3 the area, which are generally more for office  
4 use, which aren't happening at night --

5           COMMISSIONER MAY: All right. So  
6 you think parking would be --

7           MR. MESSERVY: -- which have a  
8 substantial amount of excess capacity.

9           COMMISSIONER MAY: -- available?

10          MR. MESSERVY: Yes, absolutely.

11          COMMISSIONER MAY: Okay. So there  
12 is a way to deal with overflow.

13          MR. MESSERVY: Yes.

14          COMMISSIONER MAY: That's helpful to  
15 know. Okay. I do have just a few  
16 architectural questions. And actually, this is  
17 almost more of a hotel operation question. You  
18 know, there is a lot of glass on these rooms  
19 and, particularly in the corner rooms, I'm  
20 wondering how well that works in a hotel  
21 environment?

22          I know that, you know, the -- I have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a particular question about glass buildings and  
2 their proliferation in Washington and the fact  
3 that now we are getting to see all the stuff  
4 that falls behind people's desks in their  
5 offices when they have glass windows. I really  
6 love that.

7 But I'm wondering how well it works  
8 in a hotel environment where generally people  
9 want privacy, maybe sleeping in later, things  
10 like that. I mean, you're going to wind up  
11 with lots of heavy curtain around here or is it  
12 going to be more of a performance space like  
13 that hotel in New York by the High Line Park,  
14 you know?

15 I mean, what do you imagine and how  
16 is it going to operate?

17 MR. MESSERVY: Sure. So we have  
18 also in our -- in another hotel we have, in  
19 D.C. and in other hotels across the country  
20 that we operate, we have hotels with similar  
21 type glass structures. And so as part of the  
22 brand standards, there are two sets of window

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 treatments. So there is more sheer which  
2 allows some light to go through, but doesn't  
3 allow you to see inside the room.

4 And then there is also to your  
5 point, there is blackout curtains. So  
6 depending on user preference, but the vast  
7 majority of time, there -- the sheers covering  
8 the window and a lot of times the blackout is  
9 covered.

10 COMMISSIONER MAY: Yes.

11 MR. MESSERVY: But it does it --  
12 from an exterior perspective, it's not a  
13 situation where you are looking inside and  
14 seeing guests or whatever other things you  
15 don't want to see.

16 COMMISSIONER MAY: Right. Okay.  
17 And I mean, I assume that, you know, you know  
18 what sells and all that.

19 So I'm just curious about, you know,  
20 having all that glass and then sort of filling  
21 it with window treatments that are going to be  
22 kind of all over the place, you know, kind of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 can ruin some of the overall aesthetic of that  
2 sheer glass facade.

3 But I imagine you have more control  
4 over that in the hotel environment where you  
5 have guests cycling out. You can reset to, you  
6 know, your standard.

7 MR. MESSERVY: The guests enjoy the  
8 visibility when they want to, but --

9 COMMISSIONER MAY: yes.

10 MR. MESSERVY: -- you can work in  
11 with your interior design to make it, you know,  
12 comfortable for the guests from the inside  
13 experience.

14 COMMISSIONER MAY: Okay. Okay.  
15 Okay. These are a couple much more  
16 architectural questions. Did you actually look  
17 at trying to move the penthouse away from the  
18 sides of the ends of the building? I mean, I  
19 appreciate what you did to try to make it seem  
20 less like a sort of a tower element, because I  
21 don't think that was working.

22 But did you actually -- I mean, did

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you look at trying to reconfigure the stairway,  
2 so you could get them away?

3 MR. BARANES: It's packed. I mean,  
4 the penthouse is really packed with equipment.

5 And you have the pool that carves into it. So  
6 we can't really make it any smaller.

7 COMMISSIONER MAY: Yes.

8 MR. BARANES: And the only way we  
9 could pull it away from the party property  
10 lines and the west side and north side --

11 COMMISSIONER MAY: Yes.

12 MR. BARANES: -- would be to pull it  
13 closer to the street.

14 COMMISSIONER MAY: Oh, okay. So we  
15 don't want that. Okay. And then the last  
16 question I have, I wasn't even going to ask  
17 this question, but I happened to see that it  
18 was in the letter submitted by the 22 West  
19 Condominium Board of Directors, which is that  
20 the connection from the kitchen to the loading  
21 dock, I assume that has been worked out in some  
22 reasonable way.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           But, I mean, as it is right now, the  
2 kitchen is not directly connected to the  
3 loading dock. Does it go down into a prep and  
4 storage area or something like that and then  
5 come up, as needed? I mean, how does -- how do  
6 you move stuff in and out of the kitchen?

7           MR. BURKHART: Well, basically, a  
8 setup the program follows what the Hilton  
9 Garden Inn program described for the size of  
10 the restaurant that they anticipate here. But,  
11 essentially, the loading occurs at the grade  
12 level below -- above and then an elevator takes  
13 it down to the B-1 Level where goods and  
14 services are distributed in that service level.

15           The fact is that --

16           COMMISSIONER MAY: So the -- I mean,  
17 so the route for stuff coming into the kitchen  
18 is going to be go to the loading dock, go down  
19 a floor, go across and then come back up?

20           MR. BURKHART: And come back up.  
21 That's correct.

22           COMMISSIONER MAY: Yes. And there

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 is no -- I mean, is all of the coolers and  
2 stuff are -- that's all on that upper level.  
3 So everything actually has to make that trip at  
4 one time?

5 MR. BURKHART: Not all coolers are  
6 located on the upper level. I mean, we're  
7 still working out with the kitchen designer --

8 COMMISSIONER MAY: Okay.

9 MR. BURKHART: -- in terms of how  
10 this will operate. But we have had no  
11 resistance, at this point, in terms of how it  
12 is functioning from their point of view and  
13 planning.

14 COMMISSIONER MAY: Right, okay.

15 MR. MESSERVY: So, Commissioner, I  
16 can add a little bit to that question. So you  
17 are right in terms of how the access goes from  
18 the loading dock to the restaurant and we have  
19 had multiple conversations with different  
20 restaurant operators who are familiar with  
21 hotel restaurant type experience.

22 And we think what we have is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 suitable and serves all our needs. But to your  
2 point, we have also hired an architectural  
3 consultant who specializes in this type of work  
4 to see if there may be potential ways to  
5 improve it.

6 But we are satisfied with what we  
7 have at this point and restaurant operators are  
8 okay with the current functionality of the  
9 layout.

10 COMMISSIONER MAY: You know, it  
11 seems like we would be -- you know, we are  
12 really kind of getting into the weeds of the  
13 design, but the concern that I have is that if  
14 the kitchen is now well-designed and the  
15 service is not well-designed, that we could  
16 wind up with trucks lining up on the -- you  
17 know, loading on the street or unloading on the  
18 street, which is the condition we would want to  
19 avoid.

20 MR. MESSERVY: And this will be a  
21 restaurant that serves -- you are absolutely  
22 right in that concern and that's from an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 operator's standpoint, from a restaurant  
2 operator, and it's something we won't allow.

3 COMMISSIONER MAY: Yes.

4 MR. MESSERVY: And this is a  
5 restaurant that serves three meals a day.

6 COMMISSIONER MAY: Yes.

7 MR. MESSERVY: So it won't be  
8 something where we would -- you know,  
9 functionally, we wouldn't allow someone to walk  
10 through where people are being served a meal.

11 COMMISSIONER MAY: Right.

12 MR. MESSERVY: So we are continuing  
13 to work with what we have and we will  
14 potentially work to improve it if there are  
15 options there.

16 COMMISSIONER MAY: Okay. Thanks.

17 CHAIRMAN HOOD: Okay. Any other  
18 questions? Vice Chairman Schlater?

19 VICE CHAIRMAN SCHLATER: A couple,  
20 Mr. Chairman. Thank you very much. Let's just  
21 jump in and address some of the ANC's concerns.

22 One of the concerns is that the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 retail space remain a community amenity and a  
2 restaurant. Now, is this restaurant doing  
3 double duty as sort of the hotel restaurant  
4 where you get your continental breakfast as  
5 well as a place where people would come from  
6 off the street and want to go at night to get a  
7 drink or something like that?

8 MR. MESSERVY: It will serve both,  
9 so it will be an amenity both to our guests and  
10 also the community. We have a similar  
11 operation at our hotel in the Constitution  
12 Square NoMa area where it is a well-known  
13 restaurant operator, Todd Grey, has watershed  
14 and so he -- there are -- there is the function  
15 where they serve the breakfast for our guests  
16 and then serve lunch and dinner and the  
17 community comes in and uses that amenity.

18 VICE CHAIRMAN SCHLATER: So it will  
19 be a public -- it will be open to the public  
20 for lunch and dinner?

21 MR. MESSERVY: Absolutely.

22 VICE CHAIRMAN SCHLATER: Not --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MR. MESSERVY:       Not necessarily  
2 breakfast.

3                   VICE CHAIRMAN SCHLATER:       And  
4 breakfast as well?

5                   MR. MESSERVY:       People will be  
6 welcome for breakfast as well. So it's -- we  
7 have a direct entrance. I think you can see it  
8 on the plan. There is a direct entrance from M  
9 Street, so it will be a third-party operated --  
10 what we envision is a third-party operated  
11 restaurant that would draw in guests from the  
12 community as well.

13                  VICE CHAIRMAN SCHLATER:       That's  
14 great. And I think it is pretty nice, the idea  
15 of being able to open up the windows there and  
16 pull that back and have an interaction between,  
17 you know, the sidewalk and the restaurant/bar  
18 area. I think that's a good dynamic and will  
19 help animate the streets, which, frankly,  
20 aren't great in that part of town right now.

21                   So I think it will certainly improve  
22 the situation down there.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Can we talk for a second about the  
2 signage, both the retail signage and then the  
3 hotel signage?

4           First, let's talk about the hotel  
5 signage. What is envisioned? I see what is  
6 there. Is that what is going to be on the --  
7 is that the final signage layout?

8           MR. MESSERVY: It is not. So that's  
9 a preliminary signage just to give a little bit  
10 of a scale of what the signage in fact would  
11 be. And Patrick and Shalom walked through in  
12 terms of the dimensions of the signs.

13           VICE CHAIRMAN SCHLATER: Yes.

14           MR. MESSERVY: And so what we are  
15 doing here is similar to the building where you  
16 would never be able to tell it was a Hilton  
17 Garden Inn. We asked Shalom Baranes to design  
18 a building that fit in well with the community,  
19 not design s Hilton Garden Inn.

20           And what we have is the same  
21 challenge, so Hilton is a large organization  
22 and they have brand standards for signage. And

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 what we want to do is go above and beyond those  
2 brand standards, because we want to do signage  
3 that fits in well with the community.

4 The challenge is Hilton is a large  
5 organization and it takes time. So we are  
6 going through that process working with Shalom  
7 Baranes to make something that compliments the  
8 architecture, both our building and the  
9 neighboring community. We are just working  
10 through that process.

11 So that is not the actual signage.  
12 It will be above that level, so to speak.

13 VICE CHAIRMAN SCHLATER: Okay. So  
14 can we get assurances that there is not going  
15 to be some large banner, neon --

16 MR. MESSERVY: No, it's --

17 VICE CHAIRMAN SCHLATER: -- sign?

18 MR. MESSERVY: Sorry. Above that  
19 level did not mean -- was not a reference to  
20 elevation on the building.

21 VICE CHAIRMAN SCHLATER: I  
22 understood that. Higher in quality.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MESSERVY: Yes.

2 VICE CHAIRMAN SCHLATER: So we are  
3 basically identifying a signage zone.

4 MR. MESSERVY: Absolutely. So the  
5 general -- the approximate size dimensions of  
6 the sign location is represented in the plans.

7 The only one where we would request some type  
8 of flexibility is the restaurant operator, just  
9 because we are -- we have currently spoken with  
10 different restaurant operators, but we don't  
11 know exactly -- those will be the approximate  
12 dimensions, but we don't know if a particular  
13 restaurant operator would like a particular  
14 shape or size to his sign. So that's where we  
15 request flexibility.

16 VICE CHAIRMAN SCHLATER: Like the  
17 golden arches? Okay. I'm satisfied that you  
18 have addressed both of those concerns.

19 One of the other things that both  
20 the ANC and 22 West raised was that, you know,  
21 they were concerned that the skin wasn't  
22 superior in nature. I would just like you, Mr.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Baranes, to weigh in on that in terms of the  
2 relative quality of this building compared to  
3 others in that neighborhood.

4 And from my impression, it actually  
5 looks like a quite nice building. It's got a  
6 lot of glass and terracotta is a higher end  
7 material as well.

8 MR. BARANES: Yes, I mean,  
9 terracotta is a beautiful material and we often  
10 cannot afford it on our buildings. We will be  
11 using terracotta on the -- as we just approved  
12 it yesterday on-site, interesting, on the old  
13 convention center site where we are building  
14 very, very high end units. The skins will all  
15 be terracotta.

16 We also used terracotta at the two  
17 waterfront buildings.

18 VICE CHAIRMAN SCHLATER: Yes.

19 MR. BARANES: And we have other  
20 projects in the office now. But as I said  
21 earlier, you know, we like to use terracotta,  
22 because it's a very crisp material. It's a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 natural material. We can get a beautiful range  
2 of colors, which are very natural, and the --  
3 you know, the reason we don't use it as much as  
4 we would like to is because, as I said earlier,  
5 it's approximately double the cost of the brick  
6 that we usually put on buildings.

7 VICE CHAIRMAN SCHLATER: Okay.  
8 Great.

9 MR. BARANES: And it has a lot to do  
10 with detail also and, you know, there is a lot  
11 of detailing in this facade.

12 VICE CHAIRMAN SCHLATER: 22 West  
13 raised the issue of these projections not  
14 meeting D.C. Code.

15 MR. BARANES: No, that was --

16 VICE CHAIRMAN SCHLATER: I would be  
17 surprised if you made a mistake on that, but  
18 can you just say for the record --

19 MR. BARANES: We did not --

20 VICE CHAIRMAN SCHLATER: -- your  
21 interpretation of that?

22 MR. BARANES: -- make a mistake on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that.

2 VICE CHAIRMAN SCHLATER: I actually  
3 don't have any more questions. I think this is  
4 a good project.

5 MR. BARANES: Thank you.

6 VICE CHAIRMAN SCHLATER: It's far  
7 superior to the vacant lot that is there now.  
8 And I, frankly, can understand some people's  
9 disappointment that that last concept didn't  
10 come to fruition, but sometimes you have to  
11 acknowledge economic reality and move on. And  
12 what has replaced it is a very nice structure.

13 And while some people may not like a  
14 Hilton Garden Inn, it fills a need in the city.

15 And I don't think we want to be elitist about  
16 this.

17 CHAIRMAN HOOD: Okay. I just have  
18 one or two questions about so much made about  
19 the bicycle and I'm not green. I believe in  
20 bicycles. And I'm just trying to figure out so  
21 much about the bicycle spaces. And I'm trying  
22 to understand the bicycle importantness in this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 hotel versus -- I mean, do people -- what is  
2 the correlation between bicycles in the hotel?

3 I'm just trying to understand. Do  
4 they come in with their baggage and they come  
5 on a bicycle or do they use it for recreational  
6 or what is the importance of a bicycle in the  
7 hotel? I have actually asked this before. I'm  
8 just trying to see, you know.

9 MR. MESSERVY: No, you're right. I  
10 mean, we want to be prepared to have the  
11 facilities both for guests and employees, but  
12 you are right, very few -- we find very few  
13 guests in actuality come with bicycles. But we  
14 don't know if that trend will change and we are  
15 going to be prepared for it.

16 CHAIRMAN HOOD: So also will there  
17 be -- so if I come and stay at the hotel, is  
18 there a bicycle that I can rent or ride? Is  
19 that what we are doing, too?

20 MR. MESSERVY: Sure. So there is  
21 the, and Jami can follow-up on this, Capital  
22 Bikeshare Program, which is very, very close in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 proximity to our site and that's one that we  
2 understand with DDOT's pushing, and so that's  
3 where the usage would come.

4 So we, as the hotel operator, would  
5 not necessarily have bikes for the guests to  
6 use, because they are so proximate to our site.

7 CHAIRMAN HOOD: Okay. And, Mr.  
8 Baranes, I looked at this building and I'm  
9 qualified to say my architectural experience  
10 has been here on the Zoning Commission. But I  
11 will tell you that I have watched a lot of your  
12 work and this one looked a little plain to me.

13 But what it did for me was I like  
14 the design of it. So I'm just curious. What  
15 did you do to pick your materials? It just --  
16 I don't know, maybe it's that the -- when it  
17 was copied, color copied maybe somebody went  
18 down on the scale on the quality of the print  
19 or, you know, of the dry ink.

20 But it just doesn't look like a  
21 typical Shalom Baranes architectural rendering.

22 There's something. I don't know. It just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 doesn't pop out at me. But it looks good in  
2 design. I'm just talking about the materials.

3 MR. BARANES: Is it the colors that  
4 perhaps are --

5 CHAIRMAN HOOD: Maybe that's it.  
6 Maybe, yes.

7 MR. BARANES: I'll tell you on some  
8 of the prints, even the copy I have here, the  
9 gray came out very dark. And we would not make  
10 the terracotta quite as dark as it is here.

11 I mean, we do have a materials board  
12 here, would that help if we put it up?

13 CHAIRMAN HOOD: It would help  
14 Commissioner May, but --

15 COMMISSIONER MAY: Those are the  
16 magic words.

17 CHAIRMAN HOOD: Right, okay.

18 COMMISSIONER MAY: Thanks. I forgot  
19 to ask for that.

20 MR. BARANES: I thought you would  
21 never ask.

22 COMMISSIONER MAY: Yes. You don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have to wait, you know, you can just --

2 COMMISSIONER TURNBULL: You can just  
3 pass it up to us.

4 COMMISSIONER MAY: Yes, yes.

5 MR. BARANES: Now, what you are not  
6 seeing there is that there will be, as I  
7 mentioned earlier, a range in the color of the  
8 terracotta. Just as you see in a brick wall,  
9 you see some dark reds, light reds, medium  
10 reds. The terracotta gets blended with three  
11 or four different colors typically.

12 CHAIRMAN HOOD: Okay. Well, I will  
13 tell you that it's a big difference in that  
14 rendering, the night rendering versus what I'm  
15 looking here on A-2. And that's not a  
16 derogatory statement. What I'm just saying is  
17 I have seen a lot of your work since I've been  
18 here and for some reason this didn't -- and  
19 again, it could just be the reproduction.

20 So, okay, that's all I have. Any  
21 other questions?

22 COMMISSIONER TURNBULL: I just had

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 one last question.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER TURNBULL: Getting back  
4 to the Vice Chair got into the ANC letter and I  
5 just maybe -- where are you on the overall  
6 follow-up with the ANC as far as the issues? I  
7 mean, basically, are you there with them? I  
8 mean, we have talked about some changes along  
9 the way.

10 I know you have made some, but I  
11 just wanted to know from -- on the record for a  
12 comparison with the letter how we fare on this.

13 MR. COLLINS: Mr. Turnbull, I can  
14 answer that question. We did respond back to  
15 the ANC by email. I did after talking to the  
16 group and getting responses.

17 In raising -- in addressing the  
18 specific issues that they raised in their  
19 letter, I would be happy to go through and  
20 summarize what I have written here.

21 COMMISSIONER TURNBULL: If you  
22 could, that would be great.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   MR.    COLLINS:            Sure.        The  
2            Transportation Management Plan, they had asked  
3            that we provide one. We indicated that we did,  
4            that it was submitted to the Zoning Commission  
5            as part of our 20 day package, so you have  
6            that. It's in the record.

7                   And they have that because it was --  
8            we served them with the 20 day submission.

9                   The overall design, they had asked  
10           about possibly changing the design to widen the  
11           pedestrian way. We understood after talking to  
12           DDOT and having several meetings with DDOT  
13           including a PZRM meeting, as well as a meeting  
14           with Mr. Jennings, that the plan does provide  
15           adequate pedestrian space along the sidewalks.

16                   The layby was something, as Ms.  
17           Milanovich mentioned, that was a solution that  
18           was worked out with DDOT in the original PUD  
19           and that's the plan that we have continued with  
20           and that DDOT has supported in this  
21           application.

22                   Materials for the skin, the skin of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the building, are superior in nature. We just  
2 talked about that.

3 They asked about whether we could  
4 put a green wall at the end of the building.  
5 There was never a green wall at the end of the  
6 building last time. And to do that would --  
7 that would project over the property line and  
8 to service that or to take care of that would  
9 require we go over the property line.

10 We don't know the future of the  
11 building next door. It may be built up and so  
12 we are not proposing a green wall, but we do  
13 have other features which may -- environmental  
14 features which make this an environmentally  
15 superior building than the one hotel that we  
16 proposed back in 2008.

17 They asked that the signage not be  
18 like that of the Marriott across the street and  
19 we said, first, it will not. And you have  
20 heard a little bit about that now. We have --  
21 and this was in response to a very recent  
22 discussion that I had with Mr. Cochran at the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Office of Planning. And he may get into that  
2 in his discussion.

3 We talked about signage and he  
4 suggested that we put something on, maybe at a  
5 later date. We thought we would be proactive  
6 and put it on the plan, so that was a recent  
7 addition that we put on the plan, just to show  
8 you and the Commission and the public what --  
9 where we are thinking about putting the  
10 signage.

11 The approximate dimensions of the  
12 signage, you can tell from looking at the  
13 PowerPoint that it's not overwhelming in sight,  
14 we just don't know what the copy is and that's  
15 what Mr. Messervy mentioned about working out.

16 And we do need the flexibility with  
17 regard to the restaurateur, because we just  
18 don't know -- it won't be the golden arches,  
19 I'm sorry to say, but it may be something else  
20 and we just don't know who that restaurateur  
21 will be.

22 We won't have that person on board,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 you know, until the building is well under way.

2 So we need flexibility on that as well.

3 The Construction Management Plan,  
4 they asked about that. We have one in the 20  
5 day submission, which was given to the ANC.  
6 And in that Construction Management Plan, the  
7 applicant, I'm quoting from our CMP, "pledges  
8 to work in close cooperation with ANC-2A and  
9 its Chairperson, Commissioners and members to  
10 minimize impacts of the construction on the  
11 community."

12 The community amenities, the retail  
13 space and the ground floor is shown on the  
14 plans of the restaurant. The ANC said can this  
15 be an amenity? Well, for us from a zoning  
16 standpoint, for us to come to you and say this  
17 is an amenity, you would say -- you would tell  
18 me a hotel is required to have a restaurant,  
19 what are you talking about?

20 Of course, in the terms and maybe  
21 what the ANC is talking about, of course it's  
22 an amenity. And as discussed, it will be open

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 for three meals a day. And it is on the plans  
2 and we hope that you will approve the  
3 modification. And when you do, you will  
4 approve the plans that show a restaurant.

5 So we can't change that to something  
6 else without your approval. We have no  
7 intention of changing it. It's a hotel. It  
8 needs a restaurant. And that's what is on the  
9 plan. So it will be and we are hoping that --  
10 and it's the goal of OTO to land a high-quality  
11 restaurateur just like they did at their other  
12 hotel on Constitution Square.

13 The benches at the location  
14 specified, they asked that we look for other  
15 locations or not do the benches. The benches -  
16 - and here we have we are serving several  
17 masters here.

18 We worked that out with the West End  
19 Citizens Association. And they are very  
20 strongly supportive of those benches at those  
21 locations. And we -- and that was part of the  
22 original approval from this Commission in 2008

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 and we are not proposing to change that.

2 The proposed location of the 10  
3 replacement trees was determined based upon a  
4 survey back in 2008 of empty tree boxes in the  
5 vicinity of the PUD at the time of that case.  
6 We have amended our proffer on that issue to  
7 say, and I don't have it right in front of me,  
8 but I'm speaking from memory and it is in the  
9 10 day -- 20 days submission that we will -- if  
10 those tree boxes are now full or have a tree,  
11 the ones we propose to change, if in the  
12 passage of time they have been filled with a  
13 tree, we will look to other locations in the  
14 similar proximity in consultation with DDOT  
15 and, of course, with the community.

16 If they have got suggestions on  
17 where to put them, we would be happy to put  
18 them there. But the way the order was written  
19 by the Commission, the final approval of the  
20 location is up to DDOT. So we are hoping to be  
21 very flexible with the neighborhood on that as  
22 well.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 I'm reading. Tree fencing locations  
2 are not specified in the PUD order, except to  
3 the extent that they will be installed within  
4 ANC-2A and where needed. And the way that it  
5 was written, it includes even replacing  
6 existing tree box fencing with the newer  
7 standard of tree box fencing.

8 So we anticipate that we will be  
9 doing a lot of tree box fencing, probably up  
10 until the time that we run out of money in that  
11 specific amenity. But if it needs to be where  
12 we can work with the ANC and make  
13 recommendations to DDOT as to where that tree  
14 box fencing is needed, we are happy to do that  
15 with the ANC.

16 The contribution to the fresco  
17 restoration, the ANC said that they didn't want  
18 us to give that money because it was already  
19 delivered. We look at that a very different  
20 way.

21 We have an obligation to the church  
22 to provide that amenity, that money, that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 financial support for that fresco.

2 What happened is that in the passage  
3 of time, the church determined to go ahead  
4 themselves and fund that and undertake that  
5 work and pay for it.

6 Now, I'm glad that you gave me the  
7 opportunity to raise this, because what we  
8 would like to do, it's an obligation that we  
9 have given to the Saint Mary's and they  
10 certainly rightly proceeded in -- with that  
11 amenity or with that restoration in justifiable  
12 expectation that we would pay for it. And we  
13 will pay for it.

14 The amenity language in the order as  
15 it stands now says that we will give that money  
16 to Olin Conservation. Olin Conservation is the  
17 one that did that restoration. They have been  
18 paid by the church. We would like then to --  
19 and we just had that discussion.

20 You will hear from Mr. Gloster from  
21 the church later on tonight. We would like to  
22 amend that language specifically just to allow

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 us to write the check directly to the church as  
2 a reimbursement for that restoration that they  
3 undertook.

4 The Foggy Bottom Association has  
5 recently reaffirmed the need and the desire of  
6 the applicant to make the contribution to FBA's  
7 biannual sculpture project and we intend to  
8 honor that.

9 We have directed --

10 COMMISSIONER TURNBULL: We talked  
11 about the dog park before.

12 MR. COLLINS: That's where I'm  
13 going.

14 COMMISSIONER TURNBULL: Okay.

15 MR. COLLINS: We have redirected the  
16 funds originally approved for the dog park to  
17 the West End Dog Park, which was at the request  
18 of the ANC and the West End Friends, who you  
19 will also hear from tonight. And we are  
20 working with West End Friends and they have  
21 been working with the city on the specifics of  
22 that. And they have been keeping us apprised

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 of that. And we are happy to continue working  
2 with them on that project.

3 The last contribution that we had,  
4 the amenity was a contribution to a woman who  
5 is a professor of architecture at the Catholic  
6 University, who was part of the original team,  
7 who is going to provide design services for  
8 landscaping.

9 We have shifted that. We have a new  
10 team here, new architects. We are simply  
11 paying her for services rendered to date and  
12 taking the rest of that money and splitting  
13 that up between the public amenities, the tree  
14 boxes, the trees, the lights, the benches and  
15 the -- and taking the rest and giving it to the  
16 West End Dog Park.

17 So we have increased the amenity  
18 package to the dog park and increased the  
19 amenity package to the public space.

20 And that's -- so we have tried to be  
21 as responsible as we possibly could, but there  
22 are certain things we just don't think are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 appropriate to do, the green wall on the end  
2 and they need to set the wall of the building  
3 back from the sidewalk to increase the  
4 pedestrian space.

5 We have 29 feet of space between the  
6 building and the curb. We don't think that  
7 that's necessary.

8 COMMISSIONER TURNBULL: And I want  
9 to thank you for going through that. I think  
10 it is nice you put that on the record and show  
11 what you have done. And I think it is very  
12 commendable. So thank you.

13 MR. COLLINS: Thank you.

14 VICE CHAIRMAN SCHLATER: I spied the  
15 sample of the glass up there. Could we take a  
16 look at that as well? Thank you.

17 CHAIRMAN HOOD: I wanted to talk  
18 with Ms. Milanovich about the transportation  
19 management, but I think it's not necessarily  
20 germane to this case. It's going to be  
21 general, so I'll pick another case. It won't  
22 be tonight.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           But I just want you to know I want  
2 to talk some more about that manual and how the  
3 data is collected, but I'm just not going to do  
4 it tonight, because I do want to hear from the  
5 public.

6           Let's do cross-examination. ANC-2A,  
7 any cross-examination? Come on. So just be  
8 ready. It might not be this case. The next  
9 case I see you, we might talk about that. I  
10 used to get educated on level of service from  
11 Ms. White, so we will see.

12           Okay. Madam Chair, you may begin.

13           MS. CODER: Good evening. I'm  
14 Rebecca Coder. I'm currently the Chair of ANC-  
15 2A. I just have a couple of questions for the  
16 applicant and I think there are only, I think,  
17 four outstanding issues as relates to the  
18 project and I'm happy to hear the progress that  
19 the applicant has made.

20           The owner/operator talked about that  
21 the brand hadn't materialized and that part of  
22 this was due to the capital markets. Could you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 talk a little bit more about where it is today?

2 I think one of the concerns we hear  
3 from community members is the we don't want to  
4 go through this again.

5 MR. GEIMER: This is as it relates  
6 to the one brand, you are asking?

7 MS. CODER: As it relates to this  
8 hotel project and the appetite within the  
9 capital market today for financing this.

10 MR. GEIMER: Well, financing will  
11 not be an issue for this project. Hilton  
12 Garden Inn is widely known by the financing  
13 markets. The mere fact that we have most of  
14 this land already paid for and you can base  
15 most of the financing off the proforma, and  
16 they are very predictable when they look at  
17 other HGIs in the market or other markets  
18 comparable to D.C., lenders will most likely be  
19 fighting to have a shot at this project.

20 They know it is going to run good  
21 occupancies and it's very predictable.

22 MS. CODER: And is there ever any

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 concern when you see kind of a saturation on a  
2 sub-local level around hotels and kind of how  
3 that relates to financing?

4 MR. GEIMER: We absolutely look at  
5 what is in the Comset or what would be in that  
6 market. For example, you have the Marriott  
7 across the street. I would not propose that  
8 you would do something that is comparable to  
9 the Marriott just because they would be going  
10 head-to-head, although that Marriott, I think,  
11 needs some renovations.

12 MS. CODER: We need a new building  
13 there, too.

14 MR. GEIMER: But the Marriott is a  
15 totally different type of hotel. It's a group  
16 house. It has a lot of meeting space. We  
17 don't have that meeting space. We don't have  
18 the large pharmaceuticals or contractors coming  
19 in. So we will be going after a different  
20 piece of the market.

21 MS. CODER: Okay. I guess this is a  
22 question for the developer. Would you prefer a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 larger layby? Because I know the neighborhood  
2 would.

3 MR. MESSERVY: Sure. So we have--  
4 we feel like the process we have gone through  
5 has produced the best results, so we feel like  
6 when you balance the concerns that DDOT has  
7 versus operational concerns, we feel like the  
8 best solution has been reached.

9 MS. CODER: Okay. And I'll get to  
10 it when I kind of give you my report. I won't  
11 get into the debate now.

12 As it relates to bus loading, I know  
13 you did a study as far as overflow parking and  
14 that with four comparable hotels. Did they  
15 provide any analysis on kind of the bus  
16 loading? You said potentially three to five a  
17 month.

18 MS. MILANOVICH: The studies that we  
19 did looked specifically at the parking, not the  
20 bus operations at those particular hotels.

21 MS. CODER: Okay.

22 MR. MESSERVY: And I can speak to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that, if I may? So we also, as we mentioned,  
2 operate 35 hotels. We also -- we operate a  
3 Hilton Garden Inn in the Washington, D.C.  
4 market, so we understand the demand that it's a  
5 comparable size hotel.

6 And so that analysis is coming from  
7 our operations in the market. And we also have  
8 our regional director of operations used to be  
9 the general manager for the Embassy Suites  
10 directly up the street from 22<sup>nd</sup>, so he is  
11 intimately familiar with the market and what to  
12 expect from how we would sell our rooms in  
13 terms of group versus non-group business.

14 MS. CODER: Okay. And I guess as  
15 relates to the bus loading and I'm happy to  
16 hear that there won't be any loading. Are you  
17 familiar with the plans for the cycle tracks  
18 that are going to be on the north side of M and  
19 kind of how does that relate?

20 MS. MILANOVICH: Yes. I have --  
21 actually, DDOT has shared the plans with me.  
22 The proposal to provide the cycle track, it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 would be on the north side of M Street. So  
2 adjacent to the curb, you would have a bike  
3 lane and then you would have a buffer. I  
4 believe it is a 3 foot buffer. And then you  
5 would have a parking lane.

6 So the bus loading would occur  
7 adjacent to the cycle track once it is  
8 complete, rather than adjacent to the curb.

9 MS. CODER: Okay. I guess,  
10 hopefully, we will have crossing guards or  
11 something for --

12 MR. MESSERVY: Sure. And so we have  
13 a 24 hour valet operator and we also have  
14 someone that is coordinating with the buses, so  
15 we will make sure there will be someone out  
16 there monitoring, like you said, as a crossing  
17 guard, so to speak.

18 MS. CODER: Okay. And I guess I  
19 need clarity on the size of the restaurant,  
20 because I originally thought it was 8,500  
21 square feet. And the attorneys had said it  
22 was, and I think OP put this in their report,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 too, more of 3,300 square feet. And I think  
2 the kitchen and other things were included in  
3 this square footage.

4 So how does that relate back to the  
5 traffic study that was conducted?

6 MR. MESSERVY: So I can speak and  
7 Patrick and Shalom can also speak to the actual  
8 size of the restaurant. But from a sitting  
9 area perspective, when you take into account  
10 the restaurant and the bar, that's where the  
11 number that you are quoting, that 3,300 to  
12 3,500 square feet, that's where that comes  
13 from.

14 That does not include the additional  
15 square footage that we have for kitchen space  
16 and also from storage space. So that's where  
17 that number is, that's the restaurant space.

18 MS. CODER: Yes. And just to  
19 address the traffic study concern, the kitchen  
20 space you would have with any hotel and so  
21 that's included in the hotel trip generation.  
22 It's really the extra space, the seating space

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 and that kind of thing that would be for  
2 restaurant use that isn't standard in a typical  
3 hotel. So that's where the 3,700 square feet  
4 came from.

5 MS. CODER: So, but I mean, the  
6 counts that you provided were for -- you said  
7 that the bigger impact for the study related to  
8 the restaurant. And I guess I'm just trying to  
9 --

10 MS. MILANOVICH: Yes. In the  
11 original traffic study, we had assumed an 8,500  
12 square foot restaurant, but we now know with  
13 this proposal that the square footage  
14 associated with the restaurant itself is much  
15 smaller than that, it's 3,700, because the  
16 additional square footage for the kitchen is  
17 considered hotel space and so that was factored  
18 into the hotel trip generation.

19 MS. CODER: So I mean, the counts  
20 that you provided then, I mean, are they  
21 accurate for 8,500 square feet or I mean does  
22 that equal out?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. MILANOVICH: Yes. The point I  
2 was trying to make was that we had certain  
3 assumptions in the original traffic study, a  
4 182 room hotel, an 8,500 square foot  
5 restaurant. And so we looked at what that  
6 level of development -- how many trips that  
7 would generate.

8 And what we wanted to do when we  
9 started working on this modification, the  
10 question was do we need to update the Traffic  
11 Impact Study? Is the trip generation  
12 substantially different? So we did that  
13 comparison instead of looking at a 182 room  
14 hotel, we looked at a 238 room hotel.

15 Instead of looking at an 8,500  
16 square foot restaurant, we looked at a 3,700  
17 square foot restaurant. And what we determined  
18 was the difference in trip generation was not  
19 substantial, so that the findings in the  
20 original Traffic Impact Study were still valid.

21 MS. CODER: Okay. And are taxis  
22 considered as part of the counts that you do

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 related to the Chair's question around --

2 MS. MILANOVICH: Yes.

3 MS. CODER: -- trip generation?

4 MS. MILANOVICH: The vehicle trip  
5 generation includes personal cars, it includes  
6 taxis, includes hired vehicles, includes buses,  
7 so that number is all encompassing.

8 MS. CODER: Okay. For the overflow,  
9 I know you said you had identified 10  
10 properties in the neighborhood. Are they,  
11 hopefully -- can you speak a little bit more  
12 about those?

13 MR. MESSERVY: Sure. So ProPark is  
14 an operator that currently operates in the area  
15 and those spaces were determined by who he has  
16 used and understands has potential space with  
17 his understanding of the market. So it is  
18 based on his years of experience in the market.

19 And it is -- they consist of a lot of office  
20 buildings that normally only park cars during  
21 the day, so they have a lot of excess capacity  
22 during the evening times when our peak demand

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 would be.

2 MS. CODER: Okay. I was just  
3 curious if it -- I mean, we have a lot of  
4 hotels that have parking, but I guess when you  
5 are booked, they are probably booked. So I was  
6 just curious to kind of what the other ones  
7 would be.

8 MR. MESSERVY: Sure. So he has a  
9 lot of experience and he has never had issues.  
10 So in a much bigger hotel, the Washington  
11 Marriott right across the street, which has  
12 about five times as much meeting space as we do  
13 and almost twice the rooms, he has never had  
14 any issues with having a spot. He says very  
15 rarely, maybe one or two days, does he ever  
16 have any issues with his own parking  
17 internally, but he has never had any issues  
18 with overflow in the market, even if it's a  
19 busy time in the market.

20 So he feels very comfortable with  
21 the capacity that we have.

22 MS. CODER: Okay. Were you aware

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that the Marriott across the street had a  
2 restaurant on the corner with similar -- kind  
3 of a similar design as far as opening up?

4 MR. MESSERVY: If the question is  
5 directed to me, I am not sure of the full  
6 history with the Marriott.

7 MS. CODER: No, I only raise it  
8 because I think it was brought up. And as far  
9 as the ANC wanting to be explicit in the Zoning  
10 Order, I mean, the relief that as relates to  
11 taking away the 10 percent public space, the  
12 relief is supposed to be to provide kind of a  
13 restaurant in the lobby and the court access.  
14 And, you know, we have a hotel that is across  
15 the street that originally had -- not a hotel.

16 I mean, not a restaurant that many of us  
17 appreciated from a neighborhood perspective,  
18 but they swapped that out for a Walgreens.

19 MR. MESSERVY: Sure.

20 MS. CODER: So I guess, you know,  
21 that's the concern as far as ensuring that that  
22 remains there from our perspective.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. MESSERVY: Sure. And I think  
2 the -- did you want --

3 MR. COLLINS: I can just say that  
4 that was not a PUD and this will be governed--  
5 the design of this building and the uses in the  
6 building and the restaurant in the building is  
7 governed by the PUD.

8 So we would have to come back to the  
9 Zoning Commission in order to swap out the  
10 restaurant for something else. And having the  
11 -- taking away the restaurant from this hotel  
12 would really adversely impact the hotel.

13 MR. MESSERVY: I think it's also a  
14 situation where the Marriott had multiple  
15 options and so they had the flexibility within  
16 their agreement with Marriott where they didn't  
17 have to necessarily have that restaurant on the  
18 corner, because they have other F&B services.

19 We are not in that situation. We  
20 are a much smaller hotel. And so this is our  
21 only F&B operation and so we wouldn't be  
22 allowed to continue as a hotel if we got rid of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the restaurant. So we will continue to have  
2 the restaurant.

3 MS. CODER: That's helpful. I think  
4 those are all my questions. Thank you.

5 CHAIRMAN HOOD: Okay. Thank you.  
6 Any cross-examination West End, Ms. Kahlow?  
7 Mr. Corson, I didn't see Foggy Bottom. Is  
8 Foggy Bottom here? Okay. Let's go straight to  
9 the Office of Planning.

10 MR. COCHRAN: Thank you, Mr. Chair  
11 and Members of the Commission. OP will be  
12 brief tonight.

13 The applicant has met the -- has  
14 demonstrated both how it meets the requirements  
15 of Section 2406 for a 2<sup>nd</sup> Stage PUD and/or a  
16 major modification. And it is shown how the  
17 major modification would accord with the intent  
18 and the purposes of the PUD process.

19 And with the previously-approved  
20 project and its benefits package, OP is pleased  
21 to be able to recommend that the Commission  
22 approve the requested modification.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           We are happy to answer questions.  
2           That concludes our report.

3           CHAIRMAN HOOD: Thank you very much,  
4           Mr. Cochran. We really appreciate that.  
5           Commissioners, any questions of Mr. Cochran?  
6           Any questions? Is there any cross-examination  
7           from the applicant?

8           MR. COLLINS: No, sir.

9           CHAIRMAN HOOD: Okay. ANC, do you  
10          have any cross-exam? West End? And again, I  
11          don't see Foggy Bottom. So let's go straight  
12          to the -- oh, I'm sorry, District Department of  
13          Transportation, Mr. Jennings.

14          MR. JENNINGS: Thank you, Chairman  
15          Hood and fellow Commissioners. For the record,  
16          my name is Jeff Jennings. I work for the  
17          District Department of Transportation.

18          The applicant, as you are well-  
19          aware, performed a number of different -- or  
20          responded to a number of different concerns  
21          that DDOT had from three years ago with this  
22          initial application.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           We still have those and we have been  
2 in dialogue with the applicant to make sure  
3 that those are still part of the plan as we  
4 move forward. So the layby, the loading, we  
5 are aware the parking number has been reduced  
6 slightly, which, as we stated in our report, we  
7 are comfortable with that.

8           It was brought to our attention  
9 within the last couple of weeks about the bus  
10 operations. The passenger bus loading and  
11 unloading and that does concern us. As we  
12 stated in our report, we think it is worthwhile  
13 for the Zoning Commission to state in the order  
14 for something as a follow-up, not just that  
15 first year performance measure study that the  
16 applicant has agreed to, but something that  
17 examines the bus operations after the  
18 Certificate of Occupancy is delivered.

19           So what we stated in our report is  
20 no later than 45 days after this hotel is up  
21 and operating that we would like to see the  
22 applicant return back to us and to ANC-2A to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 have an examination of what has happened with  
2 those buses.

3 And again, that's been in a short  
4 period of time of the hotel first operating, in  
5 the event that there are concerns that we may  
6 be able to address in the more immediate term  
7 as opposed to waiting that full year.

8 We are aware the application has  
9 responded to the transportation demand  
10 measures. Some of them are fantastic. I do  
11 want to address Commissioner -- Chairman Hood  
12 about the bicycles coming up into the hotel  
13 room.

14 There are conferences occasionally  
15 held in D.C. where folks may bring their own  
16 bicycles. One of the largest transportation  
17 conferences in the entire world is held right  
18 here in the city. It's called the  
19 Transportation Review Board and folks actually  
20 bring their own bicycles and bring them up into  
21 their hotel rooms.

22 So we thought, you know, if there is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 overflow of where people may need hotel rooms,  
2 this may very well be one of those situations.

3 We took the model for the bicycle sharing that  
4 Kimpton Hotel has agreed to with the District  
5 and plugged it into this Transportation Demand  
6 Management for this particular hotel. And we  
7 are happy to see that the operator has agreed  
8 to do it. So that's fantastic.

9 And as we stated earlier for  
10 Commissioner May, we will be providing those  
11 bike helmets and bicycle maps as well, hard  
12 copy bike maps.

13 The number of trips as far as the  
14 various Commissioners who have questioned the  
15 applicant team about the difference in the  
16 number of vehicle trips, we are comfortable  
17 with the computation that they have provided to  
18 us.

19 We are aware that there is a  
20 difference, there truly is a difference from  
21 what happened three years ago. There is ITE  
22 numbers and then there is what Ms. Milanovich

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 provided just recently looking at those various  
2 hotel operators that are up and running today.

3 We think that the numbers are relatively  
4 accurate and we are comfortable with them.

5 One thing that I think the applicant  
6 can still provide in the event that there are  
7 pieces for the record that may be, again, for  
8 the benefit of the community and the benefit of  
9 DDOT, a map of the parking garages in the  
10 neighborhood for the overflow parking.  
11 Something that shows where these parking  
12 garages are located, that would actually  
13 demonstrate to us, as well as the ANC and other  
14 community members, that the parking garages are  
15 within a close vicinity and in the event that  
16 you have a large population staying in this  
17 hotel with vehicles, that those parking garages  
18 are nearby.

19 The one delivery truck that since  
20 the hotel operator used the word envision, what  
21 we are envisioning, DDOT, the one delivery  
22 truck that perhaps will not be compliant, and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 we know this just from our own experience, is  
2 the delivery truck pulling up to do the  
3 Thursday or Friday delivery to the bar into the  
4 restaurant.

5 We know this from just honest first  
6 hand experience that pulls up curbside and  
7 refuses time and time again to actually use the  
8 loading dock, which will be conveniently  
9 located and free and open. And we have  
10 addressed these companies, these various  
11 companies that are engaged in this practice of  
12 merely just pulling up to properties like what  
13 we are talking about and unloading across the  
14 sidewalk.

15 I would like to say this hotel will  
16 not engage in that practice, but I do see that  
17 happening at the end of the day. When we put  
18 the cycle tracks in, as was mentioned earlier  
19 from the ANC Commissioner, it will be that much  
20 more difficult and then you wind up obstructing  
21 a lane of travel.

22 I'm just kind of giving you what we

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 see happening at the end of the day. That more  
2 or less wraps up my comments, I think, for the  
3 most part. And much like OP, I'm available for  
4 questions.

5 CHAIRMAN HOOD: Great. Thank you,  
6 Mr. Jennings. Commissioners, any questions of  
7 DDOT? Commissioner May?

8 COMMISSIONER MAY: Just on the 3  
9 foot layby, I mean, I remember, as I recall,  
10 the original layby was something of a  
11 contentious issue. You all were not in favor  
12 of that. And I'm not sure why, you know, you  
13 would not be in favor of that, but you are okay  
14 with this. Can you sort of explain how your  
15 logic is --

16 MR. JENNINGS: Sure.

17 COMMISSIONER MAY: -- either  
18 consistent or has evolved?

19 MR. JENNINGS: It hasn't necessarily  
20 evolved. We are just remaining consistent with  
21 what we have previously agreed to. The  
22 applicant has gone to great lengths from its

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 previous application, from the original  
2 application, excuse me, that the layby will  
3 operate in a certain way.

4 We have documented it. It is  
5 something that, again, we are just trying to  
6 remain consistent with. It's part of the  
7 history of this project.

8 COMMISSIONER MAY: So, I mean, why  
9 did you oppose the original layby in the  
10 original project?

11 MR. JENNINGS: I don't necessarily  
12 think we completely opposed it. We had some  
13 concerns and they changed it.

14 COMMISSIONER MAY: So by the time it  
15 was approved, you were okay with that layby?

16 MR. JENNINGS: That's correct.

17 COMMISSIONER MAY: Okay.

18 MR. JENNINGS: Yes, there is  
19 actually a document I brought with me tonight  
20 if you would like to take a look at it.

21 COMMISSIONER MAY: That's okay.  
22 It's just my recollection was that it was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 contentious and I couldn't remember where you  
2 landed in the end.

3 Okay. So and with regard to the  
4 number of parking spaces, you are completely  
5 comfortable with 53. That seems apparent by  
6 the fact that you commended them for being that  
7 low. I would like to call attention to that,  
8 because I don't know that that word is really  
9 the word I'm looking for in this.

10 I mean, I'm looking for DDOT to  
11 speak on the science of what has been performed  
12 here and say that, yes, this -- they have  
13 proven that they don't have the demand and,  
14 therefore, it is worthy of this exception to  
15 the Zoning Regulations.

16 I think applauding them for seeking  
17 an exception to the Zoning Regulations, while  
18 it may be consistent with your, you know, goals  
19 for the Zoning Regulations and how they might  
20 be changed, the Zoning Regulations are where  
21 they are right now.

22 MR. JENNINGS: Sure.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER MAY: So I would prefer  
2 that it just be a bit more scientific and a  
3 little bit less --

4                   MR. JENNINGS: Absolutely.

5                   COMMISSIONER MAY: -- of a policy  
6 cheerleading document.

7                   MR. JENNINGS: Yes. I think that  
8 what we would get into is, if it helps, if they  
9 built, you know, those additional 30, 40, 50,  
10 60 spaces --

11                   COMMISSIONER MAY: Yes.

12                   MR. JENNINGS: -- those are the  
13 spaces that maybe, you know, the hotel guests  
14 don't use. So what happens is, you know, the  
15 next thing you see is the Colonial Parking sign  
16 being hung up front and then it turns into the  
17 daily trips.

18                   COMMISSIONER MAY: Right.

19                   MR. JENNINGS: And then they find  
20 out, you know, we can charge on a daily basis,  
21 on a monthly basis. We are preferring not to  
22 see that. So the number of lower spaces --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   COMMISSIONER MAY: Well, and I think  
2 so long as they are -- the facts of what they  
3 think their use will be support the lower  
4 number, then I think that that's fine.

5                   MR. JENNINGS: Yes.

6                   COMMISSIONER MAY: Just like the  
7 facts -- I mean, under the new regulations, if  
8 we had requirements or no requirements for  
9 space or lower requirements for spaces, if they  
10 were seeking something that was different from  
11 what would be required under the new regs, we  
12 would want to see --

13                  MR. JENNINGS: Sure.

14                  COMMISSIONER MAY: -- the analysis.  
15 Or actually, they would need to provide the  
16 analysis, but we would want to have your  
17 opinion on whether, in fact, you agree with it.

18                  MR. JENNINGS: Sure.

19                  COMMISSIONER MAY: That's the thing,  
20 I think, they will look for. I think that's  
21 it. Thanks.

22                  CHAIRMAN HOOD: Okay. Any other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 questions? Mr. Turnbull?

2 COMMISSIONER TURNBULL: Thank you,  
3 Mr. Chair. I just have -- am kind of following  
4 up on Commissioner May's questioning on the  
5 layby.

6 3 feet, I'm just curious. What was  
7 the magic instead of 4 feet? How did you  
8 resolve that as far as a safe measure or as a  
9 reasonable compromise or how do you -- I mean,  
10 when you look at it from a traffic aspect and  
11 the layby trying to accommodate what it does, I  
12 mean, I'm just curious what the rationale is,  
13 how you went about it.

14 MR. JENNINGS: If you can bear with  
15 me just for a second, because three years ago I  
16 wasn't necessarily part of the initial  
17 application.

18 COMMISSIONER TURNBULL: Okay.

19 MR. JENNINGS: I'm collecting my  
20 notes, if you can bear with me.

21 COMMISSIONER TURNBULL: Well, I'm  
22 just curious. Even looking at it now, if you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 were to look at the layby and does 3 feet do  
2 what you want it to do as an agency or would  
3 you have preferred 4 feet? I mean, looking at  
4 it now, would you have given them another foot?

5 MR. JENNINGS: No.

6 COMMISSIONER TURNBULL: No. Okay.  
7 I'm just curious, you know, how that -- how you  
8 look at that. Is it the sidewalk, the  
9 dimension that is there now? How does that  
10 play in? I mean, would you look at a different  
11 site differently? Obviously, if you had 20  
12 feet --

13 MR. JENNINGS: The way we look at it  
14 is how much of the pedestrian walking space  
15 will you cut into with a layby. And I think  
16 that's how we measured with not necessarily  
17 going beyond 3 feet, knowing that the sidewalk  
18 is as wide as it is. You are in a significant  
19 pedestrian area with a significant amount of  
20 traffic.

21 And cutting into a sidewalk even  
22 further for vehicular travel, is not within the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 policy of DDOT.

2 COMMISSIONER TURNBULL: So there is  
3 sort of like a minimum pedestrian of like 8  
4 feet or whatever? Looking at the sidewalk, you  
5 want to maintain 8 feet minimum, maybe 10,  
6 depending upon how much pedestrian access you  
7 read at the site?

8 MR. JENNINGS: That's right. So in  
9 this particular neighborhood, we would expect a  
10 minimum of 8 feet. We prefer more and I think  
11 that is probably how we arrived with the number  
12 that we did.

13 COMMISSIONER TURNBULL: Okay. Thank  
14 you.

15 CHAIRMAN HOOD: Any other questions?  
16 Okay. Any cross-examination from the  
17 applicant for DDOT?

18 MR. COLLINS: We don't have cross-  
19 examination. We have some comments in response  
20 that we would like to make those at the  
21 appropriate time whether now or later.

22 CHAIRMAN HOOD: The appropriate time

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 would be later.

2 MR. COLLINS: Okay.

3 CHAIRMAN HOOD: Okay. Because this  
4 is cross-examination. ANC, any cross? Okay.  
5 Ms. Kahlow, any cross?

6 MS. KAHLOW: No.

7 CHAIRMAN HOOD: Okay. And again, I  
8 don't see Foggy Bottom. Okay.

9 Let's go to other Government  
10 reports. Let me ask this. Commissioners,  
11 typically cross-examination, that's what it is  
12 cross-examination. But while we were on the  
13 subject, if you want to, do we want to hear  
14 from Mr. Collins now? Okay. We want to keep  
15 our structure in place.

16 Okay. Because I've even forgot by  
17 the time you get ready -- I mean, this  
18 Commissioner will probably forget. Okay.  
19 Report of other Government agencies. The only  
20 thing that I saw, and this is just from the  
21 Council Member, is a letter of support, which  
22 is our Exhibit 34, the Honorable Council Member

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Jack Evans of Ward 2. And his letter is in the  
2 record.

3 It says he understands about several  
4 concerns. "I further understand the  
5 development team intends to make meaningful  
6 concessions to address these concerns. Knowing  
7 that the development team will work with the  
8 community on these, I would like to express my  
9 support."

10 So his support is knowing that you  
11 all are going to continue to work with the  
12 issues that are still kind of outstanding with  
13 the community.

14 And did I miss anything? We have  
15 already talked about the DDOT report. We had  
16 the Office of Planning report. Did I miss  
17 anything? Okay.

18 Let's go to the report of ANC-2A. I  
19 want to ask Chairperson Coder if she would come  
20 forward?

21 MS. CODER: Good evening, Chairman  
22 Hood and Members of the Commission. I'm

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Rebecca Coder, current Chair of ANC-2A, which  
2 represents the Foggy Bottom and West End. I'm  
3 also the Commissioner who represents the Single  
4 Member District that includes the proposed  
5 hotel at the corner of 22<sup>nd</sup> and M. Thank you  
6 for the opportunity to present the ANC's  
7 position.

8 As outlined in our report submitted  
9 September 22, 2011, we were surprised and  
10 disappointed in the substantial changes of the  
11 PUD. There has been general concern about the  
12 sheer number of hotels in the West End and we  
13 thought the eco boutique concept that was the  
14 one hotel was at least unique in what it could  
15 offer and palatable for the neighborhood.

16 The ANC voted to provide a non-  
17 objection in this case, conditioned upon  
18 mitigating specific issues and concerns  
19 outlined by the community, which were raised  
20 sat both our June and September meetings,  
21 related to the current plan for Hilton Garden  
22 Inn.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           These concerns relate to the  
2 transportation plan, overall design, specific  
3 points related to the community amenities and  
4 the incorporation of a Construction Management  
5 Plan as part of the final zoning order.

6           The applicant has addressed these  
7 partially and the ANC believes that with some  
8 final adjustments, the overall project will be  
9 enhanced and far more palatable to the  
10 community and we can firmly support it with a  
11 non-objection in this case.

12           As you are aware, the Comprehensive  
13 Plan policy LU-2.4.11, hotel impacts,  
14 identifies this as a potential issue to be  
15 managed. It states "Manage the impacts of  
16 hotels in surrounding areas, particularly in  
17 the near northwest neighborhood," which  
18 includes the West End, "where large hotels  
19 adjoin residential neighborhoods.

20           Provisions to manage truck movement  
21 and deliveries, overflow parking, tour bus  
22 parking and other impacts associated with hotel

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 activity should be developed and enforced."

2 In our discussions with the  
3 applicant, there were questions raised about  
4 the lack of a turn or bus plan, concerns about  
5 the loading dock configuration and how that may  
6 translate to deliveries occurring on M Street,  
7 general taxi cuing, especially as related to  
8 the current design of the layby, the location  
9 of the taxi stand and traffic flow overall.

10 In addition, in reviewing the  
11 reports of Office of Planning and the  
12 applicant, it is unclear how the hotel's  
13 greater use of M may relate to the West End  
14 Fire Station Company 1 next door and the future  
15 bicycle tracks planned for the north side of M  
16 Street given, as it appears, M Street could end  
17 up being used for a restaurant valet, potential  
18 loading as well as charter bus activities.

19 We ask that the applicant not rely  
20 on 2007 transportation assessments and deliver  
21 a more robust Transportation Management Plan,  
22 which it has done, that better supports this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 type of chain hotel the 26 percent increase in  
2 room count and the increase in medium room  
3 space and the contemplated site requirements  
4 that are greater than a 200 room hotel requires  
5 pursuant to DCMR 2201.1.

6 We also had a very specific request  
7 related to mitigating the impacts as it relates  
8 to quality of life for surrounding residents,  
9 which is something the ANC currently grapples  
10 with as relates to other hotels and that is  
11 specifically clearly defining the delivery  
12 hours for the hotel.

13 Overall design, the ANC would like  
14 to ensure the design is of the caliber  
15 originally approved as part of the PUD and that  
16 it incorporates more of the environmental green  
17 gestures as originally contemplated.

18 The initial design was described by  
19 this Commission as stunning, very progressive  
20 and a fascinating green building.

21 This new concept is not that and,  
22 therefore, offers less as it relates to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 achieving the Comprehensive Plan's  
2 architectural and environmental components.

3 The ANC would like the Zoning  
4 Commission to consider increasing the greenness  
5 factor. Specifically, the ANC would like to  
6 address the blank graffiti attracting  
7 viewpoints mainly visible from M Street through  
8 the construction of green walls.

9 A good comparison is actually the  
10 Washington Suites Hotel at the corner of 25<sup>th</sup>  
11 and Pennsylvania, which has a similar large  
12 blank side wall viewable from the street, which  
13 now contains large brown spots on the brown  
14 brick where graffiti has been removed.

15 It's a similar situation where it's  
16 a small townhouse next to a tall blank wall.  
17 We think this is especially important given the  
18 proposed redevelopment of the fire station site  
19 and its positioning in relation to that  
20 development.

21 The applicant has indicated that in  
22 order to maintain a green wall, that access to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 the adjacent property would be required. But  
2 the ANC's understanding is that this can be  
3 done in a similar fashion to window washing. I  
4 guess they typically can traverse using ropes.

5 We also ask that the Commission  
6 closely study the pedestrian clearways to  
7 ensure the width, especially along M Street, is  
8 appropriate for such a major pedestrian  
9 thoroughfare and that it will also be able to  
10 support outdoor seating, as the site is  
11 contemplated.

12 Our understanding is the clearways  
13 on streets, such as M Street, are typically  
14 wider than the 6 foot proposed by the  
15 applicant. I have heard 6. I have heard 8.  
16 So I'm not sure which one.

17 And the ANC requests that the  
18 applicant deepen the proposed 3 foot layby. We  
19 recognize that it took a lot for the applicant  
20 to get DDOT to agree to the 3 feet, but the  
21 ANC, and we hope the Zoning Commission, will  
22 support something greater.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           Our rationale for this is actually  
2 based on recent experience given the issues  
3 that occurred on 23<sup>rd</sup> Street for the Ritz-  
4 Carlton residences. In that case, the Ritz  
5 laybys were not deep enough and they resulted  
6 in further exacerbating traffic backups and  
7 actual sideswiping of stopped cars in the  
8 partial layby.

9           This also had a significant impact  
10 on the emergency vehicles at the fire station,  
11 their ability to easily maneuver through  
12 traffic. In that case, the residents actually  
13 went back to DDOT to have this widened. We  
14 would simply ask that we make the right  
15 decisions about this now and not later and  
16 let's learn as a neighborhood what works and  
17 doesn't with this.

18           The ANC wants to ensure that the  
19 retail space along the corner be specified in  
20 the final zoning order as a community amenity  
21 and that it's truly open to the public.

22           As noted by the Office of Planning

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 in its report, both in the original case and  
2 this modification, the applicant's argument is  
3 that the restaurant, bar, patio and roof deck  
4 were originally envisioned to compensate for  
5 the relief related to the 10 percent public  
6 space requirement of hotels in CR Zones.

7 This is now indicated as solely the  
8 restaurant and the bar and it sounds like the  
9 patio.

10 We are willing to support this  
11 relief, but want to ensure that it remains  
12 "public." The ANC has seen multiple times  
13 where this type of space is repurposed. The  
14 World Wildlife Fund's zoning case is an example  
15 and then closed it off to the public.

16 And currently, we are receiving  
17 complaints regarding the park at Square 54,  
18 which is supposed to be public, but, in fact,  
19 is locked at night and on weekends.

20 We do hope the applicant will be  
21 open to working with the community specifically  
22 related to addressing the public space

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 improvement priorities and is open to some  
2 flexibility on bench placement or rethinking  
3 benches.

4 The ANC knows Ms. Kahlow wants  
5 benches at certain locations, but there are  
6 concerns from residents regarding too many  
7 benches in the West End as it relates to  
8 loitering and also concern about the benches--  
9 how the benches may fit or not fit, given the  
10 proposed West End Library redevelopment.

11 As it relates to the other  
12 amenities, we hope that the applicant addresses  
13 the concerns articulated in the ANC's  
14 resolution, specifically that the amenities be  
15 placed prior to the Certificate of Occupancy  
16 and the applicant demonstrate that this has  
17 occurred or receives a temporary C of O, if  
18 required.

19 In conclusion, we view what the ANC  
20 is requesting as minor changes to a major  
21 modification. They may seem small, but they  
22 are important making this project appropriate

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 for the West End. These changes are based on  
2 practical experience and overall will help  
3 mitigate potential issues.

4 To reiterate, here is what is  
5 outstanding and what we would like the Zoning  
6 Commission to include in its decision and part  
7 of the final order.

8 Transportation Management, spell out  
9 the delivery times in the Zoning Order as this  
10 is something the Commission has done prior.  
11 Most recently in the GW School of Public Health  
12 case this past spring.

13 It should be noted that the ANC  
14 proposed 8:00 a.m. to 9:00 p.m. weekdays and  
15 9:00 a.m. to 9:00 p.m. on weekends. The  
16 applicant has not provided an alternative.

17 Explicitly state that truck sizes be  
18 of no greater than the size of 30 feet as  
19 proposed by the applicant, which is stated this  
20 will be part of the contracts with its funders.

21 Overall design, include greenscaping  
22 on the building sides. The applicant has

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 greatly reduced all the green that was to be  
2 part of the originally approved PUD and while  
3 they are planning to achieve LEED silver, they  
4 are not seeking certification, which I believe  
5 was a requirement of the original PUD. I could  
6 be mistaken on that point.

7 This will go a long way to further  
8 the attractiveness of the building served for  
9 graffiti prevention as well.

10 Increase the depth of the layby.  
11 The recent Ritz-Carlton residents' experience  
12 demonstrates that this partial type typically  
13 reeks more havoc on transportation and safety  
14 issue than helps.

15 Revisit the width of the sidewalks  
16 along M and the pedestrian clearway of 6 feet,  
17 as this will be cafe space as well.

18 Explicitly state that the restaurant  
19 is the community amenity in the final order.  
20 The ANC has expressed their concerns about past  
21 practices and how applicants agreed to it and  
22 then it changes and the intent is lost.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           From a neighborhood perspective,  
2 this is potentially the greatest amenity that  
3 the project can offer and we don't want to lose  
4 sight of it or ultimately lose it completely.

5           Be open to working with the  
6 neighborhood to address the priority public  
7 space improvement requirements given. Ensure  
8 that the delivery of the amenities is tied to  
9 the issuance of the Certificate of Occupancy  
10 and the applicant demonstrates that these have  
11 occurred.

12           And as it relates to the  
13 Construction Management Plan, ensure that the  
14 hours are consistent with the regs of 7:00 a.m.  
15 start time on weekdays and 8:00 a.m. on  
16 weekends. I think the management plan  
17 submitted indicated 7:00 a.m. on Saturdays.

18           The ANC is hopeful that through this  
19 evening's discussions, these can be addressed,  
20 so that the ANC can deliver a firm non-  
21 objection in this matter. Thank you.

22           CHAIRMAN HOOD: Okay. Thank you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 very much. Commissioners, any questions? Any  
2 questions? Commissioner May?

3 COMMISSIONER MAY: I just have to  
4 ask a firm non-objection? Is that a compromise  
5 language of some sort? I mean, it sounds like,  
6 you know --

7 MS. CODER: It doesn't sound great,  
8 does it?

9 COMMISSIONER MAY: No. It's like  
10 when my wife tells me that I'm adequate, you  
11 know.

12 MS. CODER: Well, it reminds me of  
13 it's not inconsistent with the Comprehensive  
14 Plan.

15 COMMISSIONER MAY: Right.

16 MS. CODER: Right?

17 COMMISSIONER MAY: I'll have to  
18 share that with my wife.

19 MS. CODER: I've been spending too  
20 much time with the Zoning Commission, I think.

21 COMMISSIONER MAY: Yes.

22 MS. CODER: That we would support

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the project, I think.

2 COMMISSIONER MAY: In essence, it  
3 really is support?

4 MS. CODER: Absolutely.

5 COMMISSIONER MAY: Yes, okay.

6 MS. CODER: Yes.

7 COMMISSIONER MAY: Thanks.

8 MS. CODER: No, to be honest, I  
9 think it was brought up earlier, I mean, there  
10 was a big debate about -- I mean, I think a lot  
11 of people really loved what they saw first. We  
12 get the state of the markets. And I think  
13 people go through the process of being  
14 disappointed, but I think most people don't  
15 want a vacant lot at that site, so we look  
16 forward to moving this forward.

17 COMMISSIONER MAY: Okay. Well, I  
18 think we share the disappointment about the old  
19 concept not working, although it was -- it had  
20 its odd elements, but it was still worth trying  
21 to see through, but since it can't happen, we  
22 move on.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   CHAIRMAN HOOD:       I think that  
2                   disappointment goes on. There is a PUD around  
3                   the corner from my house and I'm very  
4                   disappointed. I voted on it. I'm very  
5                   disappointed it didn't happen and I actually  
6                   didn't even like the hearing when we had it the  
7                   second time, but I had to deal with it  
8                   accordingly, so I understand your frustration.

9                   But again, it's better than what we  
10                  had.

11                  MS. CODER: That's right.

12                  CHAIRMAN HOOD: Okay. Any other  
13                  questions? Mr. Turnbull?

14                  COMMISSIONER TURNBULL: Yes, Mr.  
15                  Chair, I just had for the Commissioner.

16                  Obviously your statement was written  
17                  before the hearing.

18                  MS. CODER: Yes.

19                  COMMISSIONER TURNBULL: So I guess  
20                  some of your comments might be a little bit  
21                  tempered by what you have heard tonight. I  
22                  mean, on page 3, you talk about the overall

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 design issues and you are concerned about the  
2 green. And I mean, I think, Mr. Baranes went  
3 through and talked about a lot of materials  
4 that they are using and how it is still very  
5 green.

6 It is a very green building. I  
7 don't know if your -- if that has alleviated  
8 some of your concerns or not.

9 MS. CODER: Oh, no, I mean, I think  
10 as far as delivering from an environmental  
11 standpoint, it sounds like it will.

12 COMMISSIONER TURNBULL: Yes.

13 MS. CODER: I think the concern was  
14 more M Street is a major pedestrian  
15 thoroughfare and it is a pretty big blank wall  
16 that you see. And maybe it's not green maybe  
17 it's a mural or something else, but we have a  
18 big issue with graffiti.

19 COMMISSIONER TURNBULL: Yes.

20 MS. CODER: And, you know, a blank  
21 wall when something else can be done, even  
22 temporarily, even if they are going to develop

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 it later, I mean, I think they are pretty  
2 creative with those things may work.

3 And I was happy to get a better  
4 understanding tonight from the architects  
5 really to the materials they are using ensuring  
6 that they are of high caliber and everything.  
7 I was very happy to hear that.

8 COMMISSIONER TURNBULL: Okay. Good.  
9 Thank you.

10 CHAIRMAN HOOD: Any other questions?  
11 Okay. Do we have any cross-examination from  
12 the applicant? Okay. Ms. Kahlow, do you have  
13 any cross-examination? And again, we don't  
14 have Foggy Bottom.

15 Okay. We are going to go to the  
16 organizations. Do we have any organizations or  
17 persons here in support? Oh, that's right, we  
18 do have an organization. We do have a party.  
19 Okay. Thank you.

20 Ms. Kahlow?

21 MS. KAHLOW: Just one second.

22 CHAIRMAN HOOD: And this is my last

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 time I'm going to call for Foggy Bottom. Foggy  
2 Bottom is not here, so we will move straight  
3 into the witnesses after Ms. Kahlow finishes  
4 her presentation in support.

5 We will go to witnesses in support  
6 and then we will go to persons in opposition.  
7 Okay.

8 MS. KAHLOW: It's not working. It's  
9 working, but the green light is not showing.  
10 I'm sorry.

11 I'm Barbara Kahlow. I live at 800  
12 25<sup>th</sup> Street, N.W., which is in the Foggy Bottom  
13 part of Foggy Bottom West End. I am testifying  
14 on behalf of the West End Citizens Association  
15 tonight, the oldest citizens organization,  
16 Foggy Bottom/West End area.

17 I wanted to show you some dates that  
18 we have been with this project for many years,  
19 unlike almost everybody else in the room.

20 In December 2007, we submitted a  
21 letter in support of the PUD for a proposed  
22 hotel with street level retail. In February

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 '08, the Commission granted us party status and  
2 then we testified.

3 In March '08, we submitted a post-  
4 hearing statement. In March '10, we submitted  
5 a letter in support of the two year extension.

6 And then in August, we asked for party status  
7 and you granted it to us.

8 The WECA is primarily interested in  
9 maintaining the quality of life for the  
10 existing residential community in Foggy  
11 Bottom/West End. It includes members in the  
12 condominiums near the Per Star PUD site at 2201  
13 M Street.

14 Today, I want to discuss the  
15 amenities requested by the WECA and included in  
16 the developer's plan and some of the proposed  
17 modifications to the PUD.

18 First, amenities. The November 19,  
19 2007 Memorandum of Understanding between the  
20 developer and the Foggy Bottom/West End  
21 community included \$146,000 for four WECA  
22 requested amenities:

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 (A) Three segmented-benches which  
2 are badly needed for our elderly residents, who  
3 need benches and use the bench arms for support  
4 in getting down and up from the seats.

5 Currently, there are very few  
6 benches in the West End and those that do  
7 exist, we got, the WECA got, in the Ritz PUD on  
8 Pennsylvania Avenue and each of the pocket  
9 parks along Pennsylvania Avenue and they are  
10 also segmented-benches.

11 (B) Replacement of street trees and,  
12 as Mr. Collins said, trees come and go because  
13 they get dead. We just want to have a full  
14 compliment of trees in the West End.

15 (C) Three sided tree box fencing and  
16 inside greenery. There is -- many have no  
17 fencing. Some have plastic, which is falling  
18 apart. And we want them to be consistent. We  
19 have been working with DDOT and they have  
20 identified a model that they want. They have  
21 put it on 21<sup>st</sup> Street, etcetera, and we would  
22 like the same model all the way around the West

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 End.

2 (D) And upgraded street lights in  
3 the adjoining street grid within the West End.

4 We were able to get some of those  
5 from the Ritz PUD and there is other places  
6 where we need it to fill in the blanks.

7 The WECA secured A, B and C for the  
8 area south of Pennsylvania and east of 23<sup>rd</sup> in  
9 yet another PUD case, the IMF PUD. So we are  
10 consistent. We want to beautify, basically,  
11 the area north of Pennsylvania Avenue, which is  
12 the West End, south of Pennsylvania Avenue east  
13 of 23<sup>rd</sup>, which is the Foggy Bottom area outside  
14 of the Historic District.

15 Tab F of the developer's October 7,  
16 2011 supplemental pre-hearing materials  
17 increases the funding from \$146,000 to \$150,000  
18 for these four park permanent public space  
19 improvements, as Mr. Collins noted.

20 WECA has worked not only with the  
21 developer, but also with the Foggy Bottom  
22 Association on the full amenities package,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 since we are the two principal organizations in  
2 the community.

3 The WECA especially also supports  
4 one of the Foggy Bottom's adjusted amenities,  
5 \$35,000 contribution towards renovation of  
6 Saint Mary's Church, which is the oldest, 142  
7 years, in Foggy Bottom, black Episcopal church  
8 in the entire city.

9 One of its members is here. You  
10 will hear from him later, Lionel Gloster. We  
11 have been working with him, because we think  
12 this church is a gem and we would like it  
13 preserved and to continue in our neighborhood.

14 In addition, the WECA is agreeable  
15 to the move of the dog park fence -- funds from  
16 a former dog park on 26<sup>th</sup> Street between I and K  
17 to a newer and nearer dog park on 25<sup>th</sup> and M and  
18 N Streets.

19 The FBA also supports -- has the  
20 same positions. They support our amenities and  
21 we support theirs and we are all in agreement.

22 Now, let me get to modifications.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 The WECA is aware of the market conditions and  
2 does not want the site to continue to lay  
3 vacant. The WECA believes that the proposed  
4 use is appropriate and that the Shalom Baranes  
5 designed hotel is attractive and an enhancement  
6 to the standard Hilton Garden Inn design.

7 And I personally have been promised  
8 that we are not going to have the sign you saw  
9 today, because I think it's awful. But Shalom  
10 and company have promised it will be something  
11 that will be lovely. I winced and they saw me,  
12 you know, Barb hates that.

13 The WECA certainly relates to the  
14 DDOT directed layby which essentially robs 22<sup>nd</sup>  
15 Street of one lane of northbound traffic, which  
16 is already problematic, especially during rush  
17 hour.

18 This was a DDOT directed layby. You  
19 have heard Rebecca Coder, ANC Chair, talk about  
20 it. We share the ANC's and the nearby  
21 community, the Ritz, 22 West, etcetera, concern  
22 about how that will operate. We would prefer a

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 layby further into the sidewalk.

2 Thank you for your consideration of  
3 our views and I remain available to answer your  
4 questions.

5 CHAIRMAN HOOD: Okay. Thank you,  
6 Ms. Kahlow. Commissioners, any questions of  
7 Ms. Kahlow? Okay. Not hearing any, seeing  
8 any, does the applicant have any cross-  
9 examination?

10 MR. COLLINS: No, I do not. Thank  
11 you.

12 CHAIRMAN HOOD: Okay. Does the ANC  
13 have any cross-examination? And again, Foggy  
14 Bottom is not here. Okay. Thank you very  
15 much, Ms. Kahlow. Okay. In support, I have  
16 Anita Diliberto, West End Friends. I'm sorry,  
17 you can come up and correct me. Diliberto?

18 MS. DILIBERTO: Diliberto.

19 CHAIRMAN HOOD: Diliberto, okay.  
20 Okay. You may begin. Turn you mike on and you  
21 may begin.

22 MS. DILIBERTO: Okay. My name is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Anita Diliberto and I reside at 2425 L Street.

2 I am President of West End Friends and I just  
3 want to say that I actually live in a Shalom  
4 Baranes apartment building. I live at the  
5 Columbia. And we are very pleased with the  
6 design and think that it's going to really  
7 bring a lot of brightness to the area and it  
8 really fits into the design of the West End.

9 The applicant has actually addressed  
10 our concerns regarding the deliveries and  
11 buses. We were concerned about the trucks on M  
12 Street and 22<sup>nd</sup> Street. And the applicant has  
13 assured us that there will be no deliveries on  
14 22<sup>nd</sup> or M Street by the trucks. And that the  
15 buses will be only three to five per month.

16 We would like to request that the  
17 Loading Management Plan be added to the Zoning  
18 Order.

19 Lastly, we have no objection to the  
20 amenity package and we are pleased with the  
21 contribution to the dog park. The dog park in  
22 West End has been approved. We are just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 waiting for the crosstown tunnels to be  
2 completed before we can actually complete the  
3 plans for that area.

4 So in closing, West End Friends does  
5 support the project and look forward to it  
6 moving forward.

7 CHAIRMAN HOOD: Okay. Thank you  
8 very much. Hold your seat, we might have some  
9 questions.

10 MS. DILIBERTO: Sure.

11 CHAIRMAN HOOD: Any questions,  
12 Commissioners? Is there any cross-examination?

13 MR. COLLINS: No, sir.

14 CHAIRMAN HOOD: Ms. Kahlow? Okay.  
15 Thank you very much.

16 MS. DILIBERTO: Thank you.

17 CHAIRMAN HOOD: Okay. Let's go to  
18 opposition. I need some glasses. L. Patrick  
19 Chauvin.

20 MS. BLUMENTHAL: It's L. Patrick  
21 Chauvin. He is the --

22 CHAIRMAN HOOD: Ms. Blumenthal, just

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 come on up. Your name is on here, so just come  
2 on up and you can tell us about Mr. -- I don't  
3 want to butcher his name any more, so I won't  
4 pronounce it.

5 Anyone else who is here in  
6 opposition? Okay. Ms. Blumenthal, if you  
7 could just help us with the --

8 MS. BLUMENTHAL: With the Chairman's  
9 permission, Mr. Chauvin got called away on a  
10 very serious family emergency, so I will be  
11 testifying for the 22 West Board of Directors.

12 I would like to give Sharon some  
13 material for the record, please?

14 CHAIRMAN HOOD: Sure.

15 MS. BLUMENTHAL: Before I begin my  
16 testimony.

17 CHAIRMAN HOOD: Okay. Sure.

18 MS. BLUMENTHAL: Thank you.

19 CHAIRMAN HOOD: No problem.

20 MS. BLUMENTHAL: Good evening, Mr.  
21 Chairman and Members of the Commission. For  
22 the record, I'm Sally Blumenthal. I am an

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 owner at 22 West.

2 With your permission, I would like  
3 to explain a few things that were causing some  
4 confusion at the beginning of the meeting  
5 before I do the -- give the testimony of the  
6 Board of Directors.

7 In our opinion, we are about 150  
8 feet away from this site, directly across the  
9 intersection. We even showed up in some of the  
10 site shots at the beginning of the presentation  
11 by the applicant.

12 The Commission has, as a part of the  
13 record, our October 24<sup>th</sup> letter, which details a  
14 lot of comments about this project, but I only  
15 intend to cover three in my testimony, because  
16 those are the aspects that are the most  
17 different from the approved PUD and have, in  
18 our opinion, the most egregious impacts.

19 Our opposition is focused on the  
20 architectural embellishments, the loading dock  
21 and the layby, because they all cause the  
22 project to bleed into the public realm,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 literally and figuratively, in order to sustain  
2 itself.

3 The applicant's site is about 15,590  
4 square feet, barely above the minimum 15,000  
5 square foot criteria that is required under the  
6 Zoning Regulations. That's an area roughly the  
7 size of this room.

8 The hotel has increased its GFA  
9 which might be consistent with the Zoning  
10 Regulations, but what has happened here, the  
11 practical effect, is the site is now over-  
12 programmed and the various functional  
13 requirements can only be achieved through  
14 various intrusions into the public realm.

15 The 30 percent increase in the  
16 number of rooms coupled with the undersized  
17 loading dock and the half-hearted attempt at a  
18 layby lane have transformed this project from a  
19 good neighbor into a neighborhood intrusion.

20 I would like to talk about the  
21 architectural embellishments first and I'm glad  
22 that is still up on the easel. Both the M

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 Street and the 22<sup>nd</sup> Street facades are  
2 articulated with projections that significantly  
3 encroach into the public right-of-way.

4 While the D.C. Building Code permits  
5 a variety of projections, they are generally  
6 viewed as architectural embellishments and not  
7 as a means of augmenting the usable square  
8 footage.

9 There is also certain limitations on  
10 how many and how long and how big these  
11 projections can be on any given building. With  
12 a 30 percent increase in the number of rooms,  
13 each room has become necessarily smaller.  
14 Therefore, the architect -- the applicant has  
15 compensated for the reduced room size by  
16 manipulating the architecture of the hotel.

17 Roughly 92 feet of the 120 foot M  
18 Street facade from floors 2 to 10 is  
19 articulated with a continuous soft tooth  
20 projection 3 feet into public space enlarging  
21 49 rooms beyond what could be achieved on the  
22 site alone.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   Additionally, 15 feet at the  
2 southeast corner from floors 2 to 10 is  
3 articulated with triangular projection 4 feet  
4 into the public space, enlarging another 8  
5 rooms beyond the property line.

6                   Finally, on the 129 foot wide 22<sup>nd</sup>  
7 Street facade, there are two separate bays, one  
8 13 foot wide and one 50 feet wide, which  
9 project 40 feet -- 4 feet into the public space  
10 from floors 3 to 9 enlarging another 35 rooms  
11 beyond the property line.

12                   Consequently, 50 percent of the  
13 rooms in this hotel have been enlarged through  
14 the use of the public right-of-way rather than  
15 property owned by the applicant.

16                   We believe the extent and number of  
17 these projections violates the Schedule of  
18 Limitations of Projections contained in the  
19 D.C. Building Code. This appropriation would  
20 not -- of public space would not be necessary  
21 if the applicant were not seeking to maximize  
22 the square footage of or sunlight into the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 guest rooms.

2 Now, I would like to talk about the  
3 loading dock, which has had a lot of  
4 conversation already.

5 The previously approved hotel and  
6 its restaurant were to be serviced in a simple  
7 straightforward way and no zoning relief was  
8 requested. The reason for that was the kitchen  
9 was situated adjacent to the west party wall  
10 with a direct corridor connection from the  
11 loading dock in the rear to the kitchen.

12 This backup house system also  
13 provided direct freight elevator access for  
14 goods and services moving -- goods and supplies  
15 moving to the hotel.

16 In the current proposal, the kitchen  
17 has been relocated from the west party wall to  
18 a more central location and then near the  
19 kitchen and meeting rooms. And most critically  
20 without a direct connection to the loading  
21 dock.

22 So as a result, restaurant

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 deliveries must be transported from the loading  
2 dock by a freight elevator down to Level B-1  
3 through a corridor circuitously to a second  
4 freight elevator and up again in order to reach  
5 the kitchen on the ground level.

6 Deliveries for the hotel itself  
7 would occur in a similar manner in order to  
8 avoid delivery of linens through the lobby.

9 As a result of the loading dock  
10 being so undersized and the delivery route so  
11 complicated, it is inevitable that in the real-  
12 world, deliveries will occur by truck on M  
13 Street, especially to the hotel which is going  
14 to be independently operated.

15 And we are skeptical that the  
16 transportation coordinator can ensure that  
17 deliveries will only be made to the loading  
18 dock or that vendors will only drive small  
19 trucks and that with each failure of the  
20 transportation coordinator to manage  
21 deliveries, the public realm will be the fail-  
22 safe means for making deliveries and the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 neighborhood will bear the burden. So we  
2 oppose granting the relief, because it cannot  
3 be mitigated without the elimination of the  
4 meeting rooms and relocation of the kitchen and  
5 a return to the direct connection to the  
6 loading dock on Level 1.

7 Now, I would like to talk about this  
8 layby, which seems to have caused a great deal  
9 of consternation.

10 I would like to point out that there  
11 are three major hotels at or near the corner of  
12 22<sup>nd</sup> and M Street, the Ritz-Carlton on 22<sup>nd</sup>  
13 Street, the Marriott on 22<sup>nd</sup> Street and the  
14 Embassy Suites about a half a block north of  
15 this site on 22<sup>nd</sup> Street.

16 However, unlike this proposal, they  
17 all have sizeable porte-cochere entrances with  
18 direct access to their garages and they do not  
19 rely solely on District right-of-way to provide  
20 cuing or garage access.

21 More significantly, 22<sup>nd</sup> Street is a  
22 one-way major arterial street which,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 basically, connects Pennsylvania Avenue and  
2 Massachusetts Avenue and is heavily traveled by  
3 through traffic, emergency and law enforcement  
4 vehicles.

5 As the Commission may already be  
6 aware, 22<sup>nd</sup> Street is one of the primary routes  
7 for presidential and vice presidential  
8 motorcades, for visiting heads of states and  
9 other dignitaries.

10 22<sup>nd</sup> Street on its -- in this  
11 location is, basically, three 10 foot wide  
12 travel lanes with room for a 29 foot sidewalk  
13 on the west side.

14 The applicant proposes this 3 foot  
15 by -- layby because it was apparently requested  
16 by DDOT during the original PUD process.

17 The -- we can't actually comprehend  
18 the DDOT rationale here, that a 3 foot wide  
19 layby will function as a buffer between the  
20 cars in the layby and the travel lane. We  
21 believe it is completely unworkable, because it  
22 intrudes 7 feet into the travel lane and the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 result in back-up into the intersection with  
2 traffic squeezing around the cars cuing in the  
3 layby will only add to the already burdened  
4 intersection.

5 I should point out that the real--  
6 the Ritz residents layby is on 23<sup>rd</sup> Street,  
7 which were started out at 3 foot or 4 foot  
8 wide, were recently enlarged by the Ritz to 12  
9 to --

10 CHAIRMAN HOOD: Ms. Blumenthal,  
11 actually, the time -- the timer was off. I  
12 gave you both your time and your counterpart,  
13 who was unable to make it. I'm going to ask  
14 that you wind up. Normally, we don't give  
15 eight minutes, but I have given you eight  
16 minutes. And if I give you two more, I would  
17 have given you more than I have given one of  
18 the parties.

19 So I'm going to ask you to take one  
20 minute and wrap it up.

21 MS. BLUMENTHAL: Thank you, Mr.  
22 Chairman. I was almost there. We oppose this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 layby and I have given Ms. Schellin a page out  
2 of the original PUD that shows what we feel  
3 should be the configuration of the layby to  
4 eliminate the impacts.

5 In summary, we believe the radical  
6 incursion into public space through the  
7 enlargement of 50 percent of the hotel rooms  
8 beyond the property line into the public right-  
9 of-way, the unworkable 3 foot wide layby now  
10 required only to permit outdoor dining and the  
11 way the undersized loading dock and convoluted  
12 delivery system would function or not function  
13 in the real-world are totally inconsistent with  
14 the approved PUD and we urge the Commission to  
15 disapprove this major modification.

16 CHAIRMAN HOOD: Okay. Thank you  
17 very much, Ms. Blumenthal.

18 MS. BLUMENTHAL: You're welcome.

19 CHAIRMAN HOOD: We greatly  
20 appreciate it. Commissioners, any questions?  
21 Any questions? Mr. Turnbull?

22 COMMISSIONER TURNBULL: Well, I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 don't know if I have any questions. I think a  
2 lot of your statements were answered by a lot  
3 of the applicant and other people during  
4 testimony.

5 I think Mr. Jennings could probably  
6 argue, that your statement on page 5, that the  
7 layby lane was at least 10 feet is not what was  
8 agreed in the original PUD. And that was what  
9 DDOT had -- the applicant and -- that's what  
10 they eventually got out of DDOT.

11 So I don't think that's an  
12 applicant's concern. That is DDOT telling us  
13 that is what you can do.

14 And I guess the other thing, you  
15 have got a lot of things in here that deal with  
16 Building Code, which are not our purview, but I  
17 think the applicant will -- and I think Mr.  
18 Baranes did respond to that earlier and I think  
19 the applicant may reiterate some of those  
20 concerns that I think you may be a little bit  
21 inaccurate in what you said about your  
22 understanding of the Building Code.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   But I'll leave that for the  
2 applicant to discuss.

3                   And the kitchen, I think the  
4 applicant went through the kitchen. I think  
5 both, you know, the developer, the owner or the  
6 operator are looking at this. They I think  
7 went through the plan on how they thought it  
8 would work.

9                   I think they feel comfortable. I  
10 think they talked about they don't want loading  
11 backed up. I think it is still an issue that  
12 they are looking at. I mean, those are just my  
13 comments.

14                   VICE CHAIRMAN SCHLATER: I will just  
15 put my two cents in on the layby issue.

16                   Well, actually, maybe somebody can  
17 describe to me what the existing condition is  
18 there now. Is there -- it looks like there is  
19 some sort of indentation in the sidewalk. Yes,  
20 go ahead. Turn on your microphone.

21                   MS. BLUMENTHAL: I'm sorry. Do you  
22 have your book?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 VICE CHAIRMAN SCHLATER: I do.

2 MS. BLUMENTHAL: If you could go to  
3 page -- in the beginning where there is an  
4 aerial photograph?

5 VICE CHAIRMAN SCHLATER: Sure. Yes.

6 MS. BLUMENTHAL: Just go to page 1.

7 VICE CHAIRMAN SCHLATER: Yes.

8 MS. BLUMENTHAL: You -- this site  
9 was an embassy and it is now being cleared.

10 VICE CHAIRMAN SCHLATER: Yes.

11 MS. BLUMENTHAL: And on the west  
12 side of 22<sup>nd</sup> Street, you can actually see a  
13 couple of parked cars there.

14 VICE CHAIRMAN SCHLATER: Yes.

15 MS. BLUMENTHAL: That is a remnant  
16 probably diplomatic --

17 VICE CHAIRMAN SCHLATER: Yes.

18 MS. BLUMENTHAL: -- cars.

19 VICE CHAIRMAN SCHLATER: Yes.

20 MS. BLUMENTHAL: Well, car route or  
21 whatever. I'm not going to call it a layby.  
22 It is assigned for parking by DDOT. It is not

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 metered. It is legal parking.

2 On the weekends, the whole west side  
3 of 22<sup>nd</sup> Street can be parked. It is a full-  
4 width of a travel lane, but if you can see the  
5 first car in that photograph, I didn't know  
6 this was going to be so helpful, by the way, I  
7 didn't plan this, if you will see the first car  
8 in that travel lane -- I mean, that is parked  
9 there, that white one?

10 VICE CHAIRMAN SCHLATER: Yes.

11 MS. BLUMENTHAL: See how it sticks  
12 literally --

13 VICE CHAIRMAN SCHLATER: Yes.

14 MS. BLUMENTHAL: -- all the way into  
15 the travel lane?

16 VICE CHAIRMAN SCHLATER: Yes.

17 That's what the cars are going to do.

18 MS. BLUMENTHAL: This is what the  
19 objection is.

20 VICE CHAIRMAN SCHLATER: Yes.

21 MS. BLUMENTHAL: From the  
22 neighborhood, from -- because what happens is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 you cannot get around that car. You cannot get  
2 around the 3 foot Land Rover parked in a 3 foot  
3 layby and the traffic just backs up on 22<sup>nd</sup>  
4 Street. That's the short of our issue.

5 VICE CHAIRMAN SCHLATER: And it  
6 looks like the -- from the property line to the  
7 travel lane, there is how much room right now?

8 MS. BLUMENTHAL: I'm sorry, which --  
9 what page are you on, please?

10 VICE CHAIRMAN SCHLATER: Okay. I'll  
11 go to -- looking at A-4, which is page, I don't  
12 know --

13 MS. BLUMENTHAL: A-4?

14 VICE CHAIRMAN SCHLATER: A-4. So it  
15 says so the travel lane there is 29 feet from  
16 the property line.

17 MS. BLUMENTHAL: Yes. I was using  
18 the civil drawing, but it's 29 feet from the  
19 property line to the curb.

20 VICE CHAIRMAN SCHLATER: Just from  
21 my perspective, and I didn't sit in on the PZRM  
22 or any of the previous discussions, but I feel

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 like people should be able to figure out how to  
2 allocate 29 feet of right-of-way, you know, and  
3 include a full layby lane in there without  
4 hurting the pedestrian experience.

5 So I for one think that there should  
6 be able to be -- you should be able to work out  
7 something where a full layby is there. And I  
8 think it would be an important way to mitigate  
9 the impact of the inevitable taxi cabs that are  
10 going to serve the hotel and the people who are  
11 going to be stopping and dropping off luggage.

12 And if that is happening at a high  
13 traffic time, this half measure layby lane, it  
14 doesn't do you any good. So I'm completely  
15 supportive of your position on that item.

16 MS. BLUMENTHAL: I gave Ms. Schellin  
17 a sheet out of the 2008 PUD of how the layby  
18 lane was configured just prior to when DDOT  
19 changed it.

20 VICE CHAIRMAN SCHLATER: Yes.

21 MS. BLUMENTHAL: So that's the kind  
22 of layby lane we are talking about

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 reinstituting.

2 VICE CHAIRMAN SCHLATER: And don't  
3 get me wrong, I'm also fully supportive of  
4 DDOT's efforts to prioritize pedestrians over  
5 cars, because pedestrians are important and  
6 they should be thought of primarily. But this  
7 is a traffic safety issue and it goes to  
8 mitigating the impact of having a hotel there.

9 And so I think, you know, I would  
10 like to see DDOT take another look at that.  
11 And I think the Zoning Commission should  
12 endorse a full layby lane there.

13 CHAIRMAN HOOD: Any other comments,  
14 questions?

15 COMMISSIONER MAY: Actually, I have  
16 a follow-up for the applicant, just so I  
17 understand. I mean, do you actually prefer the  
18 3 foot or would you be happy with either 3 foot  
19 or 10 foot?

20 MR. MESSERVY: Sure. So we have  
21 gone back and forth with this on multiple  
22 iterations and after discussing this with DDOT

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 and Mr. Jennings can verify if what I'm saying  
2 is -- I don't want to speak for DDOT, but there  
3 are actually reasons why a 3 foot layby makes  
4 sense.

5 So we went through the logic behind  
6 a full layby and part of what it is is provides  
7 safety for the cars pulling into the layby  
8 lane, because if it was just full-width, then  
9 you have cars coming immediately by the cars  
10 that just pulled in to try and pull into the  
11 hotel.

12 So you have -- if it attempts to be  
13 a full lane, because you can't go far enough in  
14 where you have a full lane plus a buffer,  
15 because there is not that much space in there,  
16 so if you have just enough for a full car lane  
17 width, then you still have cars coming  
18 immediately by you, which is unsafe for anybody  
19 in the passenger side or being that close to  
20 cars.

21 So what -- Mr. Jennings can provide  
22 more detail on this. What we went through the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 process was with 3 feet there, it also prevents  
2 people from parking there, but it forces people  
3 to go around you, so you don't have the  
4 situation where people are coming right by your  
5 car.

6 And we also have a 24 hour valet  
7 operator there that will prevent anyone from  
8 stopping there and causing unnecessary traffic.

9 So because we have a valet operator, it's a  
10 quick process where people come in and come  
11 out. But the logic behind the 3 foot versus a  
12 full lane width has been discussed and we do  
13 agree that through the process that we think  
14 this is the best overall solution.

15 VICE CHAIRMAN SCHLATER: I think I -  
16 - you know, from my perspective, I think it  
17 would be if there was parking on that side of  
18 the street elsewhere and it wasn't a travel  
19 lane, it would be a good solution, but it seems  
20 like you are assuming that the traffic has to  
21 stop if somebody --

22 COMMISSIONER MAY: You know, I can

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 sort of understand this. It's sort of like the  
2 logic of, you know, why you want to have a  
3 parking lane with parallel parking in it.

4 VICE CHAIRMAN SCHLATER: I would  
5 agree with that.

6 COMMISSIONER MAY: And because it  
7 slows down the traffic generally and makes --  
8 it forces vehicles to be more careful in going  
9 around, you know, or having to stop for parked  
10 vehicles and so on.

11 So I guess I can -- I kind of  
12 understand this. I mean, the pulling out from  
13 that spot from a 3 foot layby is probably  
14 easier than the -- than pulling out of the 10  
15 foot. I'm not sure that that's the highest  
16 priority.

17 I guess, you know, the thing that  
18 still sticks for me, is the question for me, is  
19 we have received testimony that the 3 or 4 foot  
20 layby at the Ritz has been since replaced with  
21 a full lane layby, which, obviously, had to  
22 have been done with DDOT's permission, I would

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 assume.

2 So I'm curious about how that came  
3 to pass and why and what the circumstance was  
4 there. So maybe --

5 VICE CHAIRMAN SCHLATER: Does the  
6 applicant have information about that?

7 MR. MESSERVY: I can talk a little  
8 bit about the Ritz-Carlton. Just what we have  
9 had in the community is a comparison between  
10 the Ritz-Carlton and our hotel. And I think it  
11 is real important to make sure people  
12 understand that the traffic demands for the  
13 Ritz-Carlton versus the traffic demands for our  
14 hotel are completely different.

15 So the Ritz-Carlton, for example, is  
16 300 rooms, not including the residents. So  
17 this is additional resident traffic. And the  
18 big thing which causes traffic is they have 10  
19 times as much meeting space as we do.

20 So we have, approximately, 2,500  
21 feet. They have almost 24,500 feet. And  
22 that's also a similar condition that was also

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 cited at the Marriott in terms of how that  
2 loading works. And it is also completely  
3 different traffic demand system, because that  
4 hotel is twice as big as ours and it has five  
5 times the meeting space.

6 So in terms of trying to compare the  
7 systems, I don't think it is an accurate  
8 comparison.

9 VICE CHAIRMAN SCHLATER: Can I just  
10 ask one question about it? So I'm taking my  
11 family to the Hilton Garden Inn for a weekend  
12 in D.C. and I have got six, you know, suitcases  
13 in the back. I pull up there at rush hour, you  
14 know, in the morning to check in to the hotel.

15 And I'm unloading my car in that layby lane.  
16 Are we blocking a travel lane while we are  
17 unloading that?

18 MR. MESSERVY: Yes. And we have our  
19 --

20 VICE CHAIRMAN SCHLATER: So will  
21 that be contributing to a greater amount of  
22 traffic and gridlock at that point in the grid?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   MR. MESSERVY: I would imagine in  
2 any use, there will absolutely be -- there will  
3 be more cars coming to the site than there  
4 would be --

5                   VICE CHAIRMAN SCHLATER: I'm not  
6 asking about number of cars. I'm asking are  
7 you blocking traffic when you are --

8                   MR. MESSERVY: Yes.

9                   VICE CHAIRMAN SCHLATER: --  
10 unloading the car?

11                   MR. MESSERVY: Yes. And I think  
12 that's where our -- that's where, you know, as  
13 we have tried to go through what's the optimal  
14 solution here, that's where our valet team  
15 comes in.

16                   Similar to our other hotels with  
17 valet operation, we have multiple team members  
18 out there, so their goal is to get people in  
19 and out quickly. So we have people that, you  
20 know, help you with your bags get out and I  
21 think to your question, I'm sure it has --  
22 there is some impact to traffic.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1                   VICE CHAIRMAN SCHLATER:    Okay.  I  
2                   mean, I actually understand the logic of it.  
3                   And I'm not a transportation specialist by any  
4                   means, but I could see how it could actually be  
5                   very dangerous, too, with somebody trying to  
6                   squeeze by not necessarily being patient enough  
7                   to, you know, stop, wait for a delay in the  
8                   traffic, switch to the other lane and be very  
9                   nice and actually really just kind of swerve  
10                  and, you know, create a dangerous situation  
11                  there, particularly at rush hour when people  
12                  tend not to be as patient as we would like them  
13                  to be.

14                  MR. MESSERVY:    And I think that's  
15                  the consideration Mr. Jennings can add to this,  
16                  but that's the consideration with the width is  
17                  with that 3 feet, it truly forces to you where  
18                  you can't -- it's not a situation where you are  
19                  almost close enough where you can squeeze in  
20                  that lane.  It forces you to get over.

21                  COMMISSIONER TURNBULL:    Mr. Vice  
22                  Chair, I don't think you'll be able to check in

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 at 6:00 a.m., 6:00 p.m. Most hotels won't let  
2 you check in at 6:00 a.m. I mean, I'm waiting  
3 around for 3:00 p.m. half the time to check in.

4 But will you allow us to check in at 6:00  
5 a.m.?

6 MR. MESSERVY: We can consider that,  
7 sure. But you are right.

8 COMMISSIONER TURNBULL: You'll at  
9 least get the bags, right?

10 MR. MESSERVY: 6:00 with advance  
11 notice.

12 COMMISSIONER TURNBULL: Okay.

13 CHAIRMAN HOOD: Let's go back to let  
14 me finish. Let's go through cross-examination,  
15 so we can go back to our structure.

16 MR. MESSERVY: Okay.

17 CHAIRMAN HOOD: So that's --

18 VICE CHAIRMAN SCHLATER: I was  
19 actually just --

20 CHAIRMAN HOOD: Were you asking a  
21 question?

22 VICE CHAIRMAN SCHLATER: I was

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 asking questions of Ms. Blumenthal.

2 CHAIRMAN HOOD: Okay. I don't know  
3 how the applicant --

4 VICE CHAIRMAN SCHLATER: The  
5 applicant answered a few informational  
6 questions.

7 CHAIRMAN HOOD: Okay.

8 VICE CHAIRMAN SCHLATER: But I have  
9 no further questions of Ms. Blumenthal. Thank  
10 you.

11 CHAIRMAN HOOD: All right. Let me  
12 go through the cross-examination. Does the  
13 applicant have any cross-examination?

14 MR. COLLINS: No, sir.

15 CHAIRMAN HOOD: Okay. Ms. Kahlow?  
16 Okay.

17 MS. KAHLOW: Ms. Blumenthal, could  
18 you explain which Ritz street you were talking  
19 about that they had do it, the 22<sup>nd</sup> first and  
20 23<sup>rd</sup>?

21 MS. BLUMENTHAL: Yes, I could. The  
22 layby that I'm talking about that was changed

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 from 3 feet to 12 to 15 feet is not the Ritz-  
2 Carlton Hotel on 22<sup>nd</sup> Street. There are no  
3 laybys there. They don't have a layby. They  
4 have a porte-cochere. It is the 23<sup>rd</sup> Street  
5 layby which serves the condominiums or two  
6 condominium buildings, each has a layby, and it  
7 was becoming an untenable situation with the 3  
8 foot layby and their residents' cars halfway  
9 into a travel lane on a major, major street.

10 CHAIRMAN HOOD: Okay. Any other  
11 comments? Okay. Thank you very much, Ms.  
12 Blumenthal. We appreciate it.

13 Now, Commissioners, you had some  
14 questions, some follow-up questions of either  
15 DDOT or of the applicant. Now, I think is the  
16 time for us to do that.

17 COMMISSIONER MAY: I just wanted to  
18 ask DDOT whether they had some comment on what  
19 happened with this layby on 23<sup>rd</sup> Street at the  
20 Ritz?

21 MR. JENNINGS: Unfortunately, I  
22 don't have the history of that tonight. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 can't answer that.

2 COMMISSIONER MAY: So we can ask for  
3 that additional submission or something like  
4 that.

5 MR. JENNINGS: Sure.

6 COMMISSIONER MAY: Thanks.

7 CHAIRMAN HOOD: Okay. Mr. Collins,  
8 we will take some rebuttal. We can take it in  
9 writing or we can take it now.

10 MR. COLLINS: We could give it now.

11 CHAIRMAN HOOD: How long do you  
12 think you will be?

13 MR. COLLINS: Probably no more than  
14 15 minutes.

15 CHAIRMAN HOOD: Okay. Let's go with  
16 it.

17 MR. COLLINS: We can start with one  
18 of our team members, Mr. Kyle Oliver from VIKA  
19 who designed the layby at 23<sup>rd</sup> Street.

20 MR. OLIVER: Good evening. My name  
21 is Kyle Oliver. I'm with VIKA Capital, a civil  
22 engineer. We are at 4910 Massachusetts Avenue.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           When we designed that layby that  
2 made the layby wider, the big problem there was  
3 residents would come up with their groceries,  
4 park their cars, go into the -- residents  
5 leave their cars there and block the lane.

6           So by widening the layby to not just  
7 an 8 foot, but a 13 foot layby, it would allow  
8 for the safe enter and exit of the car with  
9 groceries, other amenities, allow them to be  
10 out of the traffic lane, to go in, take their  
11 time. They don't have valet service there,  
12 which the hotel will. So the valet service, in  
13 my opinion, will be much quicker.

14           Yes, you will be blocking a lane,  
15 but you will be quicker in and out than the  
16 residents. I hope that kind of answers the  
17 question.

18           CHAIRMAN HOOD: Any questions or  
19 follow-up questions? Commissioner May?

20           COMMISSIONER MAY: I mean, do you  
21 know whether there were traffic issues that  
22 were being caused by that? I mean, is that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 what was --

2 MR. OLIVER: Correct. That was --

3 COMMISSIONER MAY: That was the  
4 essential problem?

5 MR. OLIVER: Correct.

6 COMMISSIONER MAY: The vehicles were  
7 there for long periods of time?

8 MR. OLIVER: Long periods of time  
9 blocking one of the three lanes.

10 COMMISSIONER MAY: And how many  
11 residents access their units from that door?

12 MR. OLIVER: I don't know the exact  
13 number, but it's quite a few. It was enough to  
14 be issues with DDOT. And it was actually  
15 something that DDOT preferred and they had a  
16 rather large sidewalk with their --

17 COMMISSIONER MAY: Yes.

18 MR. OLIVER: So even by making it a  
19 13 foot layby, they still -- I don't remember  
20 the exact number, but I think we had 35 feet  
21 left over between the edge of the layby and the  
22 building. So it was a rather large area that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 didn't get impacted, because we have to balance  
2 the pedestrians and the cars as well.

3 COMMISSIONER MAY: Okay. Thanks.

4 MR. COLLINS: Thank you, Mr. Oliver.

5 Mr. Messervy, there has been several issues  
6 that I know that you wanted to talk about in  
7 commenting on the issues of the Department of  
8 Transportation, I think. I'm looking for my  
9 notes. Bear with me a second.

10 Oh, the -- go ahead.

11 MR. MESSERVY: So in regards to Mr.  
12 Jennings' testimony about some of the follow-up  
13 questions about studies, we appreciate his  
14 perspective and we share some of his same  
15 concerns. And as we mentioned earlier, we're  
16 the developer, but we are also the operator.

17 So it's our team that is in there  
18 and we are monitoring the operations from day  
19 one. So if there is something that is not  
20 working or there is a way to improve it, that's  
21 certainly going to be something we take upon  
22 ourselves with the coordination of DDOT.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1           There was a request for a 45 day  
2 study of the bus management period and we don't  
3 think that is appropriate. We think one year  
4 is more appropriate just because in 45 days,  
5 there is a good change we might not have any  
6 groups with buses.

7           So we think after a year, we will go  
8 through a full cycle of the season, we will be  
9 ramping up and that will be a more appropriate  
10 time to present this study, which shows the  
11 effects of the study in our traffic management  
12 plan.

13           And then if it is -- if DDOT would  
14 prefer an additional two year study when the  
15 hotel is fully ramped up, we can also do that.

16           Given the ramp up of the hotel, we feel like  
17 we will have fully vetted everything with two  
18 years and that's the most appropriate time  
19 period to look at a follow-up transportation  
20 study.

21           MR. COLLINS: And then DDOT also  
22 suggested maybe providing a map of other

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 garages in the area.

2 MR. MESSERVY: Sure. So to clarify,  
3 we are a full valet operation, so it will not  
4 be a burden of our guests to understand where  
5 additional parking lots are. That will be  
6 something that our valet staff has available to  
7 them. They will understand all the operations  
8 that they need to.

9 MR. COLLINS: And then the idea  
10 about having bar delivery vehicles or liquor  
11 deliveries on M Street on Thursday or Friday?

12 MR. MESSERVY: Sure. And it is an  
13 accurate statement that that is one vendor who  
14 really is a challenge, but we have dealt with  
15 that in all of our hotels. And it is the  
16 responsibility of us. And that's why we have  
17 the transportation manager to ensure that  
18 doesn't happen and to coordinate those  
19 deliveries to the rear yard and it's something  
20 we -- it has been a challenge, but we have been  
21 able to successfully do it at our other hotels,  
22 which also have.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           To the point that was raised, there  
2 is -- in any operation, it's some times not a  
3 perfect distribution system in terms of the  
4 loading dock to where you need to go. We have  
5 a similar more challenging situation at our  
6 hotel on Constitution Square, but we have been  
7 able to manage that process as well, so we  
8 don't have deliveries coming in and out of the  
9 front door, because it's not acceptable to us  
10 as an operator.

11           MR. COLLINS:       He also heard  
12 additional testimony about the circuitous  
13 delivery system from the loading dock to the  
14 kitchen and there were speculation that there  
15 would be loading on -- from M Street.

16           MR. MESSERVY:   Sure. So I think we  
17 did talk to this and Commissioner Turnbull also  
18 referenced this, that we have spoken with  
19 substantial restaurant operators and also  
20 brokers who are familiar with D.C. and the  
21 operators have confirmed that what we have is  
22 adequate, even with the nature of how you get

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 goods from the loading dock to the kitchen.

2 Again, we have hired a restaurant  
3 consultant to see if there is potentially a way  
4 to improve the configuration of the space to  
5 provide a more operable solution, but we are  
6 satisfied with what we have in our current  
7 plan.

8 MR. COLLINS: And do you have other  
9 hotels with similar situations?

10 MR. MESSERVY: We do.

11 MR. COLLINS: That operate now?

12 MR. MESSERVY: So as I mentioned, we  
13 have a Hilton Garden Inn also within the  
14 District, which is part of a larger mixed use  
15 development. As some of you may be familiar,  
16 it also contains apartments and offices. And  
17 so there is not that same where you prefer to  
18 have just one location with a loading dock,  
19 it's also you have to go around the building  
20 and get to a loading dock and then bring it  
21 through, particularly alleyways, to get to  
22 where you need it to be.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1                   And we have been able to  
2 successfully manage that where we can avoid  
3 deliveries on the street at Constitution Square  
4 and we would expect the same thing at 22<sup>nd</sup> and  
5 M. And all this is detailed in our management  
6 plan.

7                   MR. COLLINS: There has been some --  
8 there was a question that was raised about the  
9 distance between the building face and the  
10 sidewalk on M Street. Do you have any  
11 information about that?

12                  MR. MESSERVY: Sure. So we can  
13 review some of the drawings, but, generally,  
14 there is 13 feet from the building face to the  
15 tree pit that is on M Street. So sufficient  
16 access for pedestrians as well as the other  
17 uses that we propose.

18                  MR. COLLINS: Okay. Mr. Burkhart,  
19 just to kind of address again the issue of the  
20 projections or Mr. Baranes, whichever one, the  
21 projections that you are proposing on this  
22 building, you have designed this building. And

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 just could you talk a little bit about the  
2 compliance with the code and other buildings in  
3 the neighborhood that may have a similar  
4 situation?

5 MR. BARANES: There is a whole  
6 series of nuances about how you measure  
7 projections over the property line. It's not  
8 just a linear measurement parallel to the  
9 property line taking 4 feet out, because they  
10 are angled, you take the measurement at a  
11 different point.

12 So you are allowed approximately 50  
13 or 51 percent of your property line to have  
14 projections. And when you apply all these  
15 various rules and nuances, we fall within that  
16 requirement.

17 We are not asking for any special  
18 approvals beyond what is allowed in the  
19 Building Code for these projections.

20 And again, it's interesting. I'm  
21 surprised about the source of this comment,  
22 because I feel that on 22 West, we were able to

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 get the most aggressive projections we have  
2 ever been able to get approved in the city and  
3 they are quite nice. I'm very proud of it. I  
4 like them.

5 And then they added quite a bit of  
6 square footage to the building. They add a lot  
7 of interest to the building. So I think we are  
8 fortunate that the District allows us to do  
9 these projections.

10 MR. COLLINS: Okay. Thank you.  
11 Thank you. Ms. Milanovich, do you have  
12 anything that you would like to add in terms of  
13 comments on testimony you might have heard?

14 MS. MILANOVICH: I think the only  
15 thing I just wanted to reiterate that regarding  
16 the layby, we did have extensive meetings with  
17 DDOT over the right solution. And it is true  
18 we initially proposed a full-width layby lane,  
19 but over the course of many, many months, based  
20 on DDOT providing us, essentially, a directive  
21 to provide the 3 foot lane, that that's what we  
22 went with.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           And so I just wanted to make it  
2 clear. I think there was some testimony that  
3 the applicant convinced DDOT of the 3 foot  
4 lane, but it was clear from DDOT that that's  
5 what they wanted us to construct.

6           MR. COLLINS: Thank you. I would  
7 just like to make a few points in closing just  
8 to reiterate on some of the things that were  
9 said.

10           In terms of the areas of flexibility  
11 that we have identified on page 12 of our June  
12 20 submission, we asked for flexibility to  
13 comply with Building Code, to address Building  
14 Code issues. That probably wasn't broad enough  
15 because of the way that the regulations are  
16 being increased by other agencies, like DDOE  
17 and Department of Health.

18           We would like the flexibility to  
19 comply with all D.C. Codes and Regulations, as  
20 opposed to just limiting it only to the  
21 Building Code.

22           In terms of flexibility, we talked

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 about the signage and gave the examples of the  
2 size of the signage. Just to reiterate, we  
3 need the flexibility also on the restaurant  
4 signage. It will be consistent in character  
5 and scale with the signage that is proposed for  
6 the building, but since we just don't know, at  
7 this point, the restaurant operator, we don't  
8 know what their signage is like, but it would  
9 be something that is consistent.

10 Flexibility to be consistent in size  
11 and character with the restaurant signage,  
12 which I think would be at the same level, the  
13 first floor level. We are not proposing  
14 restaurant signage on the top level, but we  
15 would like that flexibility as well.

16 You know, I'm just realizing now  
17 that you haven't heard from Mr. Gloster, who is  
18 a person in support.

19 MS. SCHELLIN: He wasn't on the  
20 list.

21 CHAIRMAN HOOD: Was he on the list?

22 MR. COLLINS: Sorry?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Was he on the list?

2 MR. COLLINS: Did you sign up?

3 CHAIRMAN HOOD: And I also called  
4 for people in support.

5 MR. COLLINS: All right.

6 CHAIRMAN HOOD: Mr. Gloster, come on  
7 to the table and let us hear from you.

8 MR. GLOSTER: Good evening,  
9 Commissioners. My name is Lionel Gloster and  
10 I'm a representative of Saint Mary's Episcopal  
11 Church. And just in brief, in stating Saint  
12 Mary's Episcopal Church in August of 2008,  
13 after being awarded a matching grant from the  
14 Foggy Bottom Association Defense and  
15 Incorporation -- Improvement Incorporation in  
16 the amount of \$35,000 agreed upon sharing in a  
17 restoration project there at the church of the  
18 original art work on the wall of the high alter  
19 in the church.

20 The church retained architectural  
21 firm of Olin Conservation Incorporated to  
22 repair and refurbish the stencil design on the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 wall. The company estimated that the work  
2 would be completed by the October 2008 with the  
3 payment due 10 days following completion of the  
4 project.

5 The project was completed actually  
6 January 2009. While awaiting the second  
7 portion of the matching funds, Saint Mary's  
8 paid the second portion of the \$35,000 to  
9 timely fulfill the stenciling contract and with  
10 reasonable reliance that the developer, Per  
11 Star, had agreed to pay the balance part of the  
12 amenity package agreed upon by the community.

13 And with that being said, Saint  
14 Mary's Episcopal Church supports the present  
15 PDU set forth before the Commission. We thank  
16 you.

17 CHAIRMAN HOOD: Thank you. Any  
18 cross-examination from anyone? Okay. Thank  
19 you. Thank you. Okay. Mr. Collins?

20 MR. COLLINS: Thank you. And just  
21 to continue then, as Mr. Gloster said and we  
22 testified previously, the church did spend the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 money, so we would like to just change the  
2 language in that amenity to allow the applicant  
3 to deliver the funds to Saint Mary's Church to  
4 reimburse them for that money that they spent  
5 on that restoration.

6 This is a PUD modification. And you  
7 have heard evidence in testimony tonight to  
8 demonstrate that we comply with the PUD  
9 standards and the justifications for the  
10 flexibility that we have been requesting here  
11 tonight, which is, in most all respects,  
12 consistent with the flexibility that this  
13 Commission approved in the original PUD.

14 We have also addressed through  
15 testimony and evidence the issues raised by the  
16 opposition in this case. We feel that we have  
17 addressed them to the extent that we possibly  
18 can.

19 We have attempted to address, to the  
20 extent that we can, the ANC's requests and  
21 issues and also demonstrated why we cannot meet  
22 certain others of them.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1           So with that, I thank you for your  
2 time and appreciate your approval at the  
3 earliest convenience.

4           CHAIRMAN HOOD:   Okay.   Thank you.  
5 Do we have any cross on rebuttal from any of  
6 the parties?   Okay.   Thank you.

7           Commissioners,       any       follow-up  
8 questions?   Commissioner May?

9           COMMISSIONER MAY:   Yes.   Just a  
10 couple quick ones for the applicant.

11           You know, regarding the 45 day  
12 report on buses, you know, if you don't get any  
13 buses after 45 days, it seems to me it would be  
14 a pretty easy report.   So and even in 45 days,  
15 there are not going to be very many anyway.   I  
16 just don't see that that is really a big issue  
17 to make a stink over, but it's up to you.

18           And then the question about the 13  
19 foot building to the -- 13 feet from the  
20 building to the tree pit, I think the issue  
21 there was that there was also space taken out  
22 for dining, right, outdoor dining?   So if you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 have -- I don't know how much space that was  
2 going to be, but if you wind up with 6 feet of  
3 passage, that may not be sufficient.

4 So is it -- I mean, is it 13 feet  
5 clear or is it --

6 MR. MESSERVY: We can ask.

7 MR. COLLINS: That will ultimately  
8 be decided by the Public Space Committee when  
9 we apply for a public space permit. And if we  
10 don't have sufficient passage --

11 COMMISSIONER MAY: So they may  
12 simply not grant it?

13 MR. COLLINS: They won't grant it.  
14 But we anticipate we will probably have, what  
15 they call, two tops, it's a table with the  
16 chairs on each side, which will be -- certainly  
17 fit within a 5 foot space.

18 COMMISSIONER MAY: Okay. That's it.

19 CHAIRMAN HOOD: Any other follow-up  
20 questions? Okay.

21 Ms. Schellin, can we work with the  
22 applicant and see what we have asked for?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: Well, actually, I  
2 only wrote down one thing, so if you guys asked  
3 for a lot, I guess I missed it. And that was  
4 the submission from DDOT regarding the layby  
5 issue.

6 CHAIRMAN HOOD: Okay.

7 MS. SCHELLIN: Mr. Collins, did you  
8 have a list of stuff they asked for?

9 CHAIRMAN HOOD: Is that all we asked  
10 for is the additional comments on the layby?

11 MS. SCHELLIN: From DDOT.

12 CHAIRMAN HOOD: Anybody else? From  
13 DDOT. Did we ask for anything else?

14 MR. COLLINS: Yes. Was the question  
15 about the Ritz residents' layby, was that  
16 answered by Mr. Oliver's testimony?

17 CHAIRMAN HOOD: I think that was  
18 answered.

19 COMMISSIONER MAY: No. That's not  
20 the question that I asked. The question I  
21 asked was what was DDOT's take on all that.

22 MR. COLLINS: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: And he couldn't  
2 give it to us, so he is going to --

3 CHAIRMAN HOOD: On the Ritz, is that  
4 what we are asking?

5 MS. SCHELLIN: At least that --

6 CHAIRMAN HOOD: Anything about --

7 MS. SCHELLIN: -- right. So I just  
8 said layby issue. I think Mr. Jennings knows  
9 what he is to provide.

10 CHAIRMAN HOOD: Okay. Anything  
11 else?

12 MS. SCHELLIN: Is the record closed  
13 other than that?

14 CHAIRMAN HOOD: That's it.

15 MS. SCHELLIN: And a draft findings  
16 of facts, conclusions of law from all of the  
17 parties, if they choose to submit those.

18 We could have Mr. Jennings'  
19 response. Mr. Jennings, how much time do you  
20 need? I'm sorry?

21 MR. JENNINGS: One full calendar  
22 week.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 MS. SCHELLIN: Okay. All right.  
2 That's more time. So if we could get your  
3 response then by 3:00 p.m. next Thursday,  
4 that's the 3<sup>rd</sup>. And then the parties would have  
5 until say November 10<sup>th</sup> to file their response.  
6 And if we could get draft findings of fact and  
7 conclusions of law by the 17<sup>th</sup>, then we can take  
8 this up at our November 28<sup>th</sup> meeting for  
9 consideration.

10 COMMISSIONER MAY: Mr. Chairman, I  
11 was just thinking, you know, I thought we had  
12 very good testimony from the ANC that they  
13 provided sort of a fairly detailed laundry list  
14 of issues. And I know most, if not all, have  
15 been addressed during the course of either --  
16 in the course of the hearing or in submissions.

17 But, you know, sometimes it's hard  
18 to know exactly when the -- you know, whether  
19 the ANC was actually satisfied by some of these  
20 things or not. So I think it would be helpful  
21 to just have a recap based on the testimony  
22 that was given today by the ANC just to sort of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 point-by-point what you have agreed to and what  
2 you have not agreed to or what your explanation  
3 is.

4 It just makes it easier when we have  
5 to come back and deliberate on this, because  
6 it's just trying to pick all of that stuff out  
7 from the testimony or my notes. I think it's  
8 easier if you can recap it.

9 MR. COLLINS: I was reading just  
10 from an email, so I could just formalize that  
11 email and submit it.

12 COMMISSIONER MAY: Oh, that's fine.  
13 That's fine.

14 MR. COLLINS: Yes.

15 COMMISSIONER MAY: So long as it  
16 covers all the points that were made in the  
17 testimony. I think that was the pretty  
18 effective --

19 COMMISSIONER TURNBULL: I was going  
20 to say the same thing. I think that Mr.  
21 Collins went through his email earlier and if  
22 he maybe just submits that or annotates that or

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1 something for us.

2 MR. COLLINS: I would be happy to.

3 MS. SCHELLIN: So since he already  
4 has that, then he could also submit that by  
5 next Thursday also?

6 MR. COLLINS: Yes.

7 MS. SCHELLIN: Thank you.

8 CHAIRMAN HOOD: And any way you can  
9 convince him would be very helpful to this  
10 Commissioner, believe me.

11 So anything else other than that?  
12 Now, do we need a response from the ANC on  
13 that? Do we need to factor in a response from  
14 the ANC?

15 MS. SCHELLIN: They would still have  
16 an opportunity to respond by the 10<sup>th</sup>.

17 CHAIRMAN HOOD: Okay.

18 MS. SCHELLIN: Only to the  
19 submission.

20 CHAIRMAN HOOD: And the ANC has  
21 left, so I guess we would have to notify them.

22 MS. SCHELLIN: I'm sure the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 applicant will take care of that.

2 CHAIRMAN HOOD: Okay. Vice  
3 Chairman?

4 VICE CHAIRMAN SCHLATER: I would  
5 like to see a public space design with the full  
6 layby lane and see what that would look like.  
7 What kind of -- what the resulting conditions  
8 would be in the public space.

9 CHAIRMAN HOOD: So you are asking  
10 for something that won't block that lane?  
11 Right? Is that where we're going? I actually  
12 agree with that. I guess I'm glad you brought  
13 that up, because I probably would have brought  
14 it up at proposed and that would have been kind  
15 of late. I actually agree with that. That was  
16 good. Thank you.

17 Anything else?

18 MS. SCHELLIN: Mr. Collins, is that  
19 something that can be provided by next Thursday  
20 or is that going to require more time? We may  
21 have to change these dates now.

22 MR. COLLINS: Yes.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: It can be? Okay.

2 CHAIRMAN HOOD: Even if not -- even  
3 if we -- I think --

4 MS. SCHELLIN: They are saying --  
5 they said they can.

6 CHAIRMAN HOOD: Oh, okay.

7 MS. SCHELLIN: We are good. Forget  
8 it, we're good.

9 CHAIRMAN HOOD: Okay. Do we have  
10 anything else?

11 MS. SCHELLIN: Other than that, the  
12 record is closed, except for those specific  
13 documents.

14 CHAIRMAN HOOD: Okay.

15 MS. SCHELLIN: That's it.

16 CHAIRMAN HOOD: All right. I want  
17 to thank everyone for their participation  
18 tonight in this hearing.

19 This hearing is adjourned.

20 (Whereupon, the Public Hearing was  
21 concluded at 10:05 p.m.)

22

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)

1  
2  
3  
4  
5  
6

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

[www.nealrgross.com](http://www.nealrgross.com)