

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
STEPHEN GYOR

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

ALAN BERGSTEIN, ESQ.
MARY NAGELHOUT, ESQ.
LORI MONROE, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

ANNA CHAMBERLIN

The transcript constitutes the
minutes from the Public Hearing held on
December 3, 2012.

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

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Adjourn, Chairman Hood. 24

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

2 6:31 a.m.

3 CHAIRMAN HOOD: Let's go ahead and
4 get started. Good evening, ladies and
5 gentlemen. This is a public hearing of Zoning
6 Commission for the District of Columbia for
7 Monday, December 3, 2012.

8 My name is Anthony Hood. Joining
9 me are Commissioners Miller, May, and
10 Turnbull. We are also joined by Office of
11 Zoning Staff Ms. Sharon Schellin.

12 So I won't leave anyone out, I do
13 know Ms. Steingasser and Ms. Chamberlin from
14 DDOT but, Ms. Steingasser, if you --

15 MS. STEINGASSER: This is Steve
16 Gyor who one of our development review
17 specialists. This is his first hearing for
18 the Zoning Commission.

19 CHAIRMAN HOOD: Steve Gyor?

20 MS. STEINGASSER: Gyor, G-Y-O-R.

21 CHAIRMAN HOOD: Welcome, Mr. Gyor.

22 MR. GYOR: Thank you, Mr.

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1 Chairman.

2 CHAIRMAN HOOD: This proceeding is
3 being recorded by a court report. It is also
4 webcast live. Accordingly, I must ask you to
5 refrain from any disruptive noises in the
6 hearing room.

7 The subject of this evening's
8 hearing is Zoning Commission Case No. 12-19.
9 This is a request by Capital Riverfront Hotel,
10 LLC for approval under the Capital Gateway
11 Overlay review for property located at square
12 701.

13 Notice of today's hearing was
14 published in the D.C. Register on October 5,
15 2012. Copies of that announcement are to my
16 left on the wall near the door.

17 The hearing will be conducted in
18 accordance with the provisions of 11 DCMR 3022
19 as follows; preliminary matters, Applicant's
20 case, report of the Office of Planning, report
21 of other government agencies, report of the
22 ANC, in this case 6D, organizations and

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1 persons in support, organizations and persons
2 in opposition, rebuttal and closing by the
3 Applicant.

4 The following time constraints
5 will be maintained in this meeting; the
6 Applicant 10 minutes. We will let you know
7 that we have read the record and it looks like
8 it's full and complete. Organizations five
9 minutes, individuals three minutes.

10 As you know, all persons appearing
11 before the Commission are to fill out two
12 witness cards. These cards are located on the
13 left on the table near the door.

14 Again, as everyone already knows,
15 the decision of the Commission in this case
16 must be based exclusively on the public
17 record. To avoid any appearance to the
18 contrary, the Commission request that persons
19 present not engage the members of the
20 Commission in conversation during any recess
21 or at any time.

22 The staff will be available

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1 throughout the hearing to discuss procedural
2 questions. Please turn off all beepers and
3 cell phones at this time so not to disrupt
4 these proceedings.

5 Will all individuals wishing to
6 testify please rise and take the oath.

7 MS. SCHELLIN: Please raise your
8 right hand.

9 (The witnesses were sworn.)

10 CHAIRMAN HOOD: At this time we
11 will consider any preliminary matters. Does
12 the staff have any preliminary matters?

13 MS. SCHELLIN: No, sir, other than
14 there are a couple proffered expert witnesses.
15 I believe three of the four have been accepted
16 before. There's only one from BBG
17 Architecture that have not been previously
18 accepted, I believe.

19 CHAIRMAN HOOD: Okay. Thank you,
20 Ms. Schellin.

21 Commissioners, three of the
22 experts, Mr. Andres, Mr. Sher, and Mr.

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1 Rodriguez, have already been accepted. What
2 about Mr. Nick Giordano?

3 Is that who you are proffering?

4 MR. FREEMAN: Yes, Chairman Hood.

5 CHAIRMAN HOOD: We will accept him
6 as an expert.

7 Let me just say, Ms. Schellin,
8 make sure Commissioner May does not get this
9 anymore because he wrote Hail to the Redskins
10 on it. That's not a good way to start this
11 hearing off.

12 MS. SCHELLIN: I think he arrived
13 before you.

14 CHAIRMAN HOOD: I already read it.

15 Okay. All right. We can go ahead
16 and get started.

17 MR. FREEMAN: Good evening. For
18 the record my name is Kyrus Freeman, partner
19 with the law firm of Holland & Knight here on
20 behalf of the Applicant.

21 As you indicated, the record is
22 fairly full. We have the support of the

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1 Office of Planning, the support of the
2 Department of Transportation, and the support
3 of ANC-6D.

4 We are prepared to make a
5 presentation if that's what the Board likes.
6 However, we are happy to rest on the record
7 and answer any questions that you might have
8 this evening. Thank you.

9 CHAIRMAN HOOD: Okay.
10 Commissioners, I would suggest that we ask our
11 questions.

12 Let me ask is there anyone here
13 who is in opposition to this case? If you
14 could just raise your hand.

15 Okay. Do we have an ANC
16 representative?

17 Okay. Commissioners, I would
18 suggest that we ask our questions if we have
19 any.

20 Commissioner May.

21 COMMISSIONER MAY: I just have one
22 quick question which is that this L-shaped

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1 building surrounds a one or two-story building
2 that was part of another case. It looks like
3 there are significant windows along what would
4 be party walls there. Right? So what happens
5 in the future? Is there potential that the
6 two-story building could some day become a
7 eight-story building and really mess up this
8 hotel?

9 MR. FREEMAN: I can answer in two
10 ways and then I'll let our architect reiterate
11 if I miss anything.

12 No. 1, we believe that site is
13 subject to another approval and, therefore,
14 has to be developed in accordance with those
15 plans which show it's a two-story building.

16 No. 2, those windows that are
17 shown on those elevations don't provide the
18 required light for any of the rooms. Those
19 are all hallways, if I remember correctly, so
20 they would not block any required light, air,
21 or ventilation for any of those units.

22 COMMISSIONER MAY: Okay. I mean,

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1 there are windows in some of the rooms but
2 they have light from other windows. Okay.
3 I'm not sure that the other approval makes
4 that much difference because it's under the
5 Capital Gateway Overlay and it's not a PUD or
6 anything like that.

7 That was my only question.

8 CHAIRMAN HOOD: Any other
9 questions?

10 Mr. Turnbull.

11 COMMISSIONER TURNBULL: I just had
12 one. In the Office of Planning report I think
13 they asked you to look at further green
14 options. Have you done any -- do you have a
15 response to OP?

16 MR. FREEMAN: I'll answer and then
17 if you have, again, more questions. We're at
18 silver which the Commission has recognized as
19 being substantial in other cases.

20 In addition, we have a green roof
21 which we don't get green funds for. We have
22 ventilated facade which we don't get points

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1 for under LEED. Our architect Dominic can
2 speak to what they're looked at additionally
3 on the LEED score card.

4 MR. GIORDANO: We looked at trying
5 to reach LEED Silver. Right now if you look
6 at our score card it's a 51. We do know we
7 have an additional six points we can get. We
8 do not think we can get all the way to Gold
9 due to the narrowness and smallness of the
10 site but we will be seeking as many points as
11 we can.

12 COMMISSIONER TURNBULL: There was
13 an interesting case on the roof that called
14 for -- you've gone green but I see a little
15 section labeled "synthetic."

16 MR. GIORDANO: The green on the
17 roof is not sufficient to meet the LEED
18 requirement. The synthetic is where we would
19 like to have seeding in the green. High heels
20 and stuff would probably suit the green.

21 COMMISSIONER TURNBULL: All right.
22 Thank you.

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1 CHAIRMAN HOOD: Any other
2 questions?

3 Mr. Miller.

4 COMMISSIONER MILLER: Thank you,
5 Mr. Chairman. I'm not sure this is really
6 relevant to our design review but I'll ask it
7 anyway. I see this is the third hotel that
8 the Zoning Commission would be approving for
9 this square. The market data shows that three
10 hotels would be viable on this square?

11 MR. FREEMAN: The short answer is
12 yes. The Applicant is an experienced
13 developer of hotels across the country
14 including projects in the District of
15 Columbia. They believe there is a market for
16 this line of hotel which they will be
17 providing which will distinguish it from the
18 other hotels within the square.

19 COMMISSIONER MILLER: Maybe you
20 can educate me in terms of what we're
21 reviewing here tonight. Is there anything in
22 our review or our approval that would prevent

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1 you from -- preclude you from changing it to
2 residential if you thought that -- if you kept
3 the same design or similar design?

4 MR. FREEMAN: If you approved it,
5 you would approve the plans that are included
6 within the record and the plans that are
7 included within the record are for a hotel.
8 If you want to do something else, then we
9 would have to come back for that if we were
10 trying to do the same exact envelope.

11 COMMISSIONER MILLER: Is there a
12 time table for construction if you get
13 approval from the Zoning Commission?

14 MR. FREEMAN: Let me have the
15 Applicant answer that question.

16 MR. POLLIN: Dave Pollin,
17 Buccini/Pollin Group, representing the
18 developer. The hotel's anticipated to break
19 ground the third quarter of 2013.

20 CHAIRMAN HOOD: Any other
21 questions? I don't have any. Let me check
22 again. ANC -- what ANC is this?

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1 What are you, 6A or 6D?

2 MR. FREEMAN: 6D.

3 CHAIRMAN HOOD: 6D. Okay. Do we
4 have anyone, again, from ANC-6D for cross-
5 examination? Not seeing anyone.

6 Let's go to the report of the
7 Office of Planning.

8 COMMISSIONER TURNBULL: Mr.
9 Chairman, I would like to ask one more
10 question. Given the approval process, what
11 would be your schedule of construction?

12 MR. POLLIN: Approximately 16
13 months from ground breaking to completion of
14 the project.

15 COMMISSIONER TURNBULL: And the
16 ground breaking would be?

17 MR. POLLIN: Anticipated for the
18 third quarter of 2013.

19 COMMISSIONER TURNBULL: Okay.
20 Thank you.

21 CHAIRMAN HOOD: Let's go to the
22 Office of Planning and then we'll go to DDOT

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1 and Ms. Chamberlin.

2 MR. GYOR: Good evening, Mr.
3 Chairman, and members of the Commission.
4 Stephen Gyor with the Office of Planning.

5 OP supports this develop proposing
6 including the parking, roof enclosure, and
7 rear yard relief required by the Applicant --
8 requested by the Applicant.

9 The application meets the criteria
10 of the Capital Gateway Overlay. OP asked the
11 Applicant to further refine the party walls on
12 the north and west side of the proposed
13 project which may be exposed for some time.
14 OP supports the updated renderings provided
15 today by the Applicant which show improved
16 articulation of the walls.

17 Thank you.

18 CHAIRMAN HOOD: Thank you, Mr.
19 Gyor.

20 Ms. Chamberlin and then we'll ask
21 questions, unless you have one right away,
22 Commissioners.

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1 COMMISSIONER MAY: Drawings
2 provided today? The latest drawing I have is
3 from November 9th.

4 MR. GYOR: I received an updated
5 rendering from Mr. Freeman. He may be able to
6 provide that.

7 COMMISSIONER MAY: Do you have
8 that?

9 MR. FREEMAN: We submitted -- we
10 prepared an updated rendering which we can
11 submit for the record. It changes the banding
12 of the brick work which we can submit now if
13 you'd like.

14 COMMISSIONER MAY: Yes.

15 CHAIRMAN HOOD: If you could
16 submit that to us.

17 Since we stopped, any other
18 questions for the Office of Planning?

19 COMMISSIONER TURNBULL: Just the
20 one. I mean, it gets back to what Mr. Freeman
21 was talking about. You changed the banding.
22 Basically it looks like brick with some

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1 porcelain in-fill panels. How radically
2 different is it?

3 MR. FREEMAN: We added an
4 additional color, gray brick. Our architect
5 is disseminating it.

6 COMMISSIONER TURNBULL: But you're
7 going to send us a whole set of new -- a
8 package of drawings that would reflect that
9 change?

10 MR. FREEMAN: Yes. We'll ask for
11 flexibility for the record to be left open to
12 submit a complete updated set of plans, but
13 the only changes are to the north and west
14 facade.

15 CHAIRMAN HOOD: Let's wait and get
16 that in our hands before we go to DDOT. Give
17 us a moment.

18 CHAIRMAN HOOD: Any comments,
19 Commissioners, on the changes?

20 COMMISSIONER TURNBULL: I'm fine.

21 CHAIRMAN HOOD: Let's go to DDOT.

22 Ms. Chamberlin.

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1 MS. CHAMBERLIN: Good evening,
2 Commissioners. DDOT reviewed the submitted
3 transportation impact study by the Applicant
4 and expects low demand for parking given the
5 site's close proximity to a Metro station and
6 other transit services.

7 Many hotel guests are expected to
8 arrive via taxi or shuttle services from the
9 nearby airport and not require long-term
10 parking. With the expected low trip
11 generation rates traffic impacts will be
12 minimal.

13 In summary, DDOT concludes that
14 the proposed hotel and off-street parking
15 variance will not adversely impact the
16 surrounding transportation network as long as
17 the TDM measures described in the TIS are
18 fully adopted.

19 CHAIRMAN HOOD: Okay. Thank you,
20 Ms. Chamberlin.

21 Any questions, Commissioners, of
22 DDOT?

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1 Commissioner May.

2 COMMISSIONER MAY: Yeah. To not
3 include any parking at all is relatively
4 unusual for a hotel. No matter how many
5 people come by taxi or Metro, there are always
6 going to be some people coming by car. There
7 is an allowance or -- sorry, a statement by
8 the Applicant that they will get 25 spaces, I
9 think it was, on a near-by property for valet
10 parking.

11 I guess my question for you is did
12 you feel there is sufficient supply in there
13 will remain sufficient supply in the immediate
14 vicinity to be able to handle that load? How
15 far to you think they will have to go to get
16 the parking?

17 MS. CHAMBERLIN: We do think
18 there's sufficient supply. That area is very
19 well parked as it is right now.

20 COMMISSIONER MAY: And presumably
21 because of office buildings that have space,
22 especially overnight space?

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1 MS. CHAMBERLIN: Correct. A lot
2 of commercial parking.

3 COMMISSIONER MAY: Right. Okay.
4 Thanks.

5 CHAIRMAN HOOD: Any other
6 comments? Okay.

7 Let's see. Does the Applicant
8 have any cross-examination of either the
9 Office of Planning or DDOT?

10 MR. FREEMAN: No, Mr. Chairman.

11 CHAIRMAN HOOD: All right.

12 Report of other government
13 agencies. Do we have any?

14 Report of ANC-6D? We do have
15 Exhibit 16 that basically says, "The ANC
16 applauds the Applicant on a well thought-out
17 building design." Then they go on to say, "As
18 a result of the presentation and written
19 materials provided by the Applicant in his
20 application, ANC-6D recommends approval of the
21 application request, that the Zoning
22 Commission accord this letter and our vote to

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1 support the application great weight."

2 So noted and it will be done.

3 Does this meet our requirements? It does have
4 a vote down here. It does say property
5 notice. You've got to look around for it. I
6 think this meets our requirements unless
7 someone has --

8 COMMISSIONER MAY: I think that's
9 why we have the form this way. It's checked
10 off yes, proper notice. The number of
11 requirements is the number present. I think
12 this fits the bill exactly.

13 CHAIRMAN HOOD: Okay. So good.
14 All right. Do we have any organizations or
15 persons in support? Any organizations or
16 persons in opposition?

17 Mr. Freeman, I don't think you
18 have any rebuttal. You can give us your
19 closing remarks.

20 MR. FREEMAN: Thank you for your
21 time tonight. As the record indicates, we
22 meet the standards for approval of our

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1 application and we would request that the
2 Zoning Commission approve our application at
3 your earliest convenience. Thank you.

4 CHAIRMAN HOOD: Commissioner May.

5 COMMISSIONER MAY: Mr. Chairman, I
6 would like to make a motion to approve Zoning
7 Commission Case 12-19, Capital Riverfront
8 Hotel, Capital Gateway Overlay Review at
9 Square 701 including relief for a special
10 exception from roof top setback structure
11 requirements, multiple structures not all
12 meeting setback requirements, or not meeting
13 all setback requirements, variance from rear-
14 yard requirement, and variance for off-site
15 parking.

16 COMMISSIONER MILLER: Second.

17 CHAIRMAN HOOD: It's been moved
18 and properly seconded. Any further
19 discussion? Are you ready for the question?
20 All those in favor, aye.

21 COMMISSIONERS: Aye.

22 CHAIRMAN HOOD: Not hearing any

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1 opposition, Ms. Schellin, would you please
2 record the vote.

3 MS. SCHELLIN: Yes. The staff
4 records the vote four to zero to one to
5 approve final action in Zoning Commission Case
6 No. 12-19. Commissioner May moving,
7 Commissioner Miller seconding, Commissioners
8 Hood and Turnbull in support, Commissioner
9 Cohen that present and not voting.

10 CHAIRMAN HOOD: Okay, Ms.
11 Schellin. Do we have anything else before us?

12 MS. SCHELLIN: Not other than Mr.
13 Freeman providing me a draft order on this
14 case at his convenience.

15 CHAIRMAN HOOD: Okay. With that,
16 I want to thank everyone for their attention
17 tonight and this hearing is adjourned.

18 (Whereupon, at 6:50 p.m. the
19 hearing was adjourned.)

20
21