

1                   **GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
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3                                   **ZONING COMMISSION**  
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5                                   **PUBLIC HEARING**  
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11   IN THE MATTER OF:           ?

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13   APPLICATION OF THE           ?   Case No. 98-12M

14   RHODE ISLAND AVENUE           ?

15   ASSOCIATES LIMITED           ?

16   PARTNERSHIP                   ?

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24                                   Hearing Room 220 South  
25                                   441 4th Street, N.W.  
26                                   Washington, D.C.

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29                                   Thursday  
30                                   December 3, 1998

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33                                   The above-entitled matter came on for public hearing, pursuant  
34   to notice, at 7:11 p.m.

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37   BEFORE:

- 38  
39   JOHN PARSONS, Acting Chairman  
40   HERBERT M. FRANKLIN, Commissioner  
41   ANTHONY HOOD, Commissioner

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44   STAFF PRESENT:  
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- 1 ALBERTO BASTIDA
- 2 STEPHANIE BROWN
- 3 VINCENT ERONDU
- 4

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7:11 a.m.

CHAIRMAN PARSONS: Good evening lady and gentlemen. I am John Parsons, Acting Chairman of the Commission tonight. With me is Mr. Franklin and Mr. Hood. I declare this public hearing open.

The case that is the subject of today's hearing is Zoning Commission Case Number 98-12M. The Applicant, the Rhode Island Avenue Associates Limited Partnership, requests modification to an improved PUD for the property located at 1616 Rhode Island Avenue, N.W. in Square 192, Lot 80. The original PUD was approved by the Zoning Commission in Order Number 638.

The modification seeks to permit the redesign of the PUD two allow for two buildings instead of one. One building will be used for the University of California, and will be predominantly apartments. The second building will be used by Homestead Village as an extended stay inn.

Notice of today's hearing was published in the D.C. Register on October 23rd 1998, and the Washington Times on October 20th 1998.

This hearing will be conducted in accordance with the provisions of 11 DCMR 3022. Order of procedure will be as follows:

Preliminary matters; then a certification of maintenance posting; followed by identification of parties; the Applicant's case; report of the Office of Planning; report of other agencies; report of the ANC Commission 2B; parties and persons in support; parties and persons in opposition.

The Commission will adhere to this schedule as strictly as possible. Those presenting testimony should be brief and non repetitive.

And we will talk a little more about that, Mr. Feola, as we get going here. If you have a prepared statement, you should give copies to the staff and orally summarize the highlights only. Please provide copies of your statement

1 before summarizing.

2 Each individual appearing before the Commission must complete  
3 two identification cards and submit them to the reporter at the time you make your  
4 statement. If these guidelines are followed, an adequate record can be developed in  
5 a reasonable length of time.

6 The decision of the Commission in this case must be based  
7 exclusively on the record. To avoid any appearance to the contrary the Commission  
8 requests the parties, counsel, and witnesses not engage members of the  
9 Commission in conversations during any recess or at the conclusion of the hearing  
10 session. While the intended conversation may be entirely unrelated to the case that  
11 is before the Commission, other persons may not recognize that discussion as not  
12 about the case. The staff will be available to discuss procedural questions.

13 All individuals who wish to testify, please rise to take the oath.

14 (Whereupon, all the witnesses were sworn.)

15 MS. BROWN: There are no preliminary matters. Well, we do  
16 have the certification of maintenance posting, and you have it before you. And I  
17 have it marked as Exhibit Number 27. And there are no requests for party status.

18 CHAIRMAN PARSONS: All right.

19 MR. BASTIDA: We have the letter from the ANC. I don't know  
20 they're here tonight, but the letter is in support.

21 In your pre-hearing application you said you needed an hour and  
22 a half on this. It appears to us that this case is fairly simple, and is it possible to do  
23 that in 20 minutes?

24 MR. FEOLA: Is this one working? Yes, Mr. Chairman. My  
25 name is Phil Feola with Wilkes, Artis, Cedric & Lane on behalf of the Rhode Island  
26 Associated Limited Partnership. I think we will be able to collapse the program into  
27 20 minutes. All those people that stood up were not intending to talk unless

1 questions were asked of them.

2 CHAIRMAN PARSONS: Oh, good.

3 MR. FEOLA: And we had originally expected only four people to  
4 speak, and we will make sure that that is done in 20 or 25 minutes.

5 CHAIRMAN PARSONS: Let's go.

6 MR. FEOLA: Okay, thank you.

7 On that note I will forego everything but a few minor things. One  
8 is, I would like to have our experts recognized as such. The two that we intended to  
9 call tonight are Graham Davidson as expert on architecture and site planning, who  
10 has been before this Commission before with Hartman Cox, and Bob Morris, a traffic  
11 consultant, who you've seen before as well as an expert.

12 CHAIRMAN PARSONS: Mr. Scher decided not to join us?

13 MR. FEOLA: We knew that you thought this case was simple,  
14 so we decided it was not necessary to bring him.

15 CHAIRMAN PARSONS: All right. They will be certified as  
16 experts certainly.

17 MR. FEOLA: Thank you. Also, I'd like the record of the original  
18 PUD in this case incorporated into this modification, so we don't have to repeat all  
19 the comprehensive plan issues that were covered in that one.

20 CHAIRMAN PARSONS: Certainly.

21 MR. FEOLA: I think with that I'd just like to touch on a couple of  
22 highlights, and you've mentioned it in introducing the project. The difference in this  
23 project from the originally approved PUD is essentially that it has become two  
24 buildings, from one. The FAR has actually gotten smaller from the original PUD,  
25 from 8.5 to 8.2. And the use mix internal to the building has changed so that the  
26 residential component of that 8.5 has increased almost two times. The critical thing  
27 that we're here is to allow or have this Commission approve the modification to allow

1 the University of California and Homestead Villages to occupy this property.

2 And I think with that I would like to have my witnesses come up  
3 here. And while they're coming up, I'd like to introduce a few other folks, since some  
4 of them came as far away as California.

5 Mr. Gordon Skank from the University of California, Office of the  
6 President, the Director of Real Estate, here from Oakland.

7 CHAIRMAN PARSONS: He stood. He stood twice.

8 CHAIRMAN PARSONS: Thanks. And from the firm of Hartman  
9 & Cox, George Hartman and Devon Perkins.

10 From Esocoff and Associates, who are the project architects for  
11 Homestead Villages, Phil Esocoff and Peter Salter.

12 And Dave Sittler from Charles E. Smith, who represents the  
13 Partnership.

14 CHAIRMAN PARSONS: I see Mr. Davidson is here as well.

15 MR. FEOLA: Yes. He's going to talk. We're not going to let Mr.  
16 Hartman talk tonight.

17 To my far right is Mr. James Kelley, who is the project manager  
18 for the University of California. And to my immediate right is Mr. Robert Trujillo, who  
19 is an associate, development associate for Homestead Villages.

20 Mr. Kelley, you heard the Chair to be brief and to the point.

21 MR. KELLEY: Yes.

22 MR. FEOLA: Would you state your name and address for the  
23 record please?

24 MR. KELLEY: Right. My name is James Kelley. My address is  
25 1111 Franklin Street in Oakland, California.

26 MR. FEOLA: Mr. Kelley, would you briefly describe the  
27 Washington Center Program and its fit in this particular project?

1 MR. KELLEY: The University of California has had a presence  
2 here in Washington for interns, academic program, some federal government  
3 relations business that we do, and has leased residential accommodations for our  
4 students in our internship program for now about ten years. We have been seeking  
5 a piece of property to buy and to construct our own facility.

6 We're looking to construct a live/learn environment for our  
7 student programs, our academic program to grow here in the Capitol. We are  
8 projecting 250 to 280 students. About 50 plus or minus 10 faculty will be assigned  
9 here, faculty and administrative folks. And the program itself will be subject to some  
10 further development from the basis that it operates at now. There will be a new  
11 academic director. We're in the process of hiring that individual, who will be hired  
12 over the summer.

13 And they will be working with the ANC and the Neighborhood  
14 Committee concerning the various interests of the neighborhood and our public  
15 service mission component because we have both research, academic and public  
16 service as mission components for our institution.

17 We're just really looking forward to this. It's going to be a nice  
18 thing to happen to all of our resources, to be putting them in one place. It will cut our  
19 numbers of stops on the metro and traveling around by at least one. So we're very  
20 happy to be here. We're very fond of this piece of property and looking forward to  
21 being a part of the neighborhood.

22 CHAIRMAN PARSONS: Thank you.

23 MR. FEOLA: Mr. Trujillo, would you state your name and  
24 address for the record please?

25 MR. TRUJILLO: Yes. My name is Robert Trujillo. I'm at 2100  
26 River Edge, Atlanta, Georgia.

27 MR. FEOLA: Could you briefly state for the Commission, tell the

1 Commission a little bit about Homestead Villages and its use of this property?

2 MR. TRUJILLO: Yes. Homestead is a national developer,  
3 owner and operator of corporate extended stay inns. We currently own and operate  
4 120 properties in suburban areas nationwide. We are a publicly traded company on  
5 the New York Stock Exchange. And we have a parent company, Security Capital  
6 Group, which is also a public company. Security Capital Group has within its  
7 umbrella 14 real estate holding companies throughout the world.

8 Our product, as I said, is an extended stay inn. We primarily  
9 serve business travelers that are relocating and training on temporary assignment.  
10 We have no restaurant, bar, no large meeting or conference areas. Our guest  
11 rooms include a living area, sleeping area, and a fully equipped kitchen in ever unit.  
12 Our public space includes a lobby, a club room, a small meeting room for  
13 approximately ten people, exercise room, a guest laundry, and a outdoor garden,  
14 and that's everything in our first floor space.

15 Our average length of guest stay is two to three weeks. And our  
16 rate structure is such that we discourage nightly stay and we typically have a  
17 minimum of one week stay required in our property.

18 We have a very unique marketing program targeted at larger  
19 corporate users. Some of our corporate accounts are with people like IBM, Allstate,  
20 American Express, and we currently have approximately nine other urban hotels  
21 under development in other major U.S. markets. We have three in New York, all in  
22 mid-town Manhattan. We have one in Chicago on Michigan Avenue, one in  
23 downtown San Francisco, and one in Boston. And we're pursuing sites in Seattle  
24 and also another one in Boston currently. That's really it.

25 Also, I just want to mention that we have attempted to make a  
26 strong commitment to the community by offering \$25,000.00 to the National Park  
27 Service for DuPont Circle Park, and we are just honored to be a part of the

1 community and look forward to building our product here.

2 CHAIRMAN PARSONS: Thank you.

3 MR. FEOLA: I'd like to call Graham Davidson up to talk about  
4 the architecture. And while he's coming up I will, with the Commission's indulgence,  
5 pass in a list of benefits and proffers that the project intends to make.

6 MR. DAVIDSON: I think today and this week will go down in  
7 history for two reasons. One is that I don't think I've ever been in this room without  
8 at least some member of the opposition standing beside me. And second, is that  
9 this week we have the merger of Exxon and Mobile, last week we had the merger of  
10 Netscape and Alwell, and we are planning to do exactly the opposite of that, and  
11 therefore I think that obviously we're planning to do the right thing.

12 We're planning to take what is now a large site --

13 MR. FEOLA: Excuse me, Mr. Davidson.

14 MR. DAVIDSON: Yes?

15 MR. FEOLA: You'd better state your name for the record please.

16 MR. DAVIDSON: I'm sorry. My name is Graham Davidson with  
17 Hartman, Cox Architects, 1074 Thomas Jefferson Street in Washington.

18 We're proposing to take a large parcel of about 32,000 square  
19 feet and break it into two parcels for two buildings for more than two uses. The  
20 original PUD as shown here, approved in 1989, was for predominantly office  
21 structure with two floors of residential on top, built to a height of 106 feet and FAR by  
22 8.5. We are proposing to maintain the 106 foot height, reduce the FAR to 8.2,  
23 increase the amount of residential from 6.4 to 6.78.

24 You are doubtless familiar with the site at the corner of 16th  
25 Street and Rhode Island Avenue and Massachusetts Avenue in this transitional  
26 zone between commercial Washington and residential Washington, lot of  
27 institutions, academic, and government embassies on all sides.

1                    Rhode Island is here. The site is bounded on the other three  
2 sides by alleys. We have a 20 foot alley on the south, a ten foot alley on the west,  
3 another ten foot alley on the east, and as part of this PUD we are increasing the  
4 width of this alley by a public easement by another 11 feet, and by an additional five  
5 feet on this side, thereby easing the service traffic congestion in this whole block.

6                    Our loading facilities are twofold. One, two berths back here for  
7 Homestead Villages, one 10 by 20, and one 12 by 30. And two more berths over  
8 here for the University of California, one at 10 by 20 and one at 12 by 30. Zoning  
9 does require an additional 55 foot berth for each of the projects. We are not  
10 providing those because we do not need them, and of course a 55 foot truck would  
11 not really fit back in this system anyway.

12                    We have an entrance, a garage entrance, for Homestead Village  
13 at this point. The garage entrance for the University of California at this point. We  
14 have 44 cars for the University of California, their use, which meets zoning  
15 regulations, 57 cars for Homestead Village, which is about double the zoning  
16 requirement for their use over here.

17                    The public entrances to the building in the center line of each  
18 building. The curb cuts along Rhode Island Avenue will remain as they currently  
19 are, two curb cuts for the existing alleys, plus one in another site. We will replace  
20 one tree that is missing along the curb and create a zone along here, which is done  
21 with -- masonry along the entire length of the site.

22                    On a typical floor we have ten units of housing for the university,  
23 and about 22 hotel units. We have a large courtyard in the back, which the two  
24 courtrooms for, one for each project, is combined so that they are one large open  
25 courtyard in space in the back. We have a total of about 80 large 950 square foot  
26 units for the University of California, and 220 units for Homestead Village.

27                    In elevation, as I said, we are maintaining the 106 foot height.

1 The main entrance is here. Are each designated by small lettering over the  
2 canopies. There is no major building lighting, only lighting at the entrances for  
3 safety. The University of California is designed, as many buildings in the  
4 neighborhood are, with very light colored, predominantly institutional, with a blend of  
5 residential feel to it. You can see the bay windows.

6 Homestead Village is a little more commercial, with the salmon  
7 color brick, a slightly wider window pattern for hotels. The penthouses go to the 18  
8 and a half feet above the height limit, and because of the configuration of the hotel,  
9 which is a long, thin building, that penthouse does come closer to the lot line and the  
10 edge of the roof line than is permitted by zoning. Both of these buildings have a  
11 stone base, and the body of it are in brick.

12 As you can see in the model, the building in the site, the  
13 buildings in the site, front this part, and they are designed as a whole to compliment  
14 that open space and middle of the block that they are in.

15 The comprehensive plan calls for high density commercial  
16 development on this site. It is a very transitional site between uses, as well as within  
17 the city itself geographically. We think that these uses on this site make a lot of  
18 sense for the city, and that you should approve this design as a modification to the  
19 previously approved.

20 MR. FEOLA: Our last witness, Mr. Chair, is Mr. Robert Morris.

21 Could you briefly summarize for the Commission your findings.

22 MR. MORRIS: I'm Robert L. Morris, Traffic Engineer and  
23 Transportation Planner. My home address 9109 Rouen Lane, Potomac, Maryland  
24 20854.

25 I have prepared a traffic analysis. I believe you have it in front of  
26 you. I have shown in there what the current operating conditions are. We have A  
27 and B levels of services at the intersection to the west at 17th Street. And Scott

1 Circle as a whole operates at level service C during both peak hours. Good public  
2 transportation, five bus lines on 16th Street, and two metro rail stations within about  
3 a 10 minute walk, DuPont Circle and Farragut North.

4 I have the beneficiary of very detailed information regarding  
5 parking needs for both of these uses, and the parking is more than adequate to  
6 satisfy the needs of both the university and the hotel. The architect has told you  
7 about the widening of the alleys which will substantially improve circulation around  
8 the specific site. And my bottom line finding is that from a traffic engineering point of  
9 view, this is an appropriate use of the subject property.

10 CHAIRMAN PARSONS: Very good.

11 MR. FEOLA: Mr. Chairman, that ends our direct, and if I may  
12 keep a few minutes for concluding remarks, if necessary?

13 CHAIRMAN PARSONS: I think you have two minutes left, so.

14 MR. FEOLA: That's a first.

15 CHAIRMAN PARSONS: Any questions?

16 COMMISSIONER FRANKLIN: I have one or two.

17 CHAIRMAN PARSONS: Mr. Franklin?

18 COMMISSIONER FRANKLIN: I am curious about the financing  
19 arrangements for these projects. Here we've got two different owners.

20 MR. FEOLA: That's correct. I should say, Mr. Franklin, that  
21 these are, the Homestead Villages and the University of California are contract  
22 purchasers at this time.

23 COMMISSIONER FRANKLIN: They're contract purchasers?

24 MR. FEOLA: That is correct.

25 COMMISSIONER FRANKLIN: And what is the intended time for  
26 construction?

27 MR. TRUJILLO: Robert Trujillo with Homestead Village. Our

1 intended time for construction is 14 months, beginning in the fall of '99, August, and  
2 finishing sometime around the end of the year 2000, in November.

3 COMMISSIONER FRANKLIN: And the university?

4 MR. KELLEY: My name is James Kelley for the University of  
5 Texas, or the University of California.

6 MR. FEOLA: His accent gives him away.

7 MR. KELLEY: We're intending to start at approximately the  
8 same, coordinate our efforts. But then we are expecting to take a little bit longer to  
9 build. We have an opening date set for June the 1st of the year 2001.

10 COMMISSIONER FRANKLIN: So you're going to have separate  
11 contractors on the site presumably?

12 MR. KELLEY: Presumably.

13 COMMISSIONER FRANKLIN: All right. Both at work at the  
14 same time. And I take it the university is basically financing this itself, or how is it, is  
15 it taking out a loan for this purpose?

16 MR. KELLEY: The university will be financing with a bond  
17 issuance.

18 COMMISSIONER FRANKLIN: A bond, okay, all right. Is there  
19 any problem in the issuance of those bonds?

20 MR. KELLEY: No, sir.

21 COMMISSIONER FRANKLIN: So you don't anticipate any delay  
22 from that standpoint?

23 MR. KELLEY: No, sir. The rates are too good right now.

24 COMMISSIONER FRANKLIN: And they may get a little better.

25 In looking at the plans for the residential uses on the university  
26 part, maybe I'm just a little slow, but these seem to be rather large rooms now, and I  
27 didn't see any bathroom facilities or any of that sort. What are we looking at when

1 we see those large areas, are you showing us a closet? They just seem very large  
2 spaces. The business people get half the space of a student, and maybe that's  
3 appropriate.

4 MR. FEOLA: The students are in apartments as opposed to  
5 hotel rooms, so that might be.

6 COMMISSIONER FRANKLIN: They're apartments?

7 MR. FEOLA: That's correct, yes.

8 COMMISSIONER FRANKLIN: Okay, what's in each apartment  
9 then I guess?

10 MR. DAVIDSON: Each apartment has a living space and two  
11 bedrooms. The bedrooms are large enough to each accommodate two students, so  
12 each unit can accommodate up to four students at a time. And the rooms in the  
13 back here are bathrooms. There are also kitchenettes in each unit, which are in the  
14 L-shaped portions which are left. So each units includes a bathroom, actually two  
15 bathrooms, two bedrooms, living space, a kitchenette.

16 COMMISSIONER FRANKLIN: Do students typically come with  
17 automobiles or without them?

18 MR. DAVIDSON: No, they come without, typically without  
19 automobiles. Mr. Morris I think has exactly figures on the current statistics for their  
20 usage.

21 COMMISSIONER FRANKLIN: So, Mr. Feola, when would this  
22 PUD expire under its original terms?

23 MR. FEOLA: Under the terms that has been extended by the  
24 Commission, it expires in March of 1999. That's assuming that a permit isn't filed  
25 prior to that date.

26 COMMISSIONER FRANKLIN: And what are you asking for in  
27 terms of an extension of time? March of '99 is not far.

1 MR. FEOLA: Right around the corner, that's correct. If this  
2 Commission grants the modification, typically what the modification does, it runs  
3 from the granting of the modification.

4 COMMISSIONER FRANKLIN: Right.

5 MR. FEOLA: So it would, if we were lucky enough to get that  
6 soon, the two years would start -- the first two year increment would start running  
7 from the granting of the modification. If not, then the partnership has to evaluate its  
8 options under that deadline of March of '99.

9 COMMISSIONER FRANKLIN: Now, when you refer to the  
10 partnership, you're referring to the people you're buying --

11 MR. FEOLA: The Rhode Island Associates Limited Partnership,  
12 the owners of the property.

13 COMMISSIONER FRANKLIN: I have no further questions.

14 CHAIRMAN PARSONS: Mr. Hood?

15 COMMISSIONER HOOD: I have one or two.

16 The first PUD I believe was approved in 1989?

17 MR. FEOLA: That's correct.

18 COMMISSIONER HOOD: I'm sure now with this project you're  
19 probably glad that it didn't go forward, but any particular reason why the first PUD  
20 wasn't built or started?

21 MR. FEOLA: I guess it was a product of unfortunate timing. The  
22 owners of this PUD, the partnership, is comprised of two principals of the Charles E.  
23 Smith Company, Mr. Robert Kogod and Mr. Robert Smith, two of the executives,  
24 and Kingdom Gould of Gould Enterprises, long time developers in Washington. And  
25 this partnership has owned this property back to before the previous use was on the  
26 site, the Gramercy Inn, and they built the Gramercy Inn and leased it to an operator.  
27 That building became worn and obsolete, and so they came to this Commission to

1 get an approval for a mixed use project, which they got in 1989, December of 1989.

2 The partnership actually closed on a construction loan, received  
3 a building permit, paid its \$22,000.00 fee to the city, and tore down the Gramercy  
4 Inn. And then we got smacked with probably the worst real estate recession since  
5 the Great Depression, and the lender and the partnership agreed that it was  
6 probably not prudent to go forward on a speculative basis. And that, of course the  
7 recession lasted four or five years, and since that time the partnership has tried to  
8 market it again, and these particular users came along and it seems to be a good fit.  
9 So in a nutshell, the economy kind of collapsed around it.

10 COMMISSIONER HOOD: Okay. What presently is being done  
11 on that piece of land right now?

12 MR. FEOLA: It's a surface parking lot.

13 COMMISSIONER HOOD: Parking lot. What is going to happen  
14 to the cars or whatever is being parked in there, are there any arrangements being  
15 made as far as whoever is using that facility right now, the parking lot?

16 MR. FEOLA: None that I'm aware of. There are 89 spaces  
17 striped on the lot. It's run by a commercial operator. It seems to me when you go by  
18 it, it seems to be a lot of drop-in, drop-off traffic of people visiting the office building  
19 or the Y across the street.

20 COMMISSIONER HOOD: Okay.

21 MR. FEOLA: No, there is no arrangement.

22 COMMISSIONER HOOD: And there are other parking lots,  
23 parking facilities --

24 MR. FEOLA: Yes, sir.

25 COMMISSIONER HOOD: -- in the area? The next thing, I'm  
26 just looking at the design there. I see one sides looks like it's a little darker than the  
27 other, and maybe that's for architectural purposes. Is the brick going to be the same

1 on both buildings, or is there going to be something different there?

2 MR. DAVIDSON: No, they're two different bricks.

3 COMMISSIONER HOOD: Okay. One of them is going to be  
4 dark and the other is going to be light?

5 MR. DAVIDSON: One will be light as a limestone like color, a  
6 light beige. The other will be darker and more in a warmer color or a salmon color.

7 COMMISSIONER HOOD: It is going to match?

8 MR. DAVIDSON: They will be coordinated. They will not clash.

9 COMMISSIONER HOOD: Okay, that's my question, clash.

10 Okay, thank you.

11 CHAIRMAN PARSONS: Did you have a question?

12 COMMISSIONER FRANKLIN: Yes, just one I think.

13 I take it that the contracts that you've entered into are  
14 conditioned on the granting of this modification?

15 MR. FEOLA: Yes, sir.

16 COMMISSIONER FRANKLIN: And I'm just thinking out loud  
17 now. As my colleagues know, I'm concerned that we've granted a lot of PUDs in the  
18 city that nothing has happened with. And while I recognize that there have been  
19 problems in the economy, I think there also are problems with the sponsors as well.  
20 So supposing we granted this modification and the contracts for one reason or  
21 another just never got executed, you know, someone got cold feet or changed their  
22 mind or what have you, it would be fair, would it not, for the modification to be  
23 cancelled under those circumstances, would it not?

24 MR. FEOLA: It seems like it most certainly would be cancelled  
25 in practical terms because these users are so specific to what this request is.

26 COMMISSIONER FRANKLIN: And the PUD itself would expire?

27 MR. FEOLA: Yes. Unless there is a permit issues and so forth.

1 COMMISSIONER FRANKLIN: I see. Okay, because we're on  
2 the cusp of the expiration at this point?

3 MR. FEOLA: That's correct.

4 COMMISSIONER FRANKLIN: Right.

5 MR. FEOLA: That's correct. Or unless this Commission granted  
6 another extension, which I know is it's not inclined to do.

7 COMMISSIONER FRANKLIN: I wouldn't be inclined to. Well,  
8 just as I say, thinking out loud, because we certainly, in my view, if we granted this,  
9 we'd want it to go forward expeditiously.

10 MR. KELLEY: May I speak to the University of California's time  
11 line?

12 CHAIRMAN PARSONS: Sure.

13 MR. KELLEY: James Kelley again, sir. the University of  
14 California is already through its regents. We've already approved the purchase of  
15 the land. So our only real contingency at the moment is just simply the approval of  
16 the PUD.

17 In January, as a natural follow-on next step of this approval,  
18 which has been scheduled, you know, in this time frame, we will be carrying forward  
19 the project to the regents again for formal approval of the funding. We don't  
20 anticipate any problems with that. And then we will follow through in March, again  
21 as is our normal practice, with the design item where we will take the design that we  
22 have and refine it into a little more detail for the purposes of the folks on the West  
23 Coast being comfortable with what we are doing.

24 COMMISSIONER FRANKLIN: Well, what happens if the regents  
25 decide this is a great idea and approve it and go forward and for one reason or  
26 another, and Homestead, you know, changes its mind?

27 MR. TRUJILLO: I'm Robert Trujillo from Homestead again. Our

1 board of directors has already approved the execution of this contract for acquisition  
2 of the land. And as I said before, we are funded internally. We have been building  
3 just in our -- at one of 18 companies, Homestead Villag6, 60 hotels per year over the  
4 last couple of years. And as I said we have already closed on our three New York  
5 properties, on our Boston property, and on our Chicago property, and we are  
6 absolutely committed to starting this project as soon as possible.

7 MR. FEOLA: But you raised a good point, Mr. Franklin, and I  
8 guess that would put the partnership in the position of having to revisit this  
9 Commission to deal with the what if, the half of the site that isn't -- that doesn't go  
10 forward, that's correct. The first scenario that we're talking about is if they both went  
11 away and then the PUD would go away. But you're correct. For example, if the  
12 university or Homestead forward and the other for whatever reason did not, and the  
13 ground was still owned by the partnership, the partnership would have to come back  
14 and deal with that before this Commission as a modification or something. Clearly it  
15 couldn't put the University of California on the site if the university walked away.  
16 And hopefully we would find a substitute for this particular hotel, but it would be  
17 under your jurisdiction to call that shot.

18 COMMISSIONER FRANKLIN: Well, we'll be thinking about that  
19 when you present -- at least I'll be thinking about it when we present a draft order --

20 MR. FEOLA: Yes.

21 COMMISSIONER FRANKLIN: -- because I wouldn't want to  
22 favor anything that would just tie this land up again, or having it tied up so long.

23 MR. FEOLA: Well, I agree with that and I understand that  
24 position. I guess from where we sit, this combination of uses really improves this  
25 project significantly and improves on this location in particular, and we would like the  
26 opportunity to try to make it work. We've got two contract purchasers whose only  
27 contingency is to get through this Commission and they need to close. And once

1 they buy the land it's because they're in separate businesses, but in the business of  
2 delivering these buildings, they're going to want to go forward.

3 Stranger things have happened, you're correct. And I would  
4 think that it would be one of these new landowners though that would be visiting you  
5 and not the current partnership.

6 COMMISSIONER FRANKLIN: Thank you.

7 MR. FEOLA: Mr. Trujillo, I wanted to talk about the amenities  
8 that you mentioned. You've offered to donate \$25,000.00 to the National Park  
9 Service. Have you had any conversations with them?

10 MR. TRUJILLO: Actually that has been handled through Phil  
11 Feola.

12 MR. FEOLA: Do you want me to answer that question?

13 CHAIRMAN PARSONS: Certainly.

14 MR. FEOLA: Yes, Arnold Goldstein is the gentleman, the ANC  
15 director, that's to talk with about making some improvements with the DuPont Circle  
16 Park, and he suggested that the money be set aside and that the Park Service work  
17 with the ANC as to, apparently there's a laundry list of things that the Park Service  
18 and the ANC would like to see done to the park.

19 CHAIRMAN PARSONS: And how about the \$10,000.00 to the  
20 DuPont Circle Citizens Association?

21 MR. FEOLA: The ANC --

22 CHAIRMAN PARSONS: Is that the same situation?

23 MR. FEOLA: -- the same situation. Well, it's --

24 CHAIRMAN PARSONS: Cash donation?

25 MR. FEOLA: -- cash donation. The ANC requested that to  
26 complete the Resource Center, which is this close -- it's open actually, but there are  
27 a few things they need and the partnership agreed to fund that.

1 CHAIRMAN PARSONS: What is the DuPont Circle Resource  
2 Center, do you know?

3 MR. FEOLA: It is essentially a police substation. The ANC  
4 office is going to be there. It's in the former, help me out Bert, what it used to be?

5 MR. BASTIDA: It used to be the toilet, restroom facility.

6 MR. FEOLA: Like a restroom facility. They converted it into --

7 MR. BASTIDA: On the west side of DuPont Circle --

8 MR. FEOLA: -- thank you.

9 MR. BASTIDA: -- at the corner of --

10 CHAIRMAN PARSONS: It just opened last week.

11 MR. FEOLA: Yes, that's correct.

12 MR. BASTIDA: -- correct. At the corner of 20th and

13 Massachusetts --

14 MR. FEOLA: Right. They needed furniture and phones and  
15 things just to finish it, and that's what the \$10,000.00 is for.

16 CHAIRMAN PARSONS: All right.

17 I have a couple of questions of Mr. Davidson. First, tell me about  
18 this merger with Mr. Esocoff and yourself? Certainly one of you designed one  
19 building and one the other?

20 MR. DAVIDSON: Yes, that's true.

21 CHAIRMAN PARSONS: I see. Are we to guess about that or is  
22 it just not important?

23 MR. DAVIDSON: With the simplified presentation we decided to  
24 have only one of us talking, and I won the toss.

25 CHAIRMAN PARSONS: Okay. I'm curious about the California  
26 building, I'll all it, and the top level which appears to have a different purpose, the  
27 two floors I'll call it, just the fenestration there is totally different. Is there a separate

1 function up there?

2 MR. DAVIDSON: There is no separate function. From this point  
3 on up, it is all residential. We may have gotten a little too heavy with the pen, but  
4 what we meant to do is to put a top on the building and emphasize a line through  
5 here. But the functions are the same all the way up.

6 CHAIRMAN PARSONS: And I wanted to look at, I'm a little  
7 confused about these two garden courtyards. They are different levels, is that  
8 correct?

9 MR. DAVIDSON: Correct.

10 CHAIRMAN PARSONS: So there's no link between the two and  
11 no joint use?

12 MR. DAVIDSON: No, there is not, no. This courtyard is at the  
13 first floor level. You get to it through the lobby of the hotel itself. The courtyard for  
14 the university is up at the fourth floor level which is the first residential floor, which is  
15 the floor at which the college facilities for the residential units are at. There's a  
16 solarium and there is a deck here and it's off the solarium.

17 CHAIRMAN PARSONS: There appears to be a stair going into  
18 the Homestead building garden from the alley.

19 MR. DAVIDSON: Oh, yes.

20 CHAIRMAN PARSONS: Is that for service or is that how people  
21 access this facility? Now, we know who designed it.

22 MR. DAVIDSON: It's a fire exit from the courtyard.

23 CHAIRMAN PARSONS: I see. So it's totally accessible to the  
24 handicapped from within the building, I assume? Okay.

25 Now, I want to look at drawing number 2.7, on the roof of the  
26 Esocoff building that I don't quite understand. Are you going to handle that one?  
27 What is that curve linear object on the roof?

1 MR. DAVIDSON: I think I'm not going to handle that one.

2 Phil?

3 MR. ESOCOFF: Phil Esocoff, 2311 Connecticut Avenue,  
4 Washington, D.C. The curve linear object is a rooftop trellis to provide some  
5 shading in the summer. It projects from the face of the penthouse, a little bit like on  
6 2401 Pennsylvania where we had the wooden pergola up there. It's to create some  
7 sense of enclosure when you're up on that deck.

8 CHAIRMAN PARSONS: Does that show on the elevation?

9 MR. ESOCOFF: Yes. If you look, it's actually not as high as the  
10 whole penthouse. It's what's causing these little diagonal shadow lines.

11 CHAIRMAN PARSONS: Oh, I see it on the model now.

12 MR. ESOCOFF: Yes.

13 CHAIRMAN PARSONS: So it isn't a tower, it's an enclosure?

14 MR. ESOCOFF: Yes, it's an enclosure. It's a place you go to sit.

15 CHAIRMAN PARSONS: Very nice.

16 MR. ESOCOFF: And actually it affords a very nice few of the  
17 cathedral's dome. We stationed those rooms to give you a view of that. I worked  
18 with some other hotel people and if their standard plan called for a linen storage  
19 facility in the corner, no matter what the view was, they would insist on that, but  
20 Homestead has been more sensitive to taking advantage of the local views.

21 CHAIRMAN PARSONS: Are there any more questions?

22 Gentlemen, thank you very much.

23 Mr. Bastida?

24 MR. BASTIDA: Good evening, Mr. Chairman, Members of the  
25 Commission. For the record my name is Alberto Bastida with the D.C. Office of  
26 Planning. And the Office of Planning filed its report on November 23rd. Because of  
27 the time I will just read the recommendations.

1                   The applicant proposes to modify the original PUD with a  
2                   development that increases the residential component, decreases the commercial  
3                   uses and reduces the overall density of the project from 8.5 to 8.2 FAR. All of which  
4                   is consistent with the previously approved PUD and the comprehensive plan.  
5                   Further, the proposed lot occupancy is 79 percent as contrasted with the 93 percent  
6                   permitted on the original PUD.

7                   It is the opinion of the Office of Planning that application meets  
8                   the requirements of the zoning regulations for the approval of the PUD modification.  
9                   Based on the analysis of this report the Office of Planning recommends approval of  
10                  this application.

11                  I would just briefly like to point out that the original public  
12                  amenities are included on this PUD. And the additional public amenities are  
13                  described on page four of our report. Also, I would like to point out that the  
14                  Department of Housing and Community Development provided a report, and it's  
15                  basically in support of the proposed PUD modification.

16                  That concludes my presentation. I will try to answer any  
17                  questions you might have. Thank you.

18                  CHAIRMAN PARSONS: Thank you, Mr. Bastida.

19                  Are there any questions? If there are no questions, we will move  
20                  on.

21                  There are no reports of other agencies other than the one you  
22                  attached?

23                  MR. BASTIDA: That is correct, Mr. Parsons.

24                  CHAIRMAN PARSONS: We do have the report of the Advisory  
25                  Neighborhood Commission 2, which is dated November 24th and signed by the  
26                  chairman, which essentially says the ANC 2B voted to support, six to one, the  
27                  proposed modification of the PUD.

1 Does anybody here represent the ANC this evening? All right.  
2 Are there any persons in support of this application?  
3 Any persons in opposition?  
4 All then, colleagues, how do you want to dispose of this, do you  
5 want to --  
6 MR. BASTIDA: Closing remarks?  
7 CHAIRMAN PARSONS: Mr. Feola, do you want to make some  
8 closing remarks, you have a few minutes left?  
9 MR. FEOLA: No, sir.  
10 CHAIRMAN PARSONS: Quit when you're ahead.  
11 MR. FEOLA: Well, I'm not sure I'm ahead, but I'll quit anyway.  
12 COMMISSIONER FRANKLIN: Mr. Chairman, I'd like to move  
13 the approval of this application, subject to the presentation of acceptable order. I  
14 think the public benefits. The amenities are highly desirable. The increase in the  
15 residential uses are also highly desirable. I think actually the combination of two  
16 uses of this sort at that location really make for a unique contribution to that part of  
17 the city. And I think the designs are done in a very sensitive way. So when  
18 compared to the matters on which the Commission has been sitting over the last  
19 couple of months, it's a great relief to have one where there is no opposition, and I  
20 think validly so.  
21 So I'd like to move our approval at this point rather than waiting  
22 for a subsequent meeting, but of course subject to the presentation of an acceptable  
23 order.  
24 COMMISSIONER HOOD: Mr. Chair, I second the motion.  
25 CHAIRMAN PARSONS: Thank you.  
26 Any further discussion? All in favor signify by aye?  
27 CHORUS: Aye.

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(Whereupon, the motion unanimously carries.)

MS. BROWN: Staff will record the vote as unanimous to approve the application subject to the final order.

CHAIRMAN PARSONS: Okay, Mr. Feola, we'll look forward to your findings of fact and conclusions of law.

Thank you all for a brief and very pleasant evening.

MR. BASTIDA: Thank you.

MR. FEOLA: Thank you.

(Whereupon, at 7:55 p.m., the hearing was concluded.)