

1 **GOVERNMENT OF THE DISTRICT OF COLUMBIA**
2
3 **ZONING COMMISSION**
4
5 **PUBLIC HEARING**
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10 IN THE MATTER OF:
11 APPLICATION OF THE Case No. 98-12M
12 RHODE ISLAND AVENUE
13 ASSOCIATES LIMITED
14 PARTNERSHIP

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21 Hearing Room 220 South
22 441 4th Street, N.W.
23 Washington, D.C.
24

25
26 Thursday
27 December 3, 1998
28

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30 The above-entitled matter came on for public hearing,
31 pursuant to notice, at 7:11 p.m.
32

33
34 BEFORE:

35
36 JOHN PARSONS, Acting Chairman
37 HERBERT M. FRANKLIN, Commissioner
38 ANTHONY HOOD, Commissioner
39

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41 STAFF PRESENT:

42
43 ALBERTO BASTIDA
44 STEPHANIE BROWN
45 VINCENT ERONDU

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

2 7:11 a.m.

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

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

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

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

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

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

1 support; parties and persons in opposition.

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

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

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

13 The decision of the Commission in this case must be
14 based exclusively on the record. To avoid any appearance to the
15 contrary the Commission requests the parties, counsel, and witnesses
16 not engage members of the Commission in conversations during any
17 recess or at the conclusion of the hearing session. While the intended
18 conversation may be entirely unrelated to the case that is before the
19 Commission, other persons may not recognize that discussion as not
20 about the case. The staff will be available to discuss procedural
21 questions.

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

24 (Whereupon, all the witnesses were sworn.)

25 MS. BROWN: There are no preliminary matters.
26 Well, we do have the certification of maintenance posting, and you
27 have it before you. And I have it marked as Exhibit Number 27. And

1 there are no requests for party status.

2 CHAIRMAN PARSONS: All right.

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

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

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

14 CHAIRMAN PARSONS: Oh, good.

15 MR. FEOLA: And we had originally expected only
16 four people to speak, and we will make sure that that is done in 20 or
17 25 minutes.

18 CHAIRMAN PARSONS: Let's go.

19 MR. FEOLA: Okay, thank you.

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

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

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

3 CHAIRMAN PARSONS: All right. They will be
4 certified as experts certainly.

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

9 CHAIRMAN PARSONS: Certainly.

10 MR. FEOLA: I think with that I'd just like to touch on a
11 couple of highlights, and you've mentioned it in introducing the project.
12 The difference in this project from the originally approved PUD is
13 essentially that it has become two buildings, from one. The FAR has
14 actually gotten smaller from the original PUD, from 8.5 to 8.2. And the
15 use mix internal to the building has changed so that the residential
16 component of that 8.5 has increased almost two times. The critical
17 thing that we're here is to allow or have this Commission approve the
18 modification to allow the University of California and Homestead
19 Villages to occupy this property.

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

23 Mr. Gordon Skank from the University of California,
24 Office of the President, the Director of Real Estate, here from
25 Oakland.

26 CHAIRMAN PARSONS: He stood. He stood twice.

27 CHAIRMAN PARSONS: Thanks. And from the firm

1 of Hartman & Cox, George Hartman and Devon Perkins.

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

4 And Dave Sittler from Charles E. Smith, who
5 represents the Partnership.

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

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

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

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

16 MR. KELLEY: Yes.

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

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

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

23 MR. KELLEY: The University of California has had a
24 presence here in Washington for interns, academic program, some
25 federal government relations business that we do, and has leased
26 residential accommodations for our students in our internship program
27 for now about ten years. We have been seeking a piece of property to

1 buy and to construct our own facility.

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

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

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

21 CHAIRMAN PARSONS: Thank you.

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

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

26 MR. FEOLA: Could you briefly state for the
27 Commission, tell the Commission a little bit about Homestead Villages

1 and its use of this property?

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

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

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

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

1 sites in Seattle and also another one in Boston currently. That's really
2 it.

3 Also, I just want to mention that we have attempted to
4 make a strong commitment to the community by offering \$25,000.00
5 to the National Park Service for DuPont Circle Park, and we are just
6 honored to be a part of the community and look forward to building our
7 product here.

8 CHAIRMAN PARSONS: Thank you.

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

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

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

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

23 MR. DAVIDSON: Yes?

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

26 MR. DAVIDSON: I'm sorry. My name is Graham
27 Davidson with Hartman, Cox Architects, 1074 Thomas Jefferson

1 Street in Washington.

2 We're proposing to take a large parcel of about
3 32,000 square feet and break it into two parcels for two buildings for
4 more than two uses. The original PUD as shown here, approved in
5 1989, was for predominantly office structure with two floors of
6 residential on top, built to a height of 106 feet and FAR by 8.5. We
7 are proposing to maintain the 106 foot height, reduce the FAR to 8.2,
8 increase the amount of residential from 6.4 to 6.78.

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

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

20 Our loading facilities are twofold. One, two berths
21 back here for Homestead Villages, one 10 by 20, and one 12 by 30.
22 And two more berths over here for the University of California, one at
23 10 by 20 and one at 12 by 30. Zoning does require an additional 55
24 foot berth for each of the projects. We are not providing those
25 because we do not need them, and of course a 55 foot truck would not
26 really fit back in this system anyway.

27 We have an entrance, a garage entrance, for

1 Homestead Village at this point. The garage entrance for the
2 University of California at this point. We have 44 cars for the
3 University of California, their use, which meets zoning regulations, 57
4 cars for Homestead Village, which is about double the zoning
5 requirement for their use over here.

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

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

18 In elevation, as I said, we are maintaining the 106 foot
19 height. The main entrance is here. Are each designated by small
20 lettering over the canopies. There is no major building lighting, only
21 lighting at the entrances for safety. The University of California is
22 designed, as many buildings in the neighborhood are, with very light
23 colored, predominantly institutional, with a blend of residential feel to
24 it. You can see the bay windows.

25 Homestead Village is a little more commercial, with
26 the salmon color brick, a slightly wider window pattern for hotels. The
27 penthouses go to the 18 and a half feet above the height limit, and

1 because of the configuration of the hotel, which is a long, thin building,
2 that penthouse does come closer to the lot line and the edge of the
3 roof line than is permitted by zoning. Both of these buildings have a
4 stone base, and the body of it are in brick.

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

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

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

17 Could you briefly summarize for the Commission your
18 findings.

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

22 I have prepared a traffic analysis. I believe you have
23 it in front of you. I have shown in there what the current operating
24 conditions are. We have A and B levels of services at the intersection
25 to the west at 17th Street. And Scott Circle as a whole operates at
26 level service C during both peak hours. Good public transportation,
27 five bus lines on 16th Street, and two metro rail stations within about a

1 10 minute walk, DuPont Circle and Farragut North.

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

9 CHAIRMAN PARSONS: Very good.

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

12 CHAIRMAN PARSONS: I think you have two minutes
13 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
19 financing arrangements for these projects. Here we've got two
20 different owners.

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

24 COMMISSIONER FRANKLIN: They're contract
25 purchasers?

26 MR. FEOLA: That is correct.

27 COMMISSIONER FRANKLIN: And what is the

1 intended time for construction?

2 MR. TRUJILLO: Robert Trujillo with Homestead
3 Village. Our intended time for construction is 14 months, beginning in
4 the fall of '99, August, and finishing sometime around the end of the
5 year 2000, in November.

6 COMMISSIONER FRANKLIN: And the university?

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

9 MR. FEOLA: His accent gives him away.

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

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

16 MR. KELLEY: Presumably.

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

20 MR. KELLEY: The university will be financing with a
21 bond issuance.

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

24 MR. KELLEY: No, sir.

25 COMMISSIONER FRANKLIN: So you don't
26 anticipate any delay from that standpoint?

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

1 now.

2 COMMISSIONER FRANKLIN: And they may get a
3 little better.

4 In looking at the plans for the residential uses on the
5 university part, maybe I'm just a little slow, but these seem to be rather
6 large rooms now, and I didn't see any bathroom facilities or any of that
7 sort. What are we looking at when we see those large areas, are you
8 showing us a closet? They just seem very large spaces. The
9 business people get half the space of a student, and maybe that's
10 appropriate.

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

13 COMMISSIONER FRANKLIN: They're apartments?

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

15 COMMISSIONER FRANKLIN: Okay, what's in each
16 apartment then I guess?

17 MR. DAVIDSON: Each apartment has a living space
18 and two bedrooms. The bedrooms are large enough to each
19 accommodate two students, so each unit can accommodate up to four
20 students at a time. And the rooms in the back here are bathrooms.
21 There are also kitchenettes in each unit, which are in the L-shaped
22 portions which are left. So each units includes a bathroom, actually
23 two bathrooms, two bedrooms, living space, a kitchenette.

24 COMMISSIONER FRANKLIN: Do students typically
25 come with automobiles or without them?

26 MR. DAVIDSON: No, they come without, typically
27 without automobiles. Mr. Morris I think has exactly figures on the

1 current statistics for their usage.

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

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

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

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

12 COMMISSIONER FRANKLIN: Right.

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

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

20 MR. FEOLA: The Rhode Island Associates Limited
21 Partnership, the owners of the property.

22 COMMISSIONER FRANKLIN: I have no further
23 questions.

24 CHAIRMAN PARSONS: Mr. Hood?

25 COMMISSIONER HOOD: I have one or two.
26 The first PUD I believe was approved in 1989?

27 MR. FEOLA: That's correct.

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

4 MR. FEOLA: I guess it was a product of unfortunate
5 timing. The owners of this PUD, the partnership, is comprised of two
6 principals of the Charles E. Smith Company, Mr. Robert Kogod and
7 Mr. Robert Smith, two of the executives, and Kingdom Gould of Gould
8 Enterprises, long time developers in Washington. And this partnership
9 has owned this property back to before the previous use was on the
10 site, the Gramercy Inn, and they built the Gramercy Inn and leased it
11 to an operator. That building became worn and obsolete, and so they
12 came to this Commission to get an approval for a mixed use project,
13 which they got in 1989, December of 1989.

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

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

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

27 COMMISSIONER HOOD: Parking lot. What is going

1 to happen to the cars or whatever is being parked in there, are there
2 any arrangements being made as far as whoever is using that facility
3 right now, the parking lot?

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

8 COMMISSIONER HOOD: Okay.

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

10 COMMISSIONER HOOD: And there are other
11 parking lots, parking facilities --

12 MR. FEOLA: Yes, sir.

13 COMMISSIONER HOOD: -- in the area? The next
14 thing, I'm just looking at the design there. I see one sides looks like
15 it's a little darker than the other, and maybe that's for architectural
16 purposes. Is the brick going to be the same on both buildings, or is
17 there going to be something different there?

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

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

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

24 COMMISSIONER HOOD: It is going to match?

25 MR. DAVIDSON: They will be coordinated. They will
26 not clash.

27 COMMISSIONER HOOD: Okay, that's my question,

1 clash. Okay, thank you.

2 CHAIRMAN PARSONS: Did you have a question?

3 COMMISSIONER FRANKLIN: Yes, just one I think.

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

6 MR. FEOLA: Yes, sir.

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

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

20 COMMISSIONER FRANKLIN: And the PUD itself
21 would expire?

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

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

26 MR. FEOLA: That's correct.

27 COMMISSIONER FRANKLIN: Right.

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

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

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

9 CHAIRMAN PARSONS: Sure.

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

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

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

26 MR. TRUJILLO: I'm Robert Trujillo from Homestead
27 again. Our board of directors has already approved the execution of

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

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

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

24 MR. FEOLA: Yes.

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

1 MR. FEOLA: Well, I agree with that and I understand
2 that position. I guess from where we sit, this combination of uses
3 really improves this project significantly and improves on this location
4 in particular, and we would like the opportunity to try to make it work.
5 We've got two contract purchasers whose only contingency is to get
6 through this Commission and they need to close. And once they buy
7 the land it's because they're in separate businesses, but in the
8 business of delivering these buildings, they're going to want to go
9 forward.

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

13 COMMISSIONER FRANKLIN: Thank you.

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

18 MR. TRUJILLO: Actually that has been handled
19 through Phil Feola.

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

22 CHAIRMAN PARSONS: Certainly.

23 MR. FEOLA: Yes, Arnold Goldstein is the gentleman,
24 the ANC director, that's to talk with about making some improvements
25 with the DuPont Circle Park, and he suggested that the money be set
26 aside and that the Park Service work with the ANC as to, apparently
27 there's a laundry list of things that the Park Service and the ANC

1 would like to see done to the park.

2 CHAIRMAN PARSONS: And how about the
3 \$10,000.00 to the DuPont Circle Citizens Association?

4 MR. FEOLA: The ANC --

5 CHAIRMAN PARSONS: Is that the same situation?

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

7 CHAIRMAN PARSONS: Cash donation?

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

12 CHAIRMAN PARSONS: What is the DuPont Circle
13 Resource Center, do you know?

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

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

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

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

22 MR. FEOLA: -- thank you.

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

24 CHAIRMAN PARSONS: It just opened last week.

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

26 MR. BASTIDA: -- correct. At the corner of 20th and
27 Massachusetts --

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

4 CHAIRMAN PARSONS: All right.

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

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

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

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

13 CHAIRMAN PARSONS: Okay. I'm curious about the
14 California building, I'll all it, and the top level which appears to have a
15 different purpose, the two floors I'll call it, just the fenestration there is
16 totally different. Is there a separate function up there?

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

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

25 MR. DAVIDSON: Correct.

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

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

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

9 MR. DAVIDSON: Oh, yes.

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

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

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

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

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

21 Phil?

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

1 CHAIRMAN PARSONS: Does that show on the
2 elevation?

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

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

8 MR. ESOCOFF: Yes.

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

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

13 CHAIRMAN PARSONS: Very nice.

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

20 CHAIRMAN PARSONS: Are there any more
21 questions?

22 Gentlemen, thank you very much.

23 Mr. Bastida?

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

1 the recommendations.

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

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

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

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

21 CHAIRMAN PARSONS: Thank you, Mr. Bastida.

22 Are there any questions? If there are no questions,
23 we will move on.

24 There are no reports of other agencies other than the
25 one you attached?

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

27 CHAIRMAN PARSONS: We do have the report of

1 the Advisory Neighborhood Commission 2, which is dated November
2 24th and signed by the chairman, which essentially says the ANC 2B
3 voted to support, six to one, the proposed modification of the PUD.

4 Does anybody here represent the ANC this evening?

5 All right.

6 Are there any persons in support of this application?

7 Any persons in opposition?

8 All then, colleagues, how do you want to dispose of
9 this, do you want to --

10 MR. BASTIDA: Closing remarks?

11 CHAIRMAN PARSONS: Mr. Feola, do you want to
12 make some closing remarks, you have a few minutes left?

13 MR. FEOLA: No, sir.

14 CHAIRMAN PARSONS: Quit when you're ahead.

15 MR. FEOLA: Well, I'm not sure I'm ahead, but I'll quit
16 anyway.

17 COMMISSIONER FRANKLIN: Mr. Chairman, I'd like
18 to move the approval of this application, subject to the presentation of
19 acceptable order. I think the public benefits. The amenities are highly
20 desirable. The increase in the residential uses are also highly
21 desirable. I think actually the combination of two uses of this sort at
22 that location really make for a unique contribution to that part of the
23 city. And I think the designs are done in a very sensitive way. So
24 when compared to the matters on which the Commission has been
25 sitting over the last couple of months, it's a great relief to have one
26 where there is no opposition, and I think validly so.

27 So I'd like to move our approval at this point rather

1 than waiting for a subsequent meeting, but of course subject to the
2 presentation of an acceptable order.

3 COMMISSIONER HOOD: Mr. Chair, I second the
4 motion.

5 CHAIRMAN PARSONS: Thank you.

6 Any further discussion? All in favor signify by aye?

7 CHORUS: Aye.

8 (Whereupon, the motion unanimously carries.)

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

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

13 Thank you all for a brief and very pleasant evening.

14 MR. BASTIDA: Thank you.

15 MR. FEOLA: Thank you.

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

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