

**GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
ZONING COMMISSION
PUBLIC HEARING**

IN THE MATTER OF:

CONSOLIDATED PUD AND MAP
AMENDMENT AT 1000 16th STREET, Case No. 98-14C
N.W. - SOLAR BUILDING

Thursday,
March 25, 1999

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

The above-entitled matter came on for hearing, pursuant
to notice, at 7:00 p.m.

ZONING COMMISSION MEMBERS PRESENT:

JERRILY R. KRESS	Chairperson
ANGEL F. CLARENS	Commissioner
HERBERT M. FRANKLIN	Commissioner
ANTHONY HOOD	Commissioner
JOHN F. PARSONS	Commissioner

STAFF PRESENT:

Sheri Pruitt-Williams, Interim Dir., Ofc. of Zoning
Kenneth Karkeet, Office of Zoning
Alberto Bastida, Office of Planning

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APPEARANCES:

On Behalf of Appellant, JBG 6006

Limited Partnership:

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

7:04 p.m.

CHAIRPERSON KRESS: Good evening, ladies and gentlemen. I'm Jerrily Kress, Chairperson of the Zoning Commission for the District of Columbia. Joining me this evening are Commissioners Franklin, Hood, Clarens, and I believe Commissioner Parsons is joining us.

I declare this further public hearing open. The case that is the subject of this further public hearing is case number 98-14C, a request for the approval of a planned unit development and related map amendments from SP-2 to C-4 for a portion of the subject property by JBG Limited Partnership.

The property involved is situated in Square 184, occupied lots 59 and 842, and is located at 1000 16th Street, N.W.

This case was previously heard by the Zoning Commission on December 17th, 1998, and at the conclusion of its consideration of this application at a regular monthly meeting held on January 11th, 1999, the Commission requested certain additional information from the applicant regarding a number of design aspects of the proposal.

In a motion filed on January 29, 1999, the applicant requested a further public hearing to provide sufficient opportunity to present the requested information. At its regular monthly meeting on February 8th, 1999, the

1 Zoning Commission granted that request and scheduled the
2 further public hearing for this evening.

3 Accordingly, this hearing will address only the
4 additional information requested by the Commission. Notice of
5 today's further public hearing was published in the D.C.
6 Register on March 12th, 1999. This hearing will be conducted
7 in accordance with Sections 3022 of DCMR 11.

8 During the previous hearing in this case on
9 December 17th, 1998, the Zoning Commission determined which
10 individuals and organizations would be recognized as parties.
11 As a result of that initial determination and because this is
12 a further hearing requested by the applicant, no additional
13 requests for party status will be considered.

14 The order of procedure will be as follows:
15 preliminary matters, applicant's further presentation, report
16 of the Office of Planning, reports of other agencies, report
17 of the Advisory Neighborhood Commission 2B, persons and
18 parties in support, persons and parties in opposition.

19 The following time limits are imposed: the
20 applicant, 60 minutes -- but I hope not, since they've only
21 requested 25 to 35; other parties, 15 minutes; organizations,
22 5 minutes; and individuals, 3 minutes.

23 The Commission will adhere to this schedule as
24 strictly as possible. Those presenting testimony should be
25 brief and non-repetitive. If you have a prepared statement
26 please give copies to staff and orally summarize the
27 highlights only. Please provide these copies of your

1 statement before presenting your oral presentation.

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

7 The decision of the Commission in this case will
8 be based exclusively on the record. To avoid any appearance
9 to the contrary the Commission requests that the parties,
10 counsel, and witnesses not engage the members of the
11 Commission in conversation during any recess or at the
12 conclusion of the public hearing.

13 The staff will be available to discuss any
14 procedural questions. All individuals who wish to testify
15 please rise to take the oath.

16 (Witnesses sworn.)

17 CHAIRPERSON KRESS: I would like to start
18 preliminary matters. Ms. Pruitt-Williams.

19 MS. PRUITT-WILLIAMS: Yes, Madam Chair, staff has
20 one. And we'd like to note that we received a letter on March
21 4th from Ms. Mitten requesting a postponement of this
22 particular hearing, but it's our understanding that they are
23 ready to go forward tonight. I just wanted to note in the
24 record.

25 Ms. Mitten, could you come forward, please?
26 Ma'am, you have to speak on the microphone so you can be
27 heard.

1 MS. MITTEN: I just wanted to say that Dr. Carter
2 had a throat operation and he's here but if it's determined
3 that you can't hear him perhaps you would allow someone else
4 to read his testimony for him. But he's here and we're ready
5 to go with that.

6 CHAIRPERSON KRESS: Certainly.

7 MS. MITTEN: And I had one other request which is
8 that counsel members Evans and Mendelson have prepared letters
9 and we would like to ask that they be admitted into the
10 record, and if that requires a waiver of your rules I'd ask
11 you to consider that.

12 CHAIRPERSON KRESS: All right, thank you. Ms.
13 Pruitt-Williams, do you wish to comment on that?

14 MS. PRUITT-WILLIAMS: Yes, Madam Chair, it would
15 require a waiver of the rules but the letter would also have
16 to come from both Mendelson and Evans to request that the
17 record be re-opened to have their letters submitted.

18 So if you decide that it may be something you want
19 to consider, they would then have to submit another requesting
20 a re-opening of the record to have their letter submitted.

21 CHAIRPERSON KRESS: So the Office of Planning has
22 received letters from Evans and from Mendelson but obviously
23 has not been forwarded because our record hasn't been opened.
24 But you're stating that you need to go back to Evans and
25 Mendelson and request that they make the request to open --

26 MS. PRUITT-WILLIAMS: If you decide that it's
27 something that you might want to see. If not, what we do is

1 we return them and indicate that the record has been closed.

2 CHAIRPERSON KRESS: All right. Fellow
3 Commissioners --

4 MS. PRUITT-WILLIAMS: The thing is that the
5 request to re-open the record can't come from Ms. Mitten or
6 from the applicant. It has to come from the author of the
7 letters.

8 MR. QUIN: Madam Chairperson, may I respond just
9 briefly on that issue?

10 CHAIRPERSON KRESS: All right.

11 MR. QUIN: You make rules to be followed and the
12 record did close. We're trying to have a very limited
13 hearing. Obviously if there were an opportunity for other
14 letters everybody could go out and beat drums and try to get
15 more letters. And I just think that the record is closed and
16 should not be permitted.

17 CHAIRPERSON KRESS: All right, thank you. Fellow
18 Commissioners, what's your pleasure?

19 COMMISSIONER CLARENS: I agree. I think that the
20 record was closed and this was properly advertised previously
21 and we heard it, and there was plenty of time for the council
22 members to have written the Commissioner to express their
23 opinion.

24 We can let them in and read them and, you know, we
25 can do that, but it seems to me that we either close the
26 record and --

27 CHAIRPERSON KRESS: Excuse me, Mr. Clarens? They

1 can't hear you. Would you move your mic closer? And turn it
2 on?

3 COMMISSIONER CLARENS: Yes. And so that's my
4 opinion.

5 COMMISSIONER FRANKLIN: I don't want to complicate
6 your life, Madam Chair, but I would think that proper respect
7 and deference to members of the City Council might be granted
8 apart from what we might do --

9 MS. PRUITT-WILLIAMS: Mr. Franklin? Excuse me,
10 I'm getting indications from the audience that -- can you hear
11 me? Can the audience hear me? Okay. You just really have to
12 put your mouth right up to the microphone.

13 CHAIRPERSON KRESS: Hopefully, with the new budget
14 we will get new microphones.

15 COMMISSIONER FRANKLIN: I would be inclined to
16 give appropriate deference and respect to a member of the City
17 Council that might not be afforded to other persons. And I
18 hope that in doing so we would not set a precedent that would
19 widen our respect and deference. So that's where I'm coming
20 from at this point.

21 CHAIRPERSON KRESS: Mr. Hood, do you have anything
22 --

23 COMMISSIONER HOOD: I'll just agree, Madam Chair,
24 with Commissioner Franklin. He stated it very well.

25 COMMISSIONER PARSONS: Madam Chair, I would ask
26 the staff -- I guess you have probably read these letters,
27 haven't you? Are they pertinent to the narrow subject of

1 tonight's hearing or are they just general comments? If they
2 have some bearing on the limited scope of what we're doing I
3 think we should. Even though it requires another letter,
4 apparently.

5 MR. KARKEET: That is a difficult question to
6 really answer without really exposing what they have to say.
7 You want my opinion, Mr. Parsons on this?

8 COMMISSIONER PARSONS: Yes, that would be great.

9 MR. KARKEET: Well, I think there's some
10 credibility to them, so that's really all I'd rather say.

11 COMMISSIONER PARSONS: Well then, Ms. Williams,
12 what you're saying is if we gave an indication that we'd be
13 willing to accept these then we'd have to wait --

14 MS. PRUITT-WILLIAMS: Correct --

15 COMMISSIONER PARSONS: -- for these second letters
16 --

17 MS. PRUITT-WILLIAMS: And you'd have it for your
18 decision.

19 COMMISSIONER PARSONS: -- to come in at a later
20 time?

21 MS. PRUITT-WILLIAMS: You could have it for your
22 decision meeting but not for tonight's hearing. And then of
23 course, we'd have to make sure the parties and applicants have
24 it and have a chance to respond.

25 CHAIRPERSON KRESS: It appears to me the consensus
26 is that we allow these letters in for the -- considering that
27 these are council people and that they are written directly to

1 the pertinent issues at hand and so that we are willing to
2 waive our rules.

3 COMMISSIONER CLARENS: Madam Chair, it's not a
4 consensus, it's a majority. But it's not a consensus.

5 CHAIRPERSON KRESS: All right. It's the majority
6 but not a consensus. With that, we'll move on and I'd like to
7 --

8 COMMISSIONER HOOD: Madam Chair, may I just state
9 for the record, I was unavailable for the first hearing but I
10 have reviewed the record and I'm ready to go forward with the
11 second hearing.

12 CHAIRPERSON KRESS: Thank you. I'm sorry, I meant
13 to recognize you. Forgive me.

14 Any other preliminary matters?

15 MS. PRUITT-WILLIAMS: No, Madam Chair.

16 CHAIRPERSON KRESS: All right. With that then,
17 we'll move to the applicant's further presentation. Good
18 evening.

19 MR. QUIN: Good evening, Madam Chairperson and
20 members of the Commission. My name is Whayne Quin with
21 Allison Prince of Wilkes, Artis, Hedrick & Lane. We represent
22 the applicant in this very limited hearing.

23 We'll be brief and hopefully we will finish this
24 hearing in a short period of time. As stated at the last
25 hearing, we believe this application is unusual in that it
26 provides, right in the heart of the central employment area,
27 the opportunity for revitalization of two office building

1 sites.

2 And now I'll move right into why we are here. At
3 the hearing and at the public meeting you expressed a desire
4 to see more study in four particular areas. First -- and you
5 granted the limited hearing on those four items.

6 First, providing a greater setback dealing with
7 what is visible on the top of the building as proposed;
8 second, finalizing the materials and the design of the
9 exterior; third, improvements in the landscape plan; and
10 fourth, restudying the garage entrance to minimize its impact.

11 Our architect, Rod Henderer of RTKL, will cover
12 those four items: the setbacks and reduction of view which
13 you will see shortly, the materials, the landscape plan, and
14 also the garage from a design standpoint. And then we'll call
15 Lou Slade, a traffic consultant, to deal with the traffic and
16 parking aspects of the impact of the garage.

17 I'd also like to note for the record -- I don't
18 know whether it's been distributed, Ms. Pruitt -- but the
19 letter from DPW, the memorandum that was responsive to a
20 question that the Chair asked last meeting, concluding that
21 there's ample precedent for curb cuts; that there are 12 curb
22 cuts from the Solar Building south to Lafayette Park.

23 Actually, I think that the record shows that there
24 are two more immediately north of the site on the same side at
25 the Presidential Apartments -- or within a few feet of the
26 subject site.

27 At this point unless there are questions, I'd like

1 to proceed with our first witness, Mr. Henderer.

2 CHAIRPERSON KRESS: Thank you.

3 MR. HENDERER: Good evening. My name is Ron
4 Henderer with RTKL. I'm here to address some very specific
5 issues about the revision of the design. As Wayne said, they
6 are -- and I'll relist them again -- the reduced mass of the
7 building along 16th Street, the image and character of an
8 improved parking garage entrance, and third, the refinement
9 and the development of the landscaping along 16th Street in
10 front of the Solar Building.

11 Before I show you those revisions I would like to
12 very briefly state the goals for this project. They are four
13 of them: to create a viable building worthy of this prominent
14 corner; to successfully integrate the character of two very
15 different streets; to be sensitive to its context, in
16 particular to the scale of 16th Street; and fourth, to create
17 a superior design for this special site.

18 Up here on the board, the first illustration is
19 the Solar Building as it is today. The second sheet is the
20 design that we presented last December, with the building at
21 90 feet on 16th Street and 130 feet on K Street.

22 The next sheet is the proposed revisions to the
23 design. The red is the areas that represent the reduction in
24 building mass on 16th Street, the reduction as it also wraps
25 around K Street.

26 And I might add, there is nothing behind this red.
27 There's no bulk hidden behind this red. This particular

1 photograph is taken with the corner -- at Solar's most visible
2 point with your back hard up against the Carleton Hote.

3 This particular sheet represents the design
4 revisions that we have done without the red. I'd like to take
5 you through a series of views. The design that you see here
6 is further south on 16th Street looking more towards the Solar
7 Building. The Solar Building obviously, is right here.

8 The next sheet represents in red the reductions in
9 building mass that we have achieved in the Solar Building.
10 The next sheet reflects the changes in design; again without
11 the red. One thing that I'd like to note is, what we call the
12 sky trellis is barely visible from this particular point.

13 The next sheet represents the design of the Solar
14 Building -- looking at the Solar Building at approximately L
15 Street looking back. This is the design as it was. Again,
16 the red represents the reduction in building mass on 16th
17 Street.

18 If I flip to the next page, this is it without the
19 red and you'll notice that really at the setback, the building
20 really is barely visible. One thing you ought to note is two
21 doors up is really looking at the mechanical penthouse that
22 protrudes at this particular building.

23 And the last sequence is a view again further up,
24 north on 16th Street looking south. Again, the Solar
25 Building, the reduction in building mass, and without the red.

26 Now, the question really is, is how did we achieve
27 this reduction? The reduction was achieved not in the obvious

1 way; not necessarily completely in horizontal setback but in
2 fact, as this sheet will show you, a reduction in building
3 height.

4 We've made a total reduction in building height of
5 seven-feet-nine-inches, and this has been achieved through a
6 seven-foot-eight-inch -- approximately four-foot-six-inch
7 reduction in mechanical penthouse height and a one-foot-six-
8 inch reduction per floor in each of the top three floors; also
9 equalling four-feet-six-inches.

10 The things that I like to point is the line of
11 sight. This is the line of sight that it previously was on,
12 this is the new line of sight, and it just shows to you that
13 the setback becomes visible only once you reach the sidewalk
14 on the east side of 16th Street.

15 Now, the next particular sheet -- this sheet
16 represents a vertical reduction in height. The next sheet
17 represents what we've done in terms of setback horizontally.
18 We have taken a five-foot -- increased the setback five feet
19 from 20 feet to 25 feet at the closest-most point on 16th
20 Street. It still has a setback of 45 feet.

21 The point that I'd like to make is that if you can
22 see this red line right here, that the reduction we have done,
23 if you had done a 40-foot setback without the curve, you would
24 still see the line of the building at the uppermost red line.

25 The curve does a couple of things and a couple of
26 very important things that I would like to just highlight.
27 Firstoff, in our minds it significantly softens the transition

1 from the 90 feet to the higher portion back in the C-4 zone.

2 And secondly and very importantly, on the 9th and
3 10th floor it makes those particular floors significantly more
4 functional. The 11th floor is a little shaky in terms of its
5 leasibility or its functionality. To do that on three floors
6 would be very difficult. In the 9th floor and 10th floor the
7 curve allows increased functionality.

8 I'd also like to point out that the building
9 height here is approximately 126-feet-six-inches. Now, we
10 also redid the video and I'd like to show that.

11 Again, we're coming, flying over Scott Circle and
12 moving south on 16th Street. And we're walking -- or jogging,
13 I should say -- down the sidewalk on the east side of the
14 sidewalk looking at the Solar block. And notice really how
15 barely visible the top of the building is.

16 Again, now moving closer. One of the things is
17 that, you know, maintaining this cornice line that we find in
18 other buildings. Again, your back is against the sidewalk on
19 the east side of the road.

20 Moving further south, moving past the intersection
21 of K Street, crossing 16th street and now walking north.

22 Initially the setback is not visible. As you come closer to
23 the corner it does become visible, but barely visible.

24 As you cross the corner, notice the cornice line
25 at the top of the 7th floor, the top of the building at 90
26 feet. And as you're looking past, down to the White House
27 really, how we maintain the 90-foot height line.

1 One of the things that I would also like to point
2 out is the commitment there is to very high quality materials
3 on this building. The first floor, two floors of the building
4 will be granite. The floors from the third floor up to the 90
5 feet will be limestone, except where there is glass.

6 The elevation reflects again, the changes in
7 height that we have made to the building. The blue represents
8 the net reductions that have been made to the height of the
9 building.

10 The next issue that I'd like to talk about is the
11 garage entrance located right here. This particular
12 photograph is taken of the existing entrance to the Solar
13 Building and the adjacent building that will become part of
14 the Solar Building in the future. And really notice what it
15 looking like right at the moment.

16 Also notice -- look how wide the sidewalk is, in
17 particular in front of the Solar Building, and fairly generous
18 it is going back to the existing office building back here.

19 This is an artist's rendering depicting how the
20 building will look once it's renovated, focusing on the office
21 building, focusing on the garage entrance -- to the parting
22 garage entrance. And we made a number of revisions in the
23 design to this particular garage.

24 Firstoff, the garage height has been reduced from
25 ten-feet-four-inches to eight-feet-four-inches. The opening
26 has been subdivided so that it's two openings, not one
27 opening. I think that in fact, this garage now really has

1 more of a residential size opening instead of a commercial
2 parking garage.

3 In addition, granite will go around the entire
4 frame of the garage, and that the materials in the garage
5 entrance have been upgraded. And there are a number of key
6 things that we have done with those materials.

7 Firstoff, we will be placing glass at the very end
8 of the garage to allow daylight to filter in through the
9 backside so it won't be necessarily the black hole that one
10 often associates with garages and garage entrances.

11 Secondly, a ceramic-faced concrete block will be
12 used for the walls of the garage and the color that will be
13 selected will be selected to match the limestone.

14 And third, there will be no fluorescent lighting
15 that is used typically in these garages. The lighting will be
16 significantly upgraded, the quality of light, from what you
17 typically see in a garage.

18 We believe that this garage in fact, is very
19 compatible -- or parking garage entrance -- is very compatible
20 with what you see in the rest of the base of the building.

21 And it's a very quiet entrance, and rather
22 residential we feel, in scale. Residential, particularly in
23 comparison when you look at this garage entrance versus the
24 entrance to the Solar Building itself.

25 Now, I would like to address some issues on
26 landscaping. This is the current landscaping as it exists
27 right today; a photograph taken recently at the front of the

1 Solar Building.

2 This particular plan represents our landscape
3 ideas and concept for the improvement, and it reflects several
4 refinements that we have made since December. They include
5 the following.

6 In the December submission the garage entrance was
7 going to be poured concrete. We will be upgrading this to
8 pre-cast concrete unit pavers with granite accents that you
9 can see in the plan.

10 The garage entrance in addition, has been narrowed
11 to allow landscape buffers, hedgerows, to be on either side of
12 the garage. We have increased the amount of green space on
13 the landscape plan from the previous submission so that there
14 is no net reduction in the amount of green space for these two
15 blocks, including the parking garage entrance.

16 In fact, there is a marginal increase in the
17 amount of green area. In addition, we have planted a specimen
18 tree at this particular place in the landscape.

19 Now, just in summary, the challenge is -- and I
20 think we've met this -- to reduce the visual impact of the
21 building on 16th Street. We've done that with a seven-foot-
22 eight-inch reduction in building height. We've set the
23 building back an additional five feet on the 9th and 10th
24 floor. We've created a garage entrance that is very quiet,
25 residential in scale. And we've increased and enhanced the
26 landscaping for the project on 16th Street.

27 MR. QUIN: Are there questions of Mr. Henderer,

1 and do you want us to complete our testimony?

2 CHAIRPERSON KRESS: Why don't you complete your
3 testimony and then we'll come back to him.

4 MR. QUIN: The next witness is Mr. Lou Slade who's
5 been previously accepted as an expert in transportation
6 management.

7 MR. SLADE: Good evening. I'm Louis J. Slade. I
8 reside at 3500 Quesada Street in Washington, D.C. I'm with
9 Gorove/Slade Associates. I just have a few points to make
10 about the proposed garage entrance on 16th Street and why it
11 is a preferred location over any other location that --

12 MS. PRUITT-WILLIAMS: Excuse me, Mr. Slade?

13 MR. SLADE: Yes?

14 MS. PRUITT-WILLIAMS: You've got to talk a little
15 bit closer and more moderate. The audience is having a hard
16 time hearing you.

17 MR. SLADE: Okay, thank you. I just want to make
18 a few points about the garage entrance and why the 16th Street
19 location which we're proposing is preferred. Some of these
20 points I made earlier and I'll just sum them up very quickly.

21 First of all, the prospect of locating the garage
22 entrance onto K Street frontage or through the alley places
23 the garage access quite a distance from the front door of the
24 building and from its address location.

25 And so visitors to the building who find their way
26 there using the address would not see the garage and would
27 have to circulate around the neighborhood to find the garage.

1 They would find it around corners but it would not be as
2 apparent and it would add to circulation the neighborhood,
3 which is already congested.

4 The sidewalk on 16th Street carries about one-
5 third the traffic that the sidewalk on K Street does. So if
6 the garage traffic had to cross the K Street sidewalk it would
7 create a much less safe condition than it does crossing where
8 we're proposing it.

9 We talked about the bus stop last time. There is
10 a bus stop along the 16th Street frontage. The proposed
11 driveway will not require changing that bus stop in any way.
12 The driveway is north of the north limit of the existing bus
13 stop. We made observations at that bus stop: 90 percent of
14 the time there was no more than one bus there. Of course some
15 of the time the bus stop did not have a bus at all.

16 About ten percent of the time during the peak
17 period there were two buses there. We never observed three
18 buses there. Two buses fit well within the existing stop. On
19 the rare occasions that three buses have accumulated at that
20 stop there would be just a matter of seconds before the first
21 bus would leave and the buses would clear out of the way of
22 the driveway. So that would not be a problem.

23 The K Street frontage has a one-way service drive
24 along it. If we access the garage in any way from K Street,
25 the traffic to and from the garage would have to use that
26 service drive or cross that service drive. It's just another
27 point of conflict for vehicular traffic and accessing this

1 particular garage.

2 Probably most importantly is the nature of the
3 alley itself, which of course has been discussed as a
4 prospective place for accessing the garage. The access to the
5 alley from K Street and from 17th Street is by two segments
6 and both segments are only 15 feet wide, which are less than
7 standard for 2-way operation.

8 I've been in that alley many times recently and
9 those segments are so narrow that if a vehicle is approaching
10 from each direction, one vehicle typically will back up. And
11 when those vehicles have to back up out into the street,
12 they'd have to back up across the sidewalk which is an unsafe
13 condition. The alley would have to be made into a one-way
14 operation if any more traffic. And frankly, it should be one-
15 way operation now for safety reasons.

16 The alley itself is highly utilized and very
17 congested. There are vehicles parked in the alley. And PEPCO
18 has a facility here which is the point of origin and
19 destination of a lot of maintenance trucks.

20 PEPCO has indicated to us that they would be very
21 concerned about locating our garage and access in this alley
22 because it would add to congestion and delay their operation.

23 Finally, a member of the community has submitted a
24 list of 17 buildings which gain their access to their garages
25 through alleys. We looked at all of those to evaluate them
26 and see how they were operating.

27 The youngest of those buildings is about 12 years

1 old. I can see it out the window in my office. It's on 18th
2 Street. Many of them were built in the mid-'80s. Another
3 large group of them were built more than ten years ago and
4 some of them are over 30 years old.

5 I visited about half of these buildings and
6 members of my staff visited all of them. We've come a long
7 way in 40 years. We cannot and do not design buildings like
8 we did 30 years ago and we would not design buildings -- if we
9 were redesigning those 17 buildings we would not provide
10 access to their garages the way they were provided ten to 30
11 years ago.

12 There was much less traffic congestion then. For
13 many of these buildings they're so old that parking was not
14 even a requirement. It was provided as a special convenience
15 or special feature.

16 There are few cases among the 17 where the alley
17 happens to be adjacent to the side of the building, and that's
18 rather convenient and those few cases happen to work fairly
19 well. But for the most part, all these alley access are as
20 remote as ours would be if it were in the alley, and frankly
21 it just does not meet current standards.

22 Thank you.

23 MR. QUIN: Madam Chairperson, members of the
24 Commission, our last witness is Ben Jacobs.

25 MR. JACOBS: My name is Benjamin Jacobs. I'm
26 president of the JBG Companies and I will be very brief. I
27 appeared before this Commission on the last of our hearings

1 and stated both the history and experience of JBG in
2 developing in the city.

3 We have devoted an extraordinary amount of time to
4 this project and we think it has been time well-spent. We
5 view the PUD process not as one filled with tension but one
6 rather, that is collaborative. That collaboration started in
7 our meetings with the Office of Planning as I outlined in
8 greater detail earlier, and with meetings with members of the
9 community.

10 We think the process has been healthy, we think
11 it's been additive, and we think the evidence of that process
12 is before you. And we respect the PUD process and we respect
13 the integrity and the judgment of the Commission.

14 And so we sit here today feeling that we have
15 responded constructively on behalf of the architects,
16 creatively, to the issues that were raised at our last hearing
17 and have been raised otherwise

18 And we would suggest that based on that we have a
19 very credible project; one we think that will be an
20 extraordinary enhancement to a key corner, a key intersection
21 of the District of Columbia in the middle of the central
22 business district, and will revitalize that particular corner
23 and begin the revitalization of that area.

24 So with that said, I would ask the Commission for
25 a favorable view.

26 CHAIRPERSON KRESS: Thank you. And that completes
27 your presentation?

1 MR. QUIN: That completes our direct presentation,
2 yes.

3 CHAIRPERSON KRESS: Thank you, Mr. Quin.
4 Questions, colleagues? I'd like to begin with Mr. Franklin.
5 You look like you're ready.

6 COMMISSIONER FRANKLIN: I don't recall precisely,
7 but I thought there was something said initially about -- it
8 misses the mark of the subject at hand -- but the drawings
9 that were shown to us showed no signage at all on the
10 building.

11 Did I recall correctly that there was some control
12 that was going to be put on signage? I looked at the garage
13 entrance and it lacks any of the signage that you typically
14 see in such garages.

15 MR. QUIN: Yes. We have attached as the --

16 COMMISSIONER FRANKLIN: It's in the original
17 material --

18 MR. QUIN: Yes, in Tab J we put the restrictions
19 that are more than what you would normally have for an SP
20 building. In fact, it deals with smaller size, the types of
21 illumination that -- frankly, exposed sources of sign
22 illumination shall be prohibited. And it's fairly
23 restrictive. There were 11 conditions that were set forth in
24 Exhibit J.

25 COMMISSIONER FRANKLIN: Then Mr. Henderer had in
26 his presentation, made some comment on the building materials,
27 which also is not necessarily the subject of this hearing, but

1 I wanted to understand --

2 CHAIRPERSON KRESS: Yes, it was. There were some
3 changes to the material.

4 COMMISSIONER FRANKLIN: To what extent have you
5 changed the building materials from what was originally
6 proposed?

7 MR. HENDERER: The commitment now is that -- under
8 the original proposal at the December hearing, is that the
9 building above the third floor would be either stone or stone-
10 like. The commitment now is that it will be limestone.

11 COMMISSIONER FRANKLIN: Well, I thought that was
12 the case and drawing A-17 that you have given to us indicates
13 metal panels in a substantial part of the elevation on K
14 Street as well as on 16th Street.

15 MR. HENDERER: Using this drawing, the commitment
16 for stone is that granite will be used for the first two
17 floors and limestone will be used on the 16th Street elevation
18 from the third floor up to 90 feet, including the cornice
19 line.

20 When you step back in the building, the curve
21 itself -- because we wanted to make it lighter -- will be
22 metal, and then limestone will be used up on the 11th floor.

23 COMMISSIONER FRANKLIN: Am I misreading on A-17
24 when it shows metal panels in the material above the entrance?

25 MR. HENDERER: Oh, I'm sorry. The spandrel panels
26 above the projecting bay are called out to be metal panels.
27 I'm sorry.

1 COMMISSIONER FRANKLIN: And the largest element of
2 the K Street elevation are metal panels? Composed of metal
3 panels?

4 MR. HENDERER: That's right.

5 COMMISSIONER FRANKLIN: Was that the original
6 proposal?

7 MR. HENDERER: Yes, that's true. I might add that
8 one of the purposes for using the metal panels in the spandrel
9 condition is really to articulate that as a bay window and
10 make it feel lighter. So that's the reason for the metal
11 panels.

12 CHAIRPERSON KRESS: Thank you. Questions,
13 colleagues? Mr. Parsons?

14 COMMISSIONER PARSONS: I wanted to follow up on
15 the parking sign. You referred to a Tab J that I don't happen
16 to have before me, Mr. Quin. Can we preclude a parking sign
17 of any kind on this building? I guess I'd rather ask the
18 question then.

19 I'd like to preclude a sign on this building
20 indicating that this is a commercial parking garage. And I
21 wonder if that's possible?

22 MR. QUIN: Yes.

23 COMMISSIONER PARSONS: So it will only be used for
24 the tenants of the building?

25 MR. QUIN: And their guests.

26 COMMISSIONER PARSONS: So is that in Tab J?

27 MR. QUIN: No, that is not in Tab J.

1 COMMISSIONER PARSONS: Then it could be in Tab J-
2 2? Okay.

3 CHAIRPERSON KRESS: Or it could be in a condition
4 --

5 MR. QUIN: Could be added as a condition 12?

6 COMMISSIONER PARSONS: Because I think you have
7 made a substantial effort to -- while I wouldn't quite
8 characterize it as residential you're on your way. And I
9 think it's -- I'm okay now.

10 Mr. Henderer, I'm confused by one statement you
11 made and I think maybe I misunderstood it. I thought you said
12 that the setback at the -- I guess it's the 9th floor level --
13 now is at 47 feet. And all the drawings I look at it's 35
14 feet. Am I misreading your statement?

15 MR. HENDERER: It is 35 from this corner to this
16 point.

17 COMMISSIONER PARSONS: Now, where was it when you
18 first came to us? What was the dimension at the beginning of
19 this process?

20 MR. HENDERER: The dimension has not changed right
21 here. The dimension has changed in the center. We've pushed
22 this wall an additional five feet further west.

23 COMMISSIONER PARSONS: And did you do any studies
24 to set this back further? To get to 47 or 50 feet as, at
25 least I suggested?

26 MR. HENDERER: Yes, we did studies, and there are
27 two issues, and let me try and reiterate this.

1 Using a piece of paper, if you maintained -- and
2 let me draw -- if you maintain a 40-foot setback, the bottom
3 edge of the paper is where that 40-foot setback would be.

4 COMMISSIONER PARSONS: You've lost me.

5 MR. HENDERER: Right now this -- this is the top
6 of the 11th floor right here. This is set back 40 feet from
7 16th Street. So to do a 40-foot setback to eliminate the
8 curve, in fact the top of the building is just as apparent.

9 COMMISSIONER CLARENS: It would not change the
10 skyline of the building? It would not change the way the
11 building meets the sky. The curve actually projects within
12 that area?

13 MR. HENDERER: Exactly right. The curve we've
14 introduced for two reasons: to soften the impact from 90 feet
15 to 130 feet -- now 125-feet-six inches; as well as to make the
16 9th and 10th floor functional -- a functional layout.

17 Because again, we're working with existing cores
18 and you need to get around those existing cores.

19 COMMISSIONER PARSONS: Thank you.

20 CHAIRPERSON KRESS: I have a question and perhaps
21 you can answer it but perhaps Mr. Slade should. I seem to
22 remember reading when I was doing my homework this weekend
23 that you had looked at the queuing issue and had a particular
24 solution for the queuing issue for particularly the left-hand
25 turn. Am I not correct?

26 MR. SLADE: Your memory may be better than mine on
27 this. I think that we -- in December I testified that we had

1 looked at how vehicles would queue on the street in the
2 morning when the majority of traffic was arriving.

3 And I believe that the vast majority of the time -
4 - well over 90 percent of the time -- there would be typically
5 one vehicle waiting to make that turn in. And of course the
6 signals at either end of that block at K Street and L Street,
7 are creating breaks in the flow so that at most, a vehicle has
8 to wait just the length of a signal cycle for a break to make
9 that turn.

10 We only are generating a total, we believe, of
11 about 30 vehicles during the peak hour, and that's coming from
12 both directions. So that's one every two minutes and a cycle
13 is 80 or 90 seconds a cycle. Typically, there would be only
14 one vehicle per cycle during a recycle.

15 CHAIRPERSON KRESS: Is there some queuing that's
16 inside the building rather than the receiving directly, as
17 many buildings do right at the curb?

18 MR. SLADE: Yes, we've pulled that point where the
19 vehicles have to stop, into the building a distance well more
20 than adequate, so that as the vehicles are coming in to pass
21 through the entry gate there will be plenty of space for them
22 to get into the driveway and not have to wait on the sidewalk
23 or worse yet, with waiting back out on the pavement or the
24 street itself, or be able to get into the driveway.

25 CHAIRPERSON KRESS: Thank you. That was just a
26 big concern of mine and I wasn't quite sure. It was very
27 subtle. I wanted to make sure I understood. Thank you.

1 COMMISSIONER HOOD: Madam Chair, I just have one
2 question.

3 CHAIRPERSON KRESS: Yes, Commissioner Hood.

4 COMMISSIONER HOOD: Have the members of the
5 community seen the revisions and what was the response?

6 MR. QUIN: The members of the community have seen
7 the plans. They've been filed and served as required when we
8 filed the plans. You will hear their response I guess,
9 tonight.

10 COMMISSIONER HOOD: I'll hear them. I just wanted
11 to know if you've heard or did you know of any -- was it
12 receptive, did you try to meet with them?

13 MR. QUIN: We have not. I don't know whether it's
14 because of the nature of the overtures for the meetings; I can
15 get into those. We wanted to meet. Let's just put it that
16 way, but we have not had any meetings. I can go into that if
17 you would like as to how we made contact and how we felt that
18 we were going to have --

19 COMMISSIONER HOOD: So you're saying that you did
20 make an effort to meet with the committee --

21 MR. QUIN: Yes, we did.

22 COMMISSIONER HOOD: -- but you didn't, so
23 therefore I'll hear the responses when they come in. Thank
24 you.

25 CHAIRPERSON KRESS: Commissioner Clarens, you
26 haven't had a chance to really ask any questions.

27 COMMISSIONER CLARENS: A very brief one and it

1 also has to do with signage. The retail on the lower, on the
2 street level, am I correct in understanding that you have
3 restated planting alongside the 16th Street side along the
4 retail frontage that was not there in the December
5 presentation?

6 MR. HENDERER: That's correct.

7 COMMISSIONER CLARENS: That is correct. And so
8 that it follows that then there would be no entrance to the
9 retail from the 16th Street side?

10 MR. HENDERER: We are maintaining this much
11 entrance right here on the corner. This is planting.

12 COMMISSIONER CLARENS: Okay. And what are the
13 intentions for signage along the bottom two floors? And it is
14 the bottom two floors that are going to be retail or only the
15 lower level?

16 MR. QUIN: Do you want to address the signage?

17 MR. HENDERER: The restrictions are really based
18 in Tab J of this submission right here.

19 MR. QUIN: They had a specific question about the
20 first and second floor signage. Did you not?

21 COMMISSIONER CLARENS: There are two questions --
22 I had two questions. One was, is there going to be retail on
23 the second floor?

24 MR. HENDERER: No, not on the second floor.

25 COMMISSIONER CLARENS: Okay, there's already
26 offices. So there's retail only on the first floor. And the
27 signage along 16th Street, the spandrel between the first and

1 the second floor will not be utilized for signage?

2 MR. QUIN: You have a condition that says, a sign
3 shall not be located above the second floor slab of the
4 building.

5 COMMISSIONER CLARENS: Okay. And can you quickly
6 go through the signage --

7 MR. QUIN: Requirements?

8 COMMISSIONER CLARENS: -- proposal?

9 MR. QUIN: Yes. A sign shall not be located above
10 the second floor slab of the building; only a tenant on the
11 first floor may have a sign on the building; only one sign
12 shall be permitted for each tenant; the size of the proposed
13 sign shall not be greater than 40 square feet in area; only a
14 single-faced sign shall be permitted on the exterior wall of
15 the building --

16 COMMISSIONER CLARENS: I'm sorry?

17 MR. QUIN: Only a single-faced sign. In other
18 words, you couldn't have a sign that would have signage that
19 would project on the side of the sign itself.

20 Any sign shall be stationary; a sign shall not
21 project more than 18 inches beyond the building; any
22 illuminated sign shall consist of freestanding, backlighted,
23 opaque letters illuminated by steady light; exposed sources of
24 sign illumination shall be prohibited; fluctuating, pulsating,
25 or moving lights or lighting designed to change appearance in
26 any manner shall not be permitted on a sign; where
27 illumination of a sign is by gas tubes, these tubes shall not

1 be visible but may be arranged to provide indirect silhouette
2 light.

3 Eleven, lettering of a sign limited to a window
4 shall not cover an aggregate area of more than 25 square feet
5 or more than 20 percent of the area of the window, whichever
6 is less. And then the last condition is the one that Mr.
7 Parsons raised about the signage for the garage, and we've
8 answered that that would not be permitted. And that would be
9 the 12th condition.

10 COMMISSIONER CLARENS: And it is your collective
11 opinion that a 40-square-foot sign on the face of this
12 building on the first floor is compatible with the character -
13 - which I might qualify it as elegant -- of the building? And
14 that's the question.

15 MR. QUIN: I'll address it to the architect.

16 MR. HENDERER: We think that's appropriate.
17 Whether a tenant in fact, will ever use that 40-square-foot I
18 can't say.

19 COMMISSIONER CLARENS: What would be the minimum
20 size that you would accept -- where does this 40 feet come
21 from? Is that from the code?

22 MR. QUIN: I believe we used the code, if I'm not
23 mistaken, as the basis, and then moved backwards from that.
24 I'd have to pull the code frankly. I would submit that, but I
25 did not bring that with me. The provisions came from those
26 limitations that are in historic districts and then we moved
27 down from those limitations. We can provide that chart for

1 historic districts for the record, if you'd like us to do so.

2 CHAIRPERSON KRESS: No, I'm sure it's code. I
3 think the question is -- thinks that one foot high by 40 feet
4 long or two feet high by 20 feet -- those are pretty scary
5 numbers. And I think it's not that you're not meeting code, I
6 think the question is one of, it seems a little ominous when
7 one thinks of that side of the building, that's all.

8 MR. QUIN: I guess the other real answer is that
9 in designing a building of this quality, a Class A building,
10 the nature of the building itself and the requirements of the
11 tenants will be such that you'll have to have a high quality
12 sign.

13 I don't think there's any doubt about that, but
14 that's obviously within your jurisdiction. If you feel there
15 should be some other restriction on the signage we would
16 certainly abide by that.

17 CHAIRPERSON KRESS: Thank you. Any other
18 questions?

19 COMMISSIONER FRANKLIN: What are the size -- does
20 anyone know the size of the signs that are there now? Isn't
21 this in an historic district?

22 MR. QUIN: But they are sign regulations that
23 didn't -- that were --

24 COMMISSIONER FRANKLIN: That were later?

25 MR. QUIN: Later, yes.

26 COMMISSIONER FRANKLIN: Does anyone know how big
27 the --

1 MR. QUIN: It's on 16th, which is a special
2 street, but not a historic district.

3 COMMISSIONER FRANKLIN: Okay. Does anyone have an
4 idea how big the TWA sign is? I suppose -- it looks to me
5 like it's getting pretty close to 40 square feet.

6 CHAIRPERSON KRESS: That's something we can deal
7 with should we decide to go forward with this. Any other
8 questions?

9 MR. QUIN: (inaudible) a reduction now. Let's
10 say, let's reduce it to 30? Thirty square feet?

11 CHAIRPERSON KRESS: All right. Thank you.

12 COMMISSIONER FRANKLIN: Sold American.

13 COMMISSIONER CLARENS: Coming back to the issue of
14 landscaping on 16th Street, it's been brought to my attention
15 a note in your plan A-3, where the applicant reserves the
16 option to erect a figure, a hardscaped planting at basic
17 building to accommodate first floor required entry.

18 And that seems -- I understand wanting to have the
19 flexibility, but part of what you're presenting to us a plan,
20 and reconfiguring it might -- you know, if this were to say
21 and be approved, you could go ahead and eliminate all of that
22 landscaping and have the hardscaping that you had -- that you
23 had proposed in December; which was the -- so what is
24 intention here and -- are we talking about a balance of
25 hardscaping to landscaping?

26 So if you take a square foot of one you provide
27 square foot of another one? Is that the intention?

1 MR. HENDERER: Exactly right. The intention is,
2 there will never be a net reduction in green area. The
3 intention is if the retail tenant wanted their entrance here
4 that we would move that landscaping down; that there would
5 never be an increase in additional paved served.

6 COMMISSIONER PARSONS: Where does it say that?
7 That could say that in the draft order --

8 CHAIRPERSON KRESS: I think we need a condition if
9 we so decided. Are there any other questions, Commissioners?

10 With that, I'd like to go to cross examination.
11 And I know Ms. Carol Mitten is here. Would she like to cross
12 examine on these pertinent issues? Please come forward and
13 grab the mic up there if you don't mind.

14 MS. MITTEN: Mr. Slade, you had said that PEPCO
15 had voiced concerns to you about a parking garage entrance
16 from the alley. Did you have anything from them in writing?

17 MR. SLADE: Yes, we do have a letter from them.
18 I'd be glad to give you a copy of that and give a copy to the
19 Commissioners.

20 MR. QUIN: Here's the letter. I'd like to file
21 that for the record, since you asked for that.

22 MS. MITTEN: That would be great. And then
23 perhaps Mr. Henderer could answer this question with this
24 diagram A-3 that's up. There are 14 parking spaces indicated
25 on this drawing which would be on the first floor. How would
26 those be accessed by the vehicles?

27 MR. HENDERER: From the alley.

1 CHAIRPERSON KRESS: Thank you. Does the ANC,
2 Meredith DeHart, ANC-2B wish to have any cross examination?

3 MS. DeHART: No, I don't.

4 CHAIRPERSON KRESS: Thank you. Did I miss any
5 other parties that wish to cross examine? All right, seeing
6 none, thank you. I appreciate your testimony.

7 I would like to now ask the Office of Planning if
8 they have any additional comments based on the information we
9 have received?

10 MR. BASTIDA: Madam Chairperson, for the record,
11 my name is Alberto Bastida with the Office of Planning. The
12 Office of Planning has no further report regarding this case.

13 I would like to point out that at the request of
14 the Zoning Commission the Department of Public works has
15 provided additional information; that it was received by the
16 Board or sent to the Board on March 18th. Do you want me to
17 read that for the record?

18 CHAIRPERSON KRESS: I think we have it in front of
19 us and I believe, unless someone needs it, I believe it was
20 referenced and spoken to earlier.

21 MR. BASTIDA: That is correct, Madam Chairperson.

22 CHAIRPERSON KRESS: I don't think we need that.

23 Thank you.

24 MR. BASTIDA: So that concludes my presentation.

25 Thank you.

26 CHAIRPERSON KRESS: Questions for Office of
27 Planning, colleagues? Seeing none, thank you. I would ask,

1 would Ms. Mitten care to cross examine Office of Planning?

2 MS. MITTEN: No, thank you.

3 CHAIRPERSON KRESS: How about Ms. Dehart, do you
4 care to?

5 MS. DeHART: No, thank you.

6 CHAIRPERSON KRESS: Thank you. All right, with
7 that we'll move on. I don't believe there's any other
8 agencies to testify. I think we've just had the reports and
9 so with that we'll move into the ANC-2B's presentation. Good
10 evening.

11 MS. DeHART: Madam Chair, my name is Meredith
12 Dehart. I'm the ANC commissioner for Dupont Circle ANC-2B05
13 and the Solar Building falls within my district. I am
14 representing the ANC this evening and have been authorized to
15 do so.

16 CHAIRPERSON KRESS: You asked for a waiver but
17 since you're here testifying we will just take it as your
18 testimony, so we don't think we need to do a waiver.

19 MS. DeHART: All right, thank you. At the
20 regularly scheduled public meeting at Dupont Circle ANC-2B on
21 December 9th, 1998, the ANC voted seven to zero to oppose the
22 planned unit development for the Solar Building as has been
23 presented. And at our regularly scheduled public meeting on
24 March 10th, 1999, the ANC voted six to zero to remain in
25 opposition to the proposal as currently modified.

26 And we're limiting our testimony so that we are
27 not dealing with design features. We defer to the expertise

1 and academic credentials of others here present. But in
2 reviewing the modifications to the December proposal we see
3 little change in the design features that the ANC found
4 troubling.

5 And the applicant has made two minor design
6 concessions and quoting from them: The radius of the curved
7 element has been softened and set back an additional five feet
8 from 16th Street resulting in a minimum setback of 25 feet.

9 The overall height of the building including the
10 penthouse, has been reduced by seven-feet-eight inches through
11 doing a three-foot-two-inch reduction of the height of the
12 penthouse into a 4.5-foot reduction in the height of the roof.

13 Neither of these modifications addresses the ANC
14 concern about rezoning the SP zone on lower 16th Street such
15 that the area now zoned as SP-2 would become C-4 and the depth
16 of the SP zone at this point would be reduced to only 20 feet.
17 It already is 45 feet in depth and is at that point, the
18 narrowest of the points on the SP-2 zone of lower 16th Street.

19 The Solar Building dimensions as well as its 16th
20 Street address and entrance have historically defined it as a
21 16th Street structure. With the current modifications the
22 applicant continues to seek redefinition of the Solar Building
23 as a K Street C-4 commercial structure by seeking relief from
24 conditions imposed by the SP2 zone.

25 The garage entrance was something of -- on 16th
26 Street was a feature that we have found very troublesome from
27 the beginning and have spoken about that, beginning with our

1 earliest meetings with the applicant.

2 That 16th Street garage entry remains a part of
3 the proposal and if allowed, of course it will be the first
4 such entry on 16th Street and will establish the precedent,
5 not only for future applications on this street but
6 conceivably for similar applications in other SP areas.

7 This intersection is an especially busy
8 intersection in a city already identified as one of the worst
9 for traffic congestion. It is a major intersection transfer
10 point for north-south and east-west bus line. The applicant
11 we feel, has still not adequately addressed just how that
12 conflict of bus stop and garage entrance will be dealt with.

13 The applicant, in conversations -- I'm not sure if
14 it's in any of the written materials -- has cited the double
15 yellow lines in the center of 16th Street as a guarantee that
16 this garage entrance will not further add to the traffic
17 problems.

18 My own observation from querying drivers from all
19 three jurisdictions in the Metropolitan Area and also
20 observing what actually happens, is that few drivers are aware
21 of prohibitions imposed by that double-yellow line and the
22 prohibitions are universally ignored.

23 The applicant also provides us justification for
24 the garage ramp from 16th Street -- which I'm quoting -- "the
25 entire renovation and expansion must be conducting while an
26 existing tenant on the B-1 level remains in place. The lease
27 for this tenant does not expire until the year 2007 and the

1 tenant is unwilling to relocate. It is extremely difficult to
2 provide ramping from the alley in a manner that does not
3 significantly encroach on this tenant's space".

4 And in fact, we feel that the applicant is
5 requesting that this tenant's presence during construction
6 until the year 2007 be justification for decisions that the
7 citizens of the District of Columbia -- and inasmuch as this
8 is the nation's capital also, that citizen of the nation --
9 will be forced to accept in perpetuity.

10 Also, we had some questions about green space
11 landscaping, ground level use on 16th Street that were brought
12 up a few minutes ago. As I said, we are deferring to the
13 experts here as far as design issues go, but the issue of
14 green space or loss of green space, we feel to be definitely
15 of concern.

16 And the proposed garage entry from 16th Street
17 would necessitate a loss of green space for that area. The
18 proposal represented on sheet A-3 provides confusion as to
19 what actually will occur in the remaining frontage along 16th
20 Street.

21 Retail space is indicated for K Street at ground
22 level; adjacent floor area on 16th Street is not labeled.
23 Landscaping is specified for 16th Street; however a note on
24 sheet A-3 indicates that the applicant reserves the option to
25 reconfigure hardscape planning at face of building to
26 accommodate first floor required entries.

27 I think the answer a few minutes ago was that if

1 part of it was displaced it would be created somewhere else.
2 But if that level is going to be actually implemented to
3 accommodate the tenants on 16th Street, and if each wants a
4 walkway for direct entry to their business, it seems unclear
5 just how all of this green space is going to be re-arranged in
6 a very limited area there.

7 So we, the ANC, see quite a bit of room for
8 discrepancy between what is being presented and what actually
9 may be implemented there on 16th Street.

10 Thank you. That concludes my testimony.

11 CHAIRPERSON KRESS: Thank you. Please stay here
12 so we can see if they have any questions. Colleagues, any
13 questions?

14 MR. QUIN: No questions.

15 CHAIRPERSON KRESS: And I guess I may assume that
16 Carol Mitten doesn't have any either? All right. Thank you.

17 With that, we move next to persons and parties in
18 support. Are there any persons and parties wishing to testify
19 in support? All right. Then we'll go ahead to persons and
20 parties in opposition, and next I have Carol Mitten as a
21 party, representing the Presidential Coop. Apartments.

22 MS. MITTEN: Good evening, Madam Chair and
23 Commissioners. My name is Carol Mitten and I'm here
24 testifying in opposition to this application on behalf of the
25 Presidential Owners, Incorporated. Before I begin I would
26 just like to address the comment that was made by Whayne Quin
27 regarding meeting with the community.

1 First I would like to say, the residents of the
2 Presidential are members of the community but they don't
3 represent the community. And there was one effort made prior
4 to the original public hearing to meet with the residents of
5 the Presidential. Since we have gone on record with the
6 specifics of the nature of our opposition there's been no
7 effort that I'm aware of.

8 I consulted with the chair of our Board and the
9 president of our Board about whether they were contacted
10 subsequent to that time and the answer to that was, no.

11 And as far as I'm aware -- and there's a number of
12 community groups that have submitted letter in opposition or
13 testified in opposition representing various aspects of the
14 community, including the ANC, the Dupont Circle Citizens
15 Association, the Committee of 100, the D.C. Cooperative
16 Housing Coalition -- I'm not aware of any efforts that have
17 been made to meet with any of those groups further. So I'd
18 just like to add that comment.

19 And then I had -- again, before I get into the
20 substance of what I wanted to say -- you have a letter that
21 was submitted this evening from the Potomac Electric Power
22 Company, and I just was able to glance at it but in the second
23 paragraph it says, "The PEPCO substation in this square is a
24 major facility that provides an important service to the
25 residents and businesses of the District of Columbia. The
26 substation can be accessed only from the existing alley
27 system", etcetera, etcetera.

1 "The alley must be used." That is false and the
2 fact is that the front of 1620 L Street was specifically
3 constructed to accommodate an opening so that large trucks
4 could enter the substation directly from L Street. And I
5 would just ask you to consider the sincerity of --

6 CHAIRPERSON KRESS: What is --

7 MS. MITTEN: I'm sorry?

8 CHAIRPERSON KRESS: What is the basis of your
9 information? I'm sorry --

10 MS. MITTEN: I know this because I live in the
11 block where this building is located and I've seen many times
12 where the front of the building opens up -- the front of 1620
13 L Street opens up and -- I mean, semi's can drive in. They
14 set up a ramp so they can go over the curb and they literally
15 drive right in from L Street.

16 And if we had had more time to confront this piece
17 of paper we could have had some more -- some pictures or
18 something. But I'm just --

19 CHAIRPERSON KRESS: We can look into that.

20 MS. MITTEN: I just wanted to relate that to you.

21 At your January public meeting the Commission
22 identified four areas of concern regarding the application
23 before you. These areas were: examining the viability of a
24 parking garage entrance from the alley; increasing the setback
25 of the SP-2 zoning line along 16th Street; finalizing the
26 exterior design and materials; and revisiting the landscape
27 plan.

1 In our opinion, the applicant has done precious
2 little to address these areas of concern. First, let me
3 address the parking garage entrance.

4 Everyone agrees that the alleys from K Street and
5 17th Street are 15 feet wide. We disagree about the
6 consequences of the width of these alleys being used to
7 provide access to a parking garage at the Solar Building.

8 We found 17 examples within four blocks of the
9 Solar Building of parking garage entrances that are accessible
10 from alleys less than 20 feet in width. Most of these alleys
11 are 15 feet in width. A list of these properties is attached
12 along with a map of their locations.

13 We also, in our May 10th submission included plats
14 of the squares and the location of the individual buildings.

15 CHAIRPERSON KRESS: We did receive that.

16 MS. MITTEN: Okay. And I would just note that in
17 square 184 there are three other office buildings that have
18 parking garage entrances from the alley.

19 If you turn to drawing number A-3 or A-5 of the
20 applicant's revised submission -- and A-3 is up on the easel
21 right now -- you will see 14 parking spaces indicated for the
22 first floor. And as Mr. Henderer indicated when I asked him a
23 few minutes ago, the applicant intends the access to these
24 spaces will be from the alley.

25 Why is alley access acceptable for these 14 spaces
26 but not appropriate for the 38 spaces in the parking garage?

27 In January the Commission asked for DPW's views on

1 the viability of an alley entrance to the parking garage. DPW
2 responded by comparing access from the alley with access from
3 16th Street. In fact, the Commission asked for DPW's views on
4 the garage entrance from the alley to the exclusion of 16th
5 Street.

6 The explicit purpose of asking DPW to revisit this
7 issue was to understand the degree of hardship that would be
8 created if the Commission decided to deny access for the
9 parking garage from 16th Street.

10 Further, I spoke with Mr. Layden and Mr. Bah from
11 Public Works; both of whom worked on the DPW response.
12 Neither of them would say what DPW's position would be on a
13 request for a parking garage entrance from the alley.

14 I specifically asked them if it would be
15 appropriate to infer from the DPW memo where it stated that,
16 "Access through the alley system is not recommended" that they
17 would deny permission for the parking garage entrance from the
18 alley, and they said no.

19 So as of today you still do not have DPW's
20 response to your question of January 11th as to whether or not
21 a parking garage entrance from the alley is viable. What you
22 do have however, is the applicant's intention to provide
23 access for as many as 14 cars from the alley.

24 You have abundant evidence that access to parking
25 garages from 15-foot-wide alleys is extremely common in
26 downtown Washington. And you have the fact that DPW has
27 granted permission for such entrances with some frequency,

1 including the office building at 1620 L Street where the PEPCO
2 substation was located -- which was built ten years ago in
3 the subject square and which has access from the same alley
4 system that we are discussing -- and including the parking
5 garage for the St. Matthews project in the 1700 block of Rhode
6 Island Avenue, which has yet to be built.

7 The applicant mentioned in their February 19th
8 revision that ramping from the alley will be extremely
9 difficult because of the tenant on the B-1 level that remains
10 in place.

11 In fact, the floor plans that you have before you
12 do not illustrate how the access to the B-2 level from the
13 16th Street ramp will be accomplished without ramping through
14 the entire B-1. More scrutiny should be given to the safety
15 of having such a steep, 2-level access ramp.

16 Second is the issue of the setback and the zoning
17 line. At the January 11th public meeting both Mr. Parsons and
18 Mr. Clarens requested a setback of at least 40 feet. The
19 Commission specifically said that if the applicant came back
20 with an adjustment of only two feet they would consider that a
21 waste of their time. Well, how do you feel about five feet?

22 Based on the amount of time that the Commission
23 spent discussing the height of the proposed building, this is
24 the issue of greatest concern. You wanted to see your
25 concerns addressed in a substantive way. Here's the
26 substance.

27 First, the proposed SP-2 zoning line has not

1 changed at all in the revised submission. And there are
2 zoning maps attached to my testimony that illustrate what was
3 illustrated in the original application. That has not
4 changed.

5 Second, the curved portion of the building that
6 exceeds the 90-foot height has been moved back from 20 feet to
7 25 feet; only an additional five feet from 16th Street, not
8 the 40-foot minimum that the Commission had requested.

9 Third, the mass of the building has changed by
10 less than one percent related to the changes along 16th
11 Street. Your serious concerns have all but been ignored by
12 the applicant. And I would just like to refer to one of these
13 drawings.

14 I believe Mr. Henderer was saying that if there
15 was additional setback of the curve that that wouldn't affect
16 this view. But the view that is the most offending view is
17 this view, which is drawing A-14, which is where this code
18 becomes very evident when you're south of the building looking
19 north, along 16th Street.

20 So the setback that you had asked for was to push
21 this back farther out of the view shed along 16th Street to
22 make it more consistent with what you see on the east side of
23 the street.

24 This is first and foremost, a rezoning case. The
25 placement of the SP-2 line is significant because it affects
26 not only the height and mass of the building but use as well.
27 If the SP-2 zoning line remains at 20 feet and the applicant's

1 submission is approved, general retail uses will be permitted
2 along 16th Street.

3 I don't know if you realize that. That's what
4 they're asking for. As we articulated on our previous
5 testimony, we are opposed to retail uses along lower 16th
6 Street. There was no discussion of the introduction of retail
7 use in this project at the January meeting, and we would urge
8 you not to let that issue pass without specific consideration.

9 Third is the manner of finalizing the details of
10 the design of the exterior. We are not able to address
11 whether the details in drawing A-17 are sufficiently specific
12 to satisfy the Commission's prerogative for design approval.
13 The drawing at A-17 does seem to lack specificity regarding
14 the colors of the metal panels, the granite, and the window
15 glazing.

16 The potential placement of retail entrances and
17 their appearance as represented on drawing A-3 is also left to
18 the discretion of the applicant. We continue to note that the
19 design bespeaks a K Street building, not a 16th Street
20 building.

21 Finally is the issue of the landscape plan. The
22 applicant did revisit the landscape plan at drawing A-3 as the
23 Commission had requested. They added more trees and bigger
24 trees and reduced the amount of paving in order to increase
25 the green space.

26 They preserved the following note, which has been
27 read a few times before but bears repeating: "Applicant

1 reserves the option to reconfigure hardscape/planting at face
2 of building to accommodate first floor required and trees".
3 Plural.

4 As you know from my preceding comments regarding
5 the SP-2 zoning line setback, we are opposed to retail uses
6 along 16th Street. For that reason we are opposed to any
7 landscape plan that accommodates in any way, retail entrances
8 from 16th Street.

9 The residents of the Presidential reaffirm our
10 vigorous and considered opposition to the application before
11 you. We have found nothing in the applicant's revised
12 proposed to alleviate the many concerns we articulated in the
13 original public hearing and this evening.

14 Now Dr. Carter would like to say a few words
15 regarding the parking garage issues.

16 DR. CARTER: Good evening. Please bear with me as
17 I try to raise my voice as much as I can.

18 Carol Mitten has already discussed some of the
19 things that I have on my testimony so I'm going to go over
20 just the additional material. First of all, the garage access
21 from the public alley which is 15 feet.

22 I'd just like to point out that many, many
23 residential streets in D.C. and other cities this age have
24 streets that are 32 feet in width; some less than that -- 30
25 or even less. And they typically provide parking on both
26 sides of the street. If you have 8-foot parking, subtract
27 that from 32 times both sides, leaves you 16 feet for travel.

1 It's pretty comparable to a 15-foot alley, and
2 that's 2-way traffic. And it works in residential areas where
3 traffic may typically be 600 to 800 vehicles a day, which is
4 probably not much different from what most alleys would be.
5 So it can work.

6 What you need is some traffic management, maybe
7 you need some enforcement of illegal parking so that you don't
8 have vehicles parked all day or for hours in the alleys, and
9 it can work.

10 Let me go onto garage capacity and operation.
11 Again, this has been touched on somewhat by Carol so I'll try
12 to just point out, I have some real problems with seeing how
13 you get around the one floor where you have a long-term lessee
14 that doesn't want to give up his lease.

15 And how do you go above him and below him on
16 floors either under him or over him? It seems to me that's
17 quite a Herculean act to try to come up with a design and do
18 that.

19 Finally, the technical review on page 2 of the
20 written testimony. There are several deficiencies in the
21 applicant's original intersection capacity analysis. He has
22 revised his analysis to include buses and pedestrians and he
23 still left out a lot of deficiencies. They were pointed out
24 in my December 10th testimony.

25 And beyond that, there's some discussion on the
26 applicant's supplementary discussion in February -- on pages
27 four and five, there was discussion of an exhaustive

1 examination of the garage access issue. There is neither
2 evidence nor pertinent data to back this up. And without data
3 I don't see how you can have a good analysis. There's nothing
4 to analyze without the data.

5 On page 6 he also talks about an exhaustive study
6 of other options, including the use of the existing alley.
7 The only thing I saw was looking at 16th Street and looking at
8 the alley and the analysis of the alley, turned out primarily
9 to be a lot of photographs showing congestion.

10 They do show congestion; it's hard to deny. But
11 again, congestion with proper traffic management could be
12 reduced. Also he talks about site -- on-site queuing. I saw
13 no evidence that any queuing analysis was done. It's just a
14 statement.

15 Finally, the last thing I'd like to do about
16 capacity is to point out that the Highway Capacity Manual in
17 Chapter 9, Signalized Intersections, in the page 9-7 there is
18 a statement basically, that says the delay maybe is a
19 quantitative measure and it may be measured in the field.

20 And you can actually get your level of service by
21 measuring the controlled delay in the field. There are
22 procedural sheets in Appendix 3 of that chapter, even pointing
23 out how to do it with worksheets. I saw no evidence that that
24 was done.

25 However, in the original submission the applicant
26 pointed out even though the level of service that their level
27 of analysis showed is a B, you go out in the field and look at

1 it and it's definitely not a B, it's more like an F. And so
2 this would assume you called for this field study which wasn't
3 done.

4 Finally, there was a BZA precedent back in 1955
5 when the original building was built which required 100 spaces
6 in the garage off of L Street. And it seems to me that if
7 there's 100 spaces then, that you should follow the same
8 procedure for meeting parking requirements.

9 It's difficult to find out how many parking spaces
10 they really have in the garage because of the long-term lease.
11 We just found out tonight they plan to access 14 of them from
12 the alley. But the other parking spaces are accessed from
13 16th Street. Why couldn't they also be accessed from the
14 alley since there's only a total of maybe 30-some additional?

15 And finally just to conclude, we believe there's a
16 level of service of F at this intersection of 16th and K, and
17 if you approve this you're adding more traffic to an already
18 unacceptable condition. Thank you. I'll be happy to answer
19 questions.

20 CHAIRPERSON KRESS: Thank you.

21 MS. MITTEN: That concludes our testimony.

22 CHAIRPERSON KRESS: Thank you. Questions,
23 colleagues? Since we have no questions let me ask Mr. Quin
24 with Wilkes Artis, does he have any cross examination?

25 MR. QUIN: Just one question. Ms. Mitten, in
26 front of your apartment building there's a circular driveway,
27 is there not?

1 MS. MITTEN: Yes.

2 MR. QUIN: And is that paved?

3 MS. MITTEN: Yes, it's paved with asphalt.

4 MR. QUIN: And has that had an adverse impact on
5 your building?

6 MS. MITTEN: No.

7 MR. QUIN: Okay.

8 CHAIRPERSON KRESS: Thank you. Does Ms. DeHart
9 have any cross examination? Ms. DeHart, did you have any?

10 MS. DeHART: No.

11 CHAIRPERSON KRESS: Thank you. Thank you so much
12 for testifying, and especially for you coming this evening.
13 We are very much in appreciation of your coming here tonight
14 to testify. Thank you very much.

15 With that, we will continue with other persons in
16 opposition. Is there anyone else who wishes to testify in
17 opposition this evening? Please come forward and identify
18 yourself for the record. Have you been sworn in?

19 MS. VALASKOOZE: No, I have not.

20 CHAIRPERSON KRESS: Could we please swear this
21 witness in?

22 (Witness is sworn.)

23 CHAIRPERSON KRESS: Please identify your name and
24 address for our records.

25 MS. VALASKOOZE: My name is Susan Valaskooze. My
26 address is 1026 16th Street, N.W., Apartment 305. I am
27 working on the Vice President's Re-inventing Government Staff

1 and I've devoted about the last five years of my life to
2 ensuring that a government serves the people.

3 And what I'm concerned about and what I've heard
4 in the hearings, both in December and tonight, is that they
5 talked about livability issues without talking to the citizens
6 about them.

7 And as a federal employee who cares deeply about
8 making Washington, D.C. a good place to live, how could they
9 in good conscience say that they're creating a building to
10 better the city when they're not hearing from the voices of
11 the people who live there?

12 The city has got to have heart, it's got to have
13 concern and compassion for its residents. And that's what my
14 concern is about this plan.

15 CHAIRPERSON KRESS: Thank you. Any questions,
16 comments? I just wanted to see if there was any other cross
17 examination. Did you have, Mr. Quin? Ms. DeHart, Ms. Mitten,
18 anything? All right, thank you.

19 I believe that is the end of people who wish to
20 testify. Would you like to ask any further questions --

21 COMMISSIONER PARSONS: No, I'd just like to make a
22 statement, I guess. I am very disappointed in the response by
23 the applicant to the setback issue. That probably won't
24 surprise you, but -- I can't talk any louder. I'm sorry.

25 I just want to tell you that I will vote against
26 this application because I find that the setback is not
27 adequate and the response has been negligible. And unless my

1 colleagues are willing to ask for an additional setback here
2 tonight, or studies of that, I cannot bring myself to vote for
3 this matter.

4 So I'm urging you to ask the applicant for
5 additional studies at that elevation. He just didn't do them.

6 CHAIRPERSON KRESS: Commissioner Clarens?

7 COMMISSIONER CLARENS: Yes, I wanted to address a
8 couple of issues with the applicant. It has to do with once
9 again, 16th Street and the arguments made by Ms. Mitten about
10 the retail use along 16th Street, especially along the --
11 well, on 16th Street.

12 And I would like to ask if the applicant would be
13 agreeable to a condition that prohibits signage, retail
14 signage, along 16th Street, except at the very corner? And
15 also would they would be agreeable to maintain the plan that
16 have been presented to us as the plan that will be
17 implemented, as opposed to the flexibility of putting retail -
18 -

19 CHAIRPERSON KRESS: You mean the landscaping?

20 COMMISSIONER CLARENS: The landscaping plan. The
21 purpose, the intention of my request is to eliminate -- except
22 perhaps at the very corner where the building turns a corner -
23 - any retail presence on 16th Street which would be
24 appropriate to the character of 16th Street and yet would
25 allow you to use the retail, both entering from the lobby of
26 the building and from the K Street side. And I say I'm
27 presenting this to you in ways of compromise.

1 MR. JACOBS: Thank you, Mr. Clarens. there are a
2 couple of responses that I would like to make to your specific
3 question. I believe in our application we have limited the
4 number of retail entries on 16th Street to only two.

5 And the flexibility which we've now clarified that
6 was noted on the landscape plan, was always intended and now
7 will be specifically addressed to only balance -- because we
8 don't know where a second entrance for retail might be.

9 So we have significantly limited ourselves well
10 below what would be otherwise permitted in an SP zone,
11 recognizing the sensitivity to this issue. So there is a
12 limit that we have already proffered with regard to retail
13 entries.

14 With regard to signage, I would point out two
15 points. One, signage is currently permitted, as our picture
16 would amply illustrate, in SP zones regardless and certain
17 retail uses. We were very careful in reviewing the retail
18 uses that would otherwise be permitted in the C-4 zone and
19 severely proscribed and were very attentive.

20 So we believe the retail uses fall way within the
21 boundaries of what would certainly be permitted in C-4. So
22 this was something that we specifically addressed.

23 With respect to signage, it is as I say, permitted
24 in SP. We've already addressed the issue in terms of size.
25 We'd certainly be willing to limit the number of signs but we
26 think in order to have a viable retain presence and part of
27 our belief in this intersection, while respecting the 16th

1 Street special character, is the importance of enlivening this
2 area in terms of nighttime use.

3 And so we think we have created that balance and
4 further compromise, and would certainly look again at the
5 signage limitation. I think it would be very difficult to
6 have -- and certainly in response to Mr. Parsons earlier --
7 agreed that there would be no indication on the parking
8 portion on the -- that is, parking entrance -- identifying it
9 as a parking garage.

10 So I think that we certainly have addressed that
11 issue. I hope that's responsive to your question because we
12 think we have self-imposed some severe limitations on that
13 use.

14 COMMISSIONER CLARENS: Yes, but let me go back to
15 your original statement when you spoke at the beginning of our
16 hearing and you mentioned the fact that this is a process, and
17 you selected to come to PUD Group in order to do this project
18 as opposed to going in other ways.

19 And the PUD as I understand it, is a tradeoff
20 process where you gain something and give something in return.
21 You've just heard Commissioner Parsons state clearly in his
22 opinion, you have not set back the top of the building
23 sufficiently.

24 I do not concur with this opinion but I am very
25 concerned about the building as it meets the ground, and I'm
26 concerned about the retail character on 16th Street. And I am
27 proposing to you that you further limit your retail regardless

1 of what the SP zone allows, because we're not looking at the
2 individual zones. We're looking at a package, and it is the
3 packaging of this that needs to fly or doesn't.

4 So it seems to me that if we could limit signage
5 and entrances to your retail at the corner of 16th and K
6 Streets -- and it's of course, limiting your ability to rent
7 that space because now the space's only entrance, the only way
8 to enter it is from K Street or from the corner or back from
9 the lobby of the building, which is an interior entrance which
10 might not be obviously, as convenient.

11 But it will go a long ways to convince me, at
12 least as far as one Commissioner, of the merits of your
13 proposal. I cannot say this any more clear than I've just
14 said it.

15 MR. JACOBS: Thank you. I look at the length of
16 the frontage along 16th Street and you're 100 percent right
17 and I certainly respect Mr. Parsons' position. I don't enjoy
18 it but I respect it.

19 I would like to reserve the right to at least have
20 one retail entrance on the whole of the 16th Street frontage
21 because I think in the absence of that we severely limit the
22 functionality of that space.

23 It may well be a restaurant but we don't know
24 today sitting here, exactly how a restaurant would configure
25 itself and whether that one entrance would be at the corner or
26 moving down some number of feet to gain a greater quality of
27 efficiency within the space.

1 So if there were a compromise that limited it to
2 only one other entrance on 16th Street and only a sign within
3 the signage criteria that we established that would be
4 available for that one entry, I think that would -- I would
5 hope that would address your concern.

6 I would at this point, just like to respond to Mr.
7 Hood's question earlier. Because of all the issues that have
8 been addressed this evening the one of community involvement
9 is one that I am clearly passionate about. And I will stand
10 on the history though Mr. Hood, you weren't here during the
11 first presentation. I know you've read the record, but let me
12 reiterate.

13 We've been here and developing for 37 years, and
14 we've been before a number of agencies and we've been before
15 them in a range of capacities. And if there is one thing that
16 we are very serious about, it is engaging the community in
17 dialogue.

18 And Ms. Mitten was fair in saying she had been
19 contacted, because I contacted her. And we contacted and
20 presented to the ANC, and we had repeated meetings and
21 invitations, both at the law firm of Wilkes Artis and
22 otherwise, in an effort to engage the community.

23 I know Ms. Prince from Wilkes and Artis contacted
24 the chair of the -- a president, rather -- of the Presidential
25 Building on three occasions and had communication in an effort
26 to set up a meeting. We met at the office of Councilmember
27 Evans, with Mr. Blanchard and spoke with Mr. Rawls and

1 Councilmember Evans, who offered to mediate or arrange
2 meetings with the community and were frustrated in that
3 effort.

4 And I could point to, and there are members of
5 this Commission who are, by their knowledge, aware of the
6 effort that we have made on this and a multitude of projects.
7 And I think there, the 37 years of involvement in this city is
8 important because I think it establishes a foundation which we
9 can point to without exception, of working with the community.

10 And I feel very strongly about that point and I
11 think this whole process was initiated. Whether it was with
12 the Office of Planning with whom we met prior to acquisition
13 to begin to understand what it was the city had in mind with
14 respect to its plan and perception for this.

15 And had not one meeting, but repeated meetings as
16 the plans evolved, and tried to do that on numerous occasions
17 with various groups within the community. And were not as
18 successful as we have been on other projects as the
19 circumstances suggest.

20 So indulge me if you will, just for that one point
21 because it is one we are both -- I am personally passionate
22 about and feel uncomfortable about in this context.

23 COMMISSIONER HOOD: Let me just add as a personal
24 -- I'm glad that you reiterated that because I too, like to
25 see dialogue between the applicant and the community, and also
26 working together. But I still go back to my initial question.

27 Since the revisions it seems as though, maybe

1 during -- before the first hearing, since the second hearing -
2 - it seems as though there has not really been no open
3 dialogue between you, the applicants, and the community.

4 MR. JACOBS: That is correct in terms of the
5 result. It is not correct sir, with respect to the effort.
6 Post the first hearing we made specific inquiries -- Ms.
7 Prince could testify to them, or Mr. Quin -- with the
8 Presidential building folks as well as this whole effort
9 through Councilmember Evans' office. All was post the
10 hearing, the first hearing.

11 MR. QUIN: Mr. Hood, right after the last -- after
12 the decision of the Board and we knew we were coming back, I
13 had at least four conversations with Mr. Rawls of Mr. Evans'
14 office and Mr. Lyle Blanchard, requesting that they mediate.

15 They indicated -- Mr. Rawls indicated that he had
16 called -- frankly, I don't remember the people that he -- Mr.
17 Pitzer. And I thought at one point that I was going to be the
18 representative to meet. I kept calling for a period of two
19 weeks, three weeks,. I thought that we would have the
20 mediation session.

21 Then I was informed that no one wanted to meet
22 with us and therefore we should not proceed. And that was by
23 Mr. Rawls and Mr. Blanchard.

24 COMMISSIONER HOOD: Madam Chair, I would just like
25 to add, if they could try again before we make out final
26 decision, if that's in order?

27 MR. QUIN: We'll represent right now that we'd be

1 delighted to meet and we're willing to hold our calendar out
2 right now and set up a meeting if they will meet with us.
3 What date is available and who would like to meet with us?

4 UNIDENTIFIED: Why don't you do this offline?

5 MR. QUIN: I wanted to get that on the record,
6 purposefully.

7 COMMISSIONER FRANKLIN: Let me just try something
8 that's just popped into my mind when I heard a reference to a
9 restaurant. You know, we talk about retail and I think when
10 you use the word retail all kinds of images come to mind --
11 some good, some not very good. In fact, probably most of them
12 not very good. And you think of show windows or with
13 merchandise and the like.

14 Restaurants are different though -- at least in my
15 mind. One can have a restaurant entrance which is pretty
16 placid and not terribly commercial-looking. I'm thinking of
17 some of the better restaurants that basically are pretty
18 elegant and do not sort of portray the aspect of a retail
19 environment in the sense of a very highly commercial
20 environment.

21 If you were looking for a second retail entrance
22 to serve a restaurant on 16th Street I don't think that I
23 would have the same kinds of problem I might have with other
24 retail uses.

25 After all, across the street in the Hilton Hotel
26 we've got major restaurants fronting on the street. And I
27 don't think that that necessarily detracts from the character,

1 the special character, of 16th Street. At least as I perceive
2 it. So I just want to open up that possibility.

3 MR. JACOBS: Thank you, Mr. Franklin. In response
4 to that and in furtherance of the inquiry of Mr. Clarens, we'd
5 be happy to limit that one additional, as I was discussing it,
6 entry to a restaurant.

7 And as part of that would like to request that if
8 there were any change we would submit it to the Office of
9 Planning for approval. That it to say, if that one additional
10 entry was other than a restaurant we would submit it to the
11 Office of Planning for approval.

12 CHAIRPERSON KRESS: No, I think you'd have to come
13 back to us, but we'll let that one go.

14 MR. JACOBS: In that case, not as being as
15 familiar with the procedures, we would agree that in the
16 absence of it being a restaurant we would have to come back
17 and seek approval; speaking of the 16th Street fronting.

18 COMMISSIONER FRANKLIN: I think that it's the
19 character of the street that we're trying to protect and
20 simply talking in terms abstractly of retailers is not, at
21 least in my mind, a sufficiently sharp way of doing that.

22 MR. JACOBS: That's acceptable.

23 COMMISSIONER FRANKLIN: A comment has been made
24 about the color or the absence of information about color.
25 Now, at the first hearing you did present us with samples of
26 colors for various materials. Have those remained unchanged
27 in your design?

1 MR. JACOBS: Unchanged. The limestone is now
2 specifically limestone, but the limestone was presented, and
3 the granite, likewise.

4 COMMISSIONER FRANKLIN: And the metallic color --
5 I'm trying to recall -- was it cream-colored?

6 COMMISSIONER FRANKLIN: It's the gray to match the
7 limestone.

8 COMMISSIONER FRANKLIN: Gray to match the
9 limestone, that's right. One bit of education for me. Mr.
10 Quin, if the SP zone were not changed, am I correct that that
11 would have a substantial impact on the FAR that was permitted?

12 MR. QUIN: In this situation I don't think it is
13 because we're only picking up a total of about 45,000 square
14 feet as I recall. Is that correct, Mr. Sharp?

15 COMMISSIONER FRANKLIN: So where we draw the line
16 in terms of zoning is kind of academic?

17 MR. QUIN: No, and also you may remember --

18 COMMISSIONER FRANKLIN: Yes, or no?

19 MR. QUIN: Yes, that's correct.

20 CHAIRPERSON KRESS: You said no, and that's why we
21 were confused.

22 COMMISSIONER FRANKLIN: I meant yes, but I wanted
23 to say that, as you know, you can extend SP lines by BZA
24 approval, a distance of 35 feet, which has been done across --
25 the records will reflect that the World Center Building across
26 the street on K Street is the same.

27 So it's done all the time. It doesn't have to

1 come to the Zoning Commission.

2 COMMISSIONER FRANKLIN: So where that line is
3 drawn really doesn't force our hand one way or the other in
4 terms of the bulk and mass and height of this building?

5 MR. QUIN: Correct. And in fact, I would disagree
6 with the statement of what the Commission asked us to do. You
7 asked us to come back and consider further setbacks of the
8 building and reduce the visual impact of the building on 16th
9 Street.

10 I believe that was what you requested us to do. I
11 don't recall any language that said, go back and restudy the
12 line, as such.

13 COMMISSIONER FRANKLIN: But my point is that, we
14 could draw the line where opponents wish it to be drawn and it
15 wouldn't necessarily have any impact on this proposal?

16 MR. QUIN: I'd like to call Mr. Sher on that I
17 think --

18 CHAIRPERSON KRESS: I guess I'm confused because
19 there's some rezoning that's going on here and so --

20 COMMISSIONER FRANKLIN: I am trying to find out
21 whether the rezoning is absolutely essential.

22 CHAIRPERSON KRESS: I'm unclear as well. I am
23 unclear as well. We'll come to you after they've finished
24 testifying.

25 MR. SHER: There are -- I think where you draw the
26 line actually does make a difference; in part because the SP
27 district would limit you to a 90-foot height. So if you

1 pushed that line back beyond --

2 COMMISSIONER FRANKLIN: Even with PUD?

3 MR. SHER: Even with PUD, yes. So if you pushed
4 the line too far back then you can't introduce the curved
5 element to step yourself up to the 130 feet. It also is a
6 blended FAR between that which is permitted in a C-4 and that
7 which is permitted in the SP. Height probably is the bigger
8 question.

9 COMMISSIONER FRANKLIN: Not FAR?

10 MR. SHER: It's both, but the real problem, if you
11 push the SP line back you're effectively cutting out that
12 transitional curve.

13 COMMISSIONER FRANKLIN: I just wanted out of
14 curiosity, to know whether this had any cutting edge to it.
15 Apparently it does.

16 MR. JACOBS: Mr. Franklin, if I could just take
17 the opportunity -- I know I'm not going to change Mr. Parsons'
18 mind by this -- but part of his comment, predicate to his
19 conclusion was that we had not studied and analyzed the
20 implication of the further setback.

21 I think the testimony, both in our first hearing
22 and tonight, would support the proposition that we studied in
23 excruciatingly. And as Rod Henderer pointed out, the reason
24 for the curve element in addition to what in our view, is the
25 aesthetic transition, was the interior of the building --
26 because it's a renovation, because the existing core is in
27 place -- the need to have some circulation on some floors,

1 though we have lost it on the 11th as was earlier testified,
2 is a critical issue in the viability, in the function of the
3 floors.

4 One other point that is just worth mentioning, in
5 reducing the scale of the building we did compromise the
6 character -- in our view -- the character and quality of the
7 floors because the ceiling height of course, is now lowered.
8 And that was a conscious compromise as part of the process to
9 try and address the issues that were raised -- among the four
10 issues that were raised at the last hearing.

11 CHAIRPERSON KRESS: Thank you. I do think since
12 we have introduced a few new things we need to allow some
13 cross examination. Ms. Mitten, would you like to cross
14 examine on this new information that has just come up? And
15 you may confer, if you would like.

16 MS. MITTEN: Thank you, Madam Chair. Do you have
17 any information at hand on what would be the permitted density
18 with the existing zoning in place?

19 MR. QUIN: Yes.

20 CHAIRPERSON KRESS: I believe that was in the
21 original --

22 MR. QUIN: We did. At the first hearing we
23 submitted that, is my recollection.

24 MS. MITTEN: I was just hoping that we could
25 compare that in terms of the importance of the line -- where
26 the line is drawn.

27 MR. SHER: Unfortunately, we don't have that

1 information right at hand. It was in the original report that
2 I presented but I didn't bring that piece of paper with me
3 tonight.

4 We do know that the existing buildings contain
5 158,000 square feet, now they are in excess of the FAR now
6 permitted under SP-2 because the SP-2 was reduced in FAR from
7 five-and-a-half to three-and-a-half back in 1978.

8 If you took the land area it would be something
9 less than 158, but 158 is what's there now and what's proposed
10 is just about 200,000.

11 MS. MITTEN: So are you saying that based on the
12 existing zoning, the existing buildings exceed what would be
13 by right, under the existing zoning?

14 MR. SHER: That's correct.

15 MS. MITTEN: So that any change in the line just -
16 - that's how you gain density, is by changing the line?

17 MR. SHER: It's height and density, that's
18 correct.

19 MS. MITTEN: Fine.

20 COMMISSIONER FRANKLIN: That isn't the way I read
21 your Z-1 chart that you presented tonight, but maybe I'm
22 misreading it. Your blended split zone site would be 9.9 FAR
23 for 200,911 store feet, and you're coming up with less than
24 that in your proposal. Am I reading that correctly?

25 MR. SHER: The revised plan I believe, the one
26 that was submitted February of this year, is 200,001 square
27 feet; that's 9.94 FAR. That's the blended FAR between the

1 amount of -- from the amount of land zoned C-4 and the amount
2 of land zoned SP-2. The other number drops some from the
3 previous proposal.

4 COMMISSIONER FRANKLIN: But that's --

5 MR. SHER: That's more than what's permitted there
6 now. There's no question about that.

7 COMMISSIONER FRANKLIN: Then I'm not reading your
8 chart correctly. When you say blended for -- on the left-hand
9 -- in your left column it says blended for split zone site,
10 9.99.

11 MR. SHER: Yes. That's assuming the rezoning is
12 approved by this Commission. We're not going all the way up
13 to that 200,911 because of the setbacks that were taken and
14 the other things that have happened.

15 COMMISSIONER FRANKLIN: What does C-4/SP-2 PUD
16 guidelines mean, in the head of that column?

17 MR. SHER: That means as we have proposed to
18 rezone this site --

19 COMMISSIONER FRANKLIN: Oh, I see, proposed to
20 rezone.

21 MR. SHER: Yes. With the strip of SP along --

22 COMMISSIONER FRANKLIN: Not the existing?

23 MR. SHER: That's correct. And we did not --
24 even though we changed the setbacks we did not change the
25 zoning line. We could, but you don't have to.

26 COMMISSIONER FRANKLIN: Okay, it was confusing to
27 me because the right-hand column said "proposed" and I --

1 MR. SHER: And it reflects the difference in the
2 setbacks taken from the one to the other.

3 COMMISSIONER FRANKLIN: Okay.

4 CHAIRPERSON KRESS: Any other questions from the
5 Commission? If not, Ms. Dehart also has the right to cross
6 examine if she wishes.

7 MS. DeHART: No, thank you, Madam Chair.

8 CHAIRPERSON KRESS: All right. Thank you. I was
9 hoping that whatever you had would be in the cross
10 examination. I have no reason to recognize you again. I was
11 hoping that --

12 MS. PRUITT-WILLIAMS: Madam Chair, if you're going
13 to entertain this discussion it at least needs to be on the
14 record. So I don't know how you want to handle that, but I'm
15 sorry.

16 CHAIRPERSON KRESS: Yes. Basically this gentleman
17 is part of the applicant and if Ms. Mitten wishes to recross
18 on the point that you have I can allow that, but I can't
19 really at this point, allow you any further testimony.

20 Do you have a major point that cannot be
21 transmitted through Ms. Mitten in a cross examination? All
22 right, thank you.

23 With that, then I will close this hearing and I'll
24 say --

25 MR. QUIN: I'm sorry. I would like to close the
26 loop on what we do with regard to the community. I know
27 you're going to come --

1 CHAIRPERSON KRESS: With regard to --

2 MR. QUIN: To the community and the meeting that
3 Mr. Hood has suggested.

4 CHAIRPERSON KRESS: Well, that's appropriate
5 because as we get to the -- we're going to be asking you and
6 leaving the record open for findings of fact, conclusions of
7 law and certain conditions that we're going to be asking you
8 to draft.

9 MR. QUIN: I was just going to notify within that
10 same period and just state for the record, the results -- that
11 we did meet, the date of the meeting, and if we accomplish
12 anything.

13 CHAIRPERSON KRESS: All right. That would be --
14 that we would desire that.

15 MS. MITTEN: Madam Chair? Would we also be
16 permitted to give our take on the process?

17 CHAIRPERSON KRESS: Absolutely. We want your
18 findings of fact, conclusions of law, and proposed conditions
19 as well.

20 MS. MITTEN: Okay, thank you.

21 CHAIRPERSON KRESS: With that then, I'll say thank
22 you for your testimony and assistance in this hearing. The
23 record in this case will now be closed except for the
24 information specifically requested by the Commission.

25 Any special information or reports specifically
26 requested by the commission should be filed by the period
27 ending on April 5th, 1999, in Suite 210 of 441 4th Street,

1 N.W. Any party to the case may file a written response to any
2 information or report filed after the close of the hearing.

3 Such responses should be filed no later than seven
4 days after April 5th, which is April 12th. That's what the
5 parties have the right to do. Parties in this case are
6 invited to submit proposed findings of fact and conclusions of
7 law.

8 Any party who submits proposed findings and
9 conclusions should do so by April 28th. Parties are reminded
10 that their findings of fact should not include findings
11 stating how witnesses testified. The findings should be those
12 findings the party believes the Commission should make based
13 upon the testimony and other evidence in the record.

14 Citations to exhibits and the transcript are
15 appropriate and encouraged. To assist parties in the
16 preparation of these findings of fact and conclusions of law,
17 a copy of the hearing transcript will be available for review
18 in the Office of Zoning in about two weeks. Copies of the
19 transcript may also be purchased from the recording firm.

20 When the transcript is received the Office of
21 Zoning will contact the parties. After the record is closed
22 the Commission will make a decision on this case at one of its
23 regular monthly meetings. These meetings are generally held
24 at 1:30 p.m. on the second Monday of each month and are open
25 to the public.

26 Any person who is interested in following this
27 case further may contact the staff to determine whether this

1 case is on the agenda for a particular meeting. You should
2 also be aware that if the Commission proposed to approve the
3 application the proposed decision must be referred to the
4 National Capital Planning Commission for federal impact
5 review.

6 The Zoning Commission will take final action at a
7 public meeting following receipt of the NCPC comments, after
8 which a written order will be published.

9 I declare this hearing closed.

10 MS. PRUITT-WILLIAMS: Excuse me, Madam Chair,
11 before you close, just for clarification. The only thing that
12 is being left open for the record are the findings of fact and
13 conclusion of law?

14 CHAIRPERSON KRESS: And the meeting and the report
15 on that meeting, as well as what we have requested from the
16 Council; that we get their formal request to --

17 MS. PRUITT-WILLIAMS: Okay, to have the letters --

18 CHAIRPERSON KRESS: To have those letters included
19 so that they may be included in our file.

20 MS. PRUITT-WILLIAMS: I believe though, Mr. Quin
21 wanted to actually establish a date for the meeting, tonight
22 or --

23 MR. QUIN: If you tell us we have to file by a
24 certain date we will be sure the meeting occurs before that
25 date so we could have --

26 MS. PRUITT-WILLIAMS: Great. I just wanted to be
27 sure everybody was clear. Thank you.

1 CHAIRPERSON KRESS: Thank you. I declare the
2 hearing closed.

3 (Whereupon, the hearing was closed at 9:07 p.m.)

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