

DOCKET ITEM NO. 7

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskas
2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl, VA 22201
- TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskas@thelandlawyers.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? CIA Colony Inn LLC
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: ☒ AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.): Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES ☒ NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

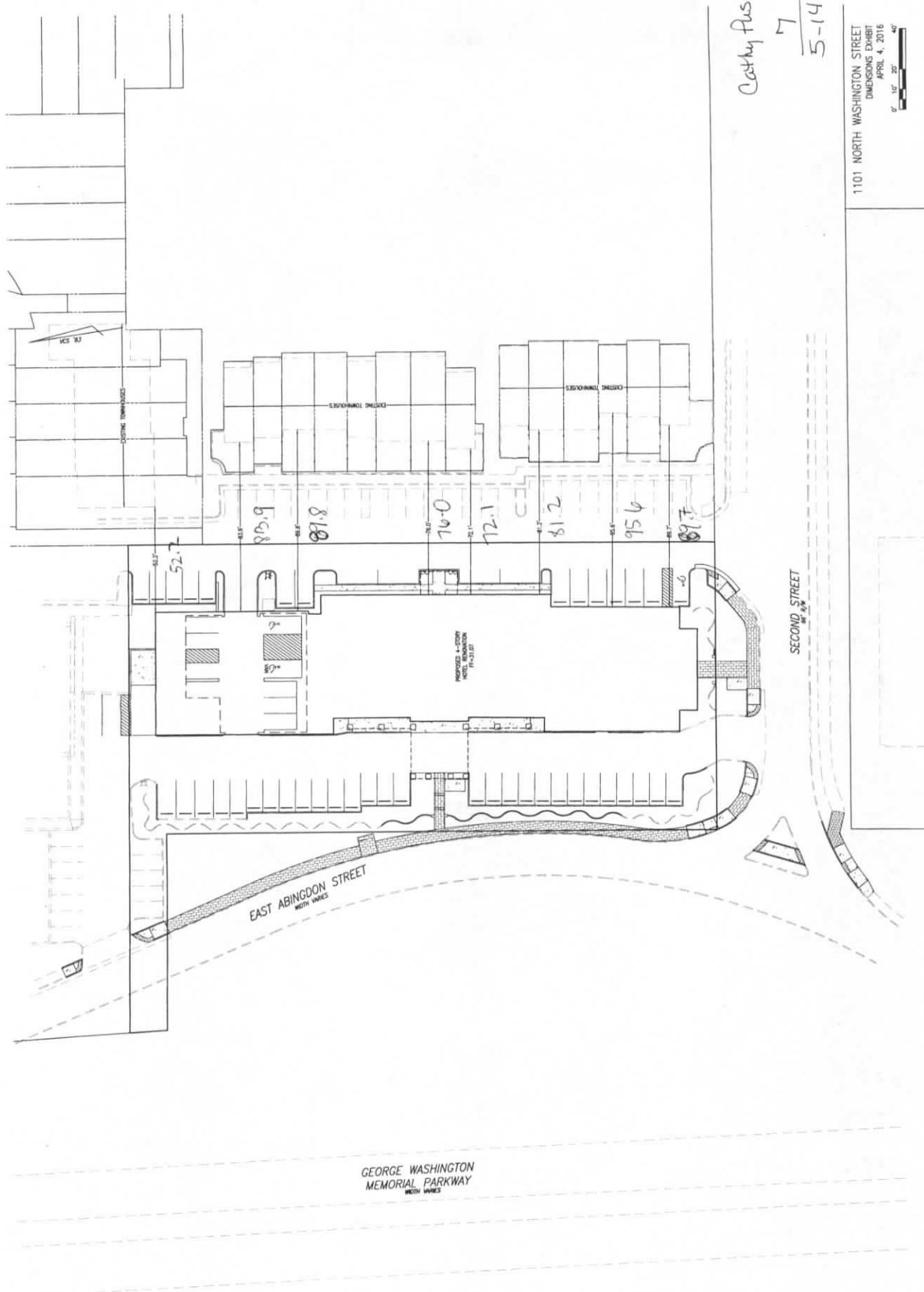
(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.



Cathy Fisker
7
5-14-16

Parking

Good morning/afternoon, Mayor Silberberg and members of the Council. My name is Elizabeth Chimento. I live at 1200 N. Pitt St. I'm opposed to the applications, and I'm going to speak specifically about the applicant's request for a reduction in parking.

The developer's own traffic study states that additional off-site parking would be needed. In fact, the study soft-pedals the problem. The parking study suggests that the hotel will exceed available parking on well over 50 days per year.

In fact, the parking study shows that on 28 days per year, parking demand would exceed 70 spaces based just on room occupancy - not even taking into account the eight spaces required by code for the restaurant that is proposed.

This level of demand would overwhelm the 62 on-site parking spaces. Where will excess cars go?

Their plan is for remote parking on another property the developers own. That site is a half-mile away, on the opposite side of the Parkway. We view this plan as totally impractical. Overflow parkers are much more likely to park on neighboring streets than to use such a remote option.

Even though a City-imposed condition would require employees to park off-street, we believe employees won't want to park a half-mile away any more than guests would.

Furthermore, we believe this condition will not be enforced - a member of City Planning and Zoning staff actually told one nearby homeowner that "there's not really anything we can do to enforce" the parking conditions.

If you believe that street parking might be available to accommodate the overflow, consider that the hotel's parking demand will exceed supply almost entirely on weekends, when neighboring homeowners are more likely to have guests and when parking demand for the proposed restaurant would be highest. The developers' parking study shows that street parking on the streets closest to the hotel is already near capacity.

The developers aren't providing enough parking on-site, and their proposal for off-site parking is obviously insufficient. The parking shortage has a simple solution that does not require a parking reduction: build a smaller structure that is appropriate to the site and requires fewer parking spaces. Please reject the applications. Thank you.

7
5-14-16

Mayor Silberberg and Council members. I'm Gary Solis and I live on Bellvue, four houses from the proposed expanded hotel.

Many of us have said before: we're not opposed to the redevelopment of this property, or to a new, larger hotel. We are opposed to THIS proposed hotel. It is simply too large for this small site. Homeowners' quality of life WILL be diminished by the granting of this proposal; by a much taller building that casts larger shadows, significantly impairs views, and brings many more cars than there will be parking spaces. The asserted benefits we will receive in return for the encumbrances on our property and reduced quality of life are illusory: trees in the FRONT of the building advantage the developer's property, not ours; wider sidewalks further advantage the developer without noticeable benefit to homeowners; variation in brick shadings are of little advantage to homeowners who are not compensated for the negative impact, despite that city ordinance requirement. For those who may think otherwise, I have a house I'll sell you, for a lower price than it was worth prior to this process.

The developer, and supposedly neutral City staffers, repeatedly tell us that modifications like those granted the developer (none have been denied, as far as I know), are routine and nothing special. Well, WE think they're special or we wouldn't be here.

Provision for the enforcement of conditions granted the developer are similarly illusory. The City isn't going to pull a developer's permit if employees don't use remote parking a half-mile distant; or if a loading dock is utilized too late or too early; or if the bar is open after 10 p.m. Enforcement of conditions is toothless and the developer knows it.

Initially, the developer wanted to put townhouses here, a deficient plan rightly denied by the City. Now he would salvage his investment (and diminish ours) with a four-story building larger than this City Hall, leaving neighboring homeowners to pay an onerous price. What we homeowners want is a smaller building that meets Code requirements without a series of waivers and special use permits.

To conclude, I ask those in the audience who are opposed to this application to stand up for a few seconds – please.

I respectfully ask the City Council to take a stand for voters and citizens; a stand that says the Zoning Code has meaning and validity, rather than merely being a launching platform for developers who are **routinely** granted waivers of its provisions.

Thank you.

GAD ~~NOTHING~~ AFTERNOON

1/21/8 Bosley 528
Bellvue Place

Here to introduce and summarize residents' objections to the proposed four-story development of the Old Colony Inn at 1101 Washington.

has
note
Developer
is asking for
of code
Reports
news
except
to develop
regulations
and that
residents
had not
concern
development
might be
be rejected
if not
Council
not
the
I had
in place
for
decade
that
in the
neighb
residents
now
the

1 The developer is asking you to waive the existing rules for setback between commercial and residential properties and the parking requirements and other standards for a project of this size and location.

2 Instead of granting exceptions to the zoning code, we believe the appropriate response is to require the developer to construct a three-story hotel at the site. We are asking that the commission support the three story resident compromise that, if executed by the developer, would not require the requested substantial exceptions to the zoning code.

3 The setback requirements were established specifically to protect residents from this type of action. As my neighbors will explain, there is simply no justification to waive this standard. We disagree with the city's staff conclusion that the severe encroachment into the Zone Transition Setback is minimal.

4 The parking study submitted which was prepared without resident input is seriously flawed. The number of spaces provided is clearly inadequate, and the requested parking reduction should not be granted.

5 The need for the developer to waive the zoning code is driven by a fundamental problem: the proposed renovation is too large for the site.

6 The developer has applied to replace the current two-story hotel on the existing footprint with a 4 story monolithic brick structure, 263 feet long and over 50 feet high, that will double the number of rooms from less than 50 to 95.

7 I want to make something clear - we are not prepared to development at this site, or a hotel. But a hotel of the size proposed is inconsistent with the primarily residential nature of the neighborhood. Please pay attention not only to front of the building but consider the impact on the neighbors behind it.

8 We are asking that the commission give more weight to opinions of the impacted residents than the profits of an out of town developer. Don't waive the rules, support appropriate development appropriate development that fits in, is to scale and will protect our neighborhoods and quality of life.

9 Vote against the proposed four story project.

but instead
this proposed structure is entirely too large for the site
I am asking that
the proposed is too large for the site
I had a letter of approval from the City

supervise de
In conclusion

Dale Bosley
Speaker #1
Old Colony

out of the Bosley
NO VA is 105
OTA

5-5-30
MAX
800-529-9202
308-708-5555
before 10:50 a.m. 4/16/8

7
5-14-1

Should

Any

and
we believe
the

fewer

it

we strongly
urge

List mentioned in prior speech:

Ken Adami

7
5-14-16

Tavern Square / Cameron Street	Tavern Square was constructed in 1968. The townhouses across the street were constructed in the 1970s. Home buyers knew well how big their neighbor would be.
City Hall/ Cameron Street	The current City Hall, built in 1871 as a replacement for a similar building built in 1817, either predates the neighboring properties or, in the case of properties that are older than City Hall, certainly predates Zone Transition requirements.
1620 Prince Street	Six-story condominium in a block consisting otherwise of four to six story commercial buildings.
Rear of City Courthouse / Prince Street homes	It's frankly appalling that the City itself 35 years ago chose to encroach on these historic late 18th / early 19th century homes.
312 S. Washington	Office building constructed in 1956 backing up to one 1870 home.
Towne Motel 802 and 808 N. Washington	Adjacent properties are zoned residential, but they are owned by a church and are not being used for residential purposes (parking lot and vacant land).
American Statistical Association, 732 N. Washington	Adjacent properties zoned residential are this building's own parking lot and two lots owned by a church that are not being used for residential purposes (day care building and playground).
Trader Joe's	The commercial building and the condominiums across the street were built within one year of each other. Condo buyers knew how big their neighbor would be.
Rand Construction, 1029 N. Royal St.	The homes across Second Street identified in the picture, zoned CDX, were built six years after the Rand Building.
Holiday Inn, 510 Second Street	The homes across Pitt Street identified in the picture were built two to four years after the hotel.
Harris Building 1201 E. Abingdon Dr.	Pitt Street Station homes were built 12 years after the office building.
Pitt Street Center 1240-1250 N. Pitt St.	Pitt Street Station homes were built 10 years after the office building.

Jackie Henderson

From: Puskar, M. Catharine <cpuskar@thelandlawyers.com>
Sent: Friday, May 13, 2016 2:31 PM
To: Allison Silberberg; Justin Wilson; Paul Smedberg; delpepper@aol.com; John Chapman; Timothy Lovain; Willie Bailey; Jackie Henderson
Cc: Karl Moritz; Robert Kerns; Dirk Geratz; Michael Swidrak
Subject: Docket Item #7 - Old Colony Inn
Attachments: 14059_NOTICE presentation_07-21-15.pdf; 2819_001.pdf

In reviewing correspondence that has been submitted for tomorrow's Council hearing on the Old Colony Inn, I want to clarify and correct statements by Ms. Chimento in the email she sent yesterday regarding the process.

Ms. Chimento is correct that I failed to reach out to Pitt Street Station in advance of our first community meeting on May 27th as I had reached out to NOTICE and mistakenly assumed Pitt Street Station had been informed of that meeting through NOTICE. When I became aware of the error at the June 17th BAR hearing, I immediately apologized on the record, apologized in the hallway directly to Ms. Chimento and her neighbors and followed up with an email that night to establish communication moving forward. Please see that email attached. From that point on, homeowners from Pitt Street Station were actively engaged and fully participated in the process.

Ms. Chimento is incorrect that the loading/trash area was moved based on "prior negotiations with neighbors who had been notified" and that "the trash area had been moved from behind their side of the property to ours." In fact, following the June 17th BAR hearing, I met with separately with Pitt Street Station residents on July 16th to discuss their concerns regarding the plans presented at the BAR hearing. In advance of the meeting, I received a July 15th email from Chris Newbury on behalf of Pitt Street Station, attaching a list of questions from his community to be discussed at our meeting the following evening. That list of questions included the following:

- What steps can your clients take to mitigate noise from an exterior loading dock and from other sources? Would it be possible to relocate the loading dock away from nearby residences? Are your clients willing to consider limits (no earlier than..., no later than...) on deliveries and garbage pickup?

Pitt Street Station residents, including Ms. Chimento, then participated in a broader community meeting on July 21st, where the attached materials were presented. You will see from those materials that as of July 21st, our plans still located the loading/trash space and door on the alley side of the building to the left of the rear entrance to the hotel. At that meeting, residents from both Canal Way and Pitt Street Station made comments regarding trash and loading, including the following (which are excerpts from a meeting summary prepared the day after the meeting):

- Concerns were raised about the loading/unloading traffic at the hotel today and the fact that it could increase with the larger hotel. Residents mentioned trucks for Sysco deliveries, linens, garbage, maintenance, and landscaping use the parallel spaces at the rear of the building to park today and asked where these trucks would be expected to park if the parallel spaces are converted to head in spaces.
- How will trucks turn around in the alley behind the new hotel?
- Can the location of the loading dock change? Could it be moved to the front of the building or closer to the office building?
- What are the turning movements for the easement into Bellevue Place? Can trucks still make that turn? There was more discussion about turning movements and whether trucks would hit parked cars and the fact that all delivery trucks do not use the loading spaces provided for them.
- Can the grass patch to the north of the hotel be used for loading?

We then made revisions to the plans based on the input received to date from the community, staff, the National Park Service and BAR. Our revisions addressed specific concerns regarding truck traffic on the alley and requests from both Canal Way and Pitt Street Station residents that the loading/trash area be moved away from the residences. We addressed those concerns by moving the loading/trash area from the rear of the building adjacent to the residences to the front of the building adjacent to the office building in an area screened by a retaining wall and landscaping. Trucks will now access the loading/trash area from the drive aisle in front of the hotel and exit the property through to E. Abingdon Drive. Loading/trash hours have also been limited to 7 am – 8 pm, a reduction from the standard loading hours of 7 am – 11 pm.

There was a robust, fair and inclusive public process associated with this project, including 3 BAR hearings, 3 UDAC meetings, 2 meetings with individual homeowners association representatives and 5 community meetings. That process resulted in multiple revisions to the building design and operations as reflected in the staff report and acknowledged by the Planning Commission in their unanimous recommendation of approval for this project. While some Commissioners rightly commented on the inappropriate, rude comments by a few citizens, they each also took the time to fully explain their support of the project based upon the merits of the case and the requirements/criteria set forth in the Zoning Ordinance.

Thank you for allowing me to clarify the record. I look forward to discussing the proposal in more detail with you at tomorrow's hearing.

Cathy



M. Catharine Puskar, Esquire

Walsh Colucci Lubeley & Walsh PC

2200 Clarendon Boulevard | Suite 1300 | Arlington, VA 22201

Phone: (703) 528-4700 | Ext. 5413 | Fax: (703) 525-3197

www.TheLandLawyers.com | cpuskar@thelandlawyers.com | [professional biography](#)

Attorney-Client Privileged Communication: The information in this email and attachments is attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete it and immediately notify us by email or by phone. Thank you.