

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:
   
IN THE MATTER OF: :
   
:
   
Square 769 LLC : Case No.
   
: 03-12C/03-13C
   
:
   
-----:

Thursday,
   
December 7, 2006

Hearing Room 220 South
   
441 4<sup>th</sup> Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 03-12C/03-13C by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON  
STEVE COCHRAN

The transcript constitutes the minutes from the Public Hearing held on December 8, 2006.

<u>AGENDA ITEM</u>	<u>PAGE</u>
<u>CALL TO ORDER:</u>	
Carol Mitten . . . . .	4
Witnesses Sworn . . . . .	6
<u>PRELIMINARY MATTERS:</u>	
Sharon Schellin (None) . . . . .	7
<u>PRESENTATION OF APPLICANT'S CASE:</u>	
Wayne Quinn . . . . .	7
<u>OFFICE OF PLANNING'S REPORT:</u>	
Steve Cochran . . . . .	51
<u>APPLICANT'S CLOSING STATEMENTS:</u>	
Wayne Quinn . . . . .	54
<u>ADJOURN:</u>	
Carol Mitten . . . . .	58

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

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

6:45 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, December 7, 2006.

My name is Carol Mitten, and joining me this evening are Vice-Chairman Anthony Hood, and Commissioners Mike Turnbull, John Parsons, and Greg Jeffries.

The subject of this evening's hearing is Zoning Commission Case No. 03-12C/03-12C, and this is a request by Square 769 LLC and the DCHA for approval of phase two of a planned unit development for property located in the block bounded by 2nd, 3rd, L, and M Streets S.E. And it's known as lots 18, 20, and 21, in Square 449.

Notice of today's hearing was published in *The D.C. Register* on September 22, 2006, and copies of that hearing announcement are available to you. And

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 they're in the wall bin by the door.

2 This hearing will be conducted in  
3 accordance with the provisions of 11 DCMR  
4 Section 3022, and the order of procedure will  
5 be as follows. We'll take up any preliminary  
6 matters. Then we'll have the presentation of  
7 the Applicant's case, a report by the Office  
8 of Planning, reports of any other Government  
9 agencies, a report by the affected Advisory  
10 Neighborhood Commission (in this case it's  
11 6D), organizations and persons in support, and  
12 organizations and persons in opposition.

13 All persons appearing before the  
14 Commission are to fill out two witness cards  
15 and the cards look like this. Upon coming  
16 forward to speak to the Commission, we ask  
17 that you give both cards to the reporter who's  
18 sitting to our right.

19 Please be advised that the  
20 proceeding's being recorded by the court  
21 reporter and is also being webcast live.  
22 Therefore, we ask you to refrain from making  
23 any disruptive noises in the hearing room.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1       When presenting information to the Commission,  
2       please turn on and speak into the microphone,  
3       first stating your name and home address.  
4       When you're finished speaking, please turn the  
5       microphone off because they tend to pick up  
6       background noise.

7               The decision of the Commission in  
8       this case must be based exclusively on the  
9       public record. And to avoid any appearance to  
10      the contrary, the Commission requests that  
11      person present not engage the members of the  
12      Commission in conversation during a recess or  
13      at any other time. And Ms. Schellin will be  
14      available throughout the hearing to answer any  
15      procedural questions that you might have.

16             I'd ask you to turn off all  
17       beepers and cell phones at this time, so as  
18      not to disrupt the hearing. And I'd ask that  
19      anyone who's planning on testifying this  
20      evening, if you would stand and raise your  
21      right hand and direct your attention to Ms.  
22      Schellin, and she will administer the oath.

23             (Whereupon, the witnesses were

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 sworn in by Ms. Schellin.)

2 CHAIRPERSON MITTEN: Did we have  
3 any preliminary matters, Ms. Schellin?

4 MS. SCHELLIN: No.

5 CHAIRPERSON MITTEN: Okay. Mr.  
6 Quinn, any preliminary matters?

7 MR. QUINN: No.

8 CHAIRPERSON MITTEN: Okay. Very  
9 good, then. Why don't you go ahead and begin?  
10 If you would turn on your microphone, that  
11 would be very helpful.

12 MR. QUINN: Thank you. My name  
13 is Whayne Quinn with Holland & Knight,  
14 representing Square 769 LLC. As you're aware  
15 from our pleadings, including our pre-hearing  
16 statement and also the Office of Planning  
17 report, this is a second stage PUD to  
18 implement development of Square -- part of  
19 Square 769, as approved by the -- by the  
20 Commission in the stage one approval of the  
21 Capper/Carolisburg Hope Six project in the  
22 PUD.

23 This application, as is indicated

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 in the record, complies in all respects with  
2 the criteria approved in the preliminary  
3 application and we would like, at this point,  
4 simply to complete the record by filing  
5 exhibits that have been requested by Office of  
6 Planning. And I think they've been handed out  
7 to you.

8 Just to describe them briefly,  
9 they're copies of rendered landscape plans,  
10 fully coordinated and approved by the  
11 Department of Transportation, DDOT, and AWC,  
12 the Anacostia Waterfront Corporation. And  
13 there are two letters that show -- that go  
14 with that, that indicate the approvals of the  
15 landscape plan; one from DDOT and one from  
16 AWC.

17 Secondly, we filed also as  
18 requested by the Office of Planning a detailed  
19 illustrative roof plan showing the area of  
20 proposed mechanical equipment. And I think  
21 Mr. Sher, did we file your outline of your  
22 testimony, which would be the urban planner's  
23 testimony and it goes into detail about some

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of the compliance tests of the PUD.

2 This final stage PUD is essential  
3 to the overall Capper/Carolisburg plan and the  
4 project and we're very pleased that we're  
5 having -- being here to -- to implement that.  
6 And we're prepared to submit this case on the  
7 record, at this point, and to answer any  
8 questions, should there be any.

9 CHAIRPERSON MITTEN: Thank you. I  
10 think there are a few. Questions from the  
11 Commission? Let me just ask --

12 MR. QUINN: What -- do you want us  
13 to -- who -- who is available? Should I do  
14 that --

15 CHAIRPERSON MITTEN: No. That's  
16 fine. I'm sure you'll orchestrate it just  
17 fine when the time comes.

18 MR. QUINN: -- for the questions  
19 today? Okay.

20 CHAIRPERSON MITTEN: What's the  
21 nature of the ANC's opposition?

22 MR. QUINN: The ANC essentially  
23 repeated its prior opposition to the PUD. I

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 don't know of any other additional points.

2 CHAIRPERSON MITTEN: Okay. Okay.

3 Anybody have questions?

4 COMMISSIONER JEFFRIES: I'll go.

5 CHAIRPERSON MITTEN: Mr. Jeffries?

6 COMMISSIONER JEFFRIES: Actually,  
7 perhaps the architect should come to the  
8 microphone. Thank you.

9 CHAIRPERSON MITTEN: If you'd just  
10 identify yourself for the record.

11 MR. HICKOK: Yes. I'm Mike Hickok  
12 of Hickok Cole Architects.

13 COMMISSIONER JEFFRIES: Thank you,  
14 Mr. Hickok. There's a couple of questions I  
15 have. One is, and perhaps I missed it, but I  
16 was trying to get a better delineation of the  
17 ground floor, right at the Canal Park. I  
18 mean, I see the trees in the rendering, but is  
19 there another drawing that gives greater  
20 detail, like a rendering of some sort, that I  
21 got a clearer sense of exactly what's  
22 happening at the pedestrian level there?

23 I see it's sort of cantilevered.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 There's a cantilevered portion, but I'm not,  
2 unless I missed something --

3 MR. HICKOK: Are you talking about  
4 at grade?

5 COMMISSIONER JEFFRIES: Excuse me?

6 MR. HICKOK: At the sidewalk  
7 level?

8 COMMISSIONER JEFFRIES: Yes.

9 MR. HICKOK: Are you looking at  
10 L1.2a, the landscape plan?

11 COMMISSIONER JEFFRIES: Let's see  
12 this. Yes. But more of a perspective -- a  
13 rendering. Just to show exactly what --

14 MR. HICKOK: Well, the other --  
15 the other rendering that's available is that  
16 one that's in the -- on the cover of the  
17 packet.

18 COMMISSIONER JEFFRIES: Okay. So--

19 MR. HICKOK: I can describe it to  
20 you, if you'd like.

21 COMMISSIONER JEFFRIES: Okay. I  
22 probably would like to see exactly what the  
23 treatment is at the ground level, without the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 trees there. Just -- or, if you could somehow  
2 -- it would just be a rendering of some sort.

3 MR. HICKOK: Sure.

4 COMMISSIONER JEFFRIES: That would  
5 be very helpful. Because obviously it's a  
6 very critical part, I think, to this building.  
7 Secondly, I'm a little concerned about the  
8 corner treatment of this building. And  
9 particularly, again, at the ground floor. It  
10 seems just to just fall, the glass, right to  
11 the sidewalk. And somehow it just looks a  
12 little undressed. And I'm just trying to get  
13 a better understanding as to, you know, your  
14 motivation here.

15 MR. HICKOK: Well, from our  
16 perspective, that's the -- let's call it the  
17 100 percent corner. That's the corner which  
18 is most exposed to the park. The retailer who  
19 will occupy -- who would likely -- who will  
20 likely occupy that space has the greatest  
21 exposure. We're also -- this building has  
22 been designed in coordination with the Federal  
23 Gateway Building on the other side of the

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 park, which is another project that we  
2 designed. So --

3 COMMISSIONER JEFFRIES: Is that  
4 the building where AWC is currently housed?

5 MR. HICKOK: I don't know. Is it?

6 COMMISSIONER JEFFRIES: Oh, it is.  
7 Okay. Thank you.

8 MR. HICKOK: So, as we look at  
9 that corner, it's -- it's primarily that.  
10 It's a curtain wall building which comes down  
11 to storefront at that point. And the  
12 storefront's articulated at two -- two floors,  
13 because we want a scale there which is  
14 appropriate to sort of the scale of the park.  
15 But it's -- it's left open in the manner it is  
16 in order to give it the best sort of retail  
17 frontage it can.

18 I think that, if you look at --  
19 you have -- you have this rendering, also.

20 COMMISSIONER JEFFRIES: What page  
21 is that?

22 MR. HICKOK: This is A2.01b. Now  
23 that will show it in comparison to the Federal

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Gateway Building on the other side of the  
2 park. And there are certain similarities.  
3 It's not identical, by any means. But there's  
4 certain similarities between these -- between  
5 these two that bookend and sort of form the  
6 entry to the park off of M Street.

7 COMMISSIONER JEFFRIES: Yes. I  
8 would say that the mirror building does have  
9 a bit more articulation at the corner than  
10 what's being presented here, I mean, from what  
11 I see here. And I still think you could still  
12 give the level of visibility to a retail  
13 tenant that's at the corner, while still just  
14 giving some greater articulation at the  
15 corner.

16 And I guess the other issue is  
17 that you have this vertical element that's to  
18 the right, and I see, you know, what you're  
19 doing again in terms of mimicking what's  
20 across the park. But it just seems to draw  
21 attention to the fact that the corner of the  
22 building is just somewhat understated.

23 So, my only comment here for this

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 is I really want to get a better understanding  
2 of the entire elevation at the ground floor;  
3 what that treatment is looking like and how it  
4 really relates to the -- or what the feel is  
5 like for Canal Park, beyond just a floor plan  
6 or site plan, but a drawing that illustrates  
7 exactly sort of what the experience would be  
8 if, you know, I'm a pedestrian walking  
9 through.

10 MR. HICKOK: I think the best  
11 drawing for you to look at then would probably  
12 be A2.04. That's the Canal Park elevation.

13 COMMISSIONER JEFFRIES: Yes. I  
14 guess I'm looking for perspective.

15 MR. HICKOK: Well, we have within  
16 the packet. And we -- we have what has been  
17 submitted in the packet. We don't have other  
18 drawings to show you tonight.

19 COMMISSIONER JEFFRIES: And I  
20 guess what I'm saying is that --

21 MR. HICKOK: But we can follow up.

22 COMMISSIONER JEFFRIES: -- is as  
23 follow-up.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. HICKOK: Oh. Sure. Of  
2 course.

3 COMMISSIONER JEFFRIES: Yes. Yes.  
4 Yes.

5 MR. HICKOK: Happy to do that.  
6 Happy to do that.

7 COMMISSIONER JEFFRIES: Okay. And  
8 one more thing. Also, the horizontality of  
9 your curtain wall, what was the driver behind  
10 just the long horizontal lines there?

11 MR. HICKOK: Well, the curtain  
12 wall is -- we're -- we want it to read from  
13 corner to corner as a -- as a box, around  
14 which the massing of the building has been --  
15 has been developed. So the more solid parts  
16 are outside. The curtain wall forms a box  
17 behind that.

18 Again, if you look at A2.04, it's  
19 a good example. And in order for that to read  
20 more clearly at the upper floors, we want to  
21 see that line as continuous as we can make it.  
22 So it was more horizontal than vertical. It's  
23 still a grid. I don't think it's overly --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 I don't think it's overly horizontal.

2 COMMISSIONER JEFFRIES: Yes. I  
3 think what happens is that, if you look at it  
4 from some of your elevations like A2.04, it  
5 doesn't look as pronounced as your perspective  
6 does, and that's probably what's throwing me  
7 off.

8 MR. HICKOK: Yes. Yes. Yes.

9 COMMISSIONER JEFFRIES: Again, I  
10 might have brought this up on a prior office  
11 PUD, but I'm always struggling around these  
12 office PUDs on what superior design is and  
13 what is the delta between what's a matter of  
14 right office design and a PUD. I mean, I  
15 don't know what this building would look like  
16 if it were not coming before this body.

17 And my suspicion is beyond a green  
18 roof, I think this building would probably  
19 look somewhat like it's looking. That's an  
20 observation. But, at this point, I just would  
21 again like for you to just revisit this ground  
22 floor and just take another look at the corner  
23 condition at the pedestrian level.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. HICKOK: Sure. We're happy to  
2 do that.

3 COMMISSIONER JEFFRIES: Thank you.

4 CHAIRPERSON MITTEN: Thank you,  
5 Mr. Jeffries. Anyone else? Mr. Parsons?

6 COMMISSIONER PARSONS: Just so  
7 people don't feel Mr. Jeffries is hanging out  
8 here alone, I would concur with his remarks.  
9 Okay? We do need a restudy of this edge --  
10 the corner.

11 CHAIRPERSON MITTEN: Thank you,  
12 Mr. Parsons. Anyone else? Mr. Hood?

13 VICE-CHAIRPERSON HOOD: Yes, Madam  
14 Chair. I'm looking at this plan. I guess  
15 maybe the architect, Mr. Hickok or whomever --  
16 okay, Mr. Hickok -- I'm looking at A2.01a, in  
17 which we received another submittal on that  
18 page tonight. And I think you all talked  
19 about the curtain wall. But the little hang-  
20 over -- I'm not sure what the proper name is  
21 or the formal name is -- but what is the  
22 purpose of that?

23 MR. HICKOK: Which overhang?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   VICE-CHAIRPERSON HOOD: The one at  
2 the top. If you look on the roof --

3                   MR. HICKOK: At -- at the -- at  
4 the roof line?

5                   VICE-CHAIRPERSON HOOD: Right. At  
6 the roof line. If you look at the roof,  
7 you've got a little hang over --

8                   MR. HICKOK: Right.

9                   VICE-CHAIRPERSON HOOD: -- where,  
10 when it rains, I can stand up under there. At  
11 least that's the way it looks.

12                  MR. HICKOK: You can't -- you --  
13 you could stand up under it. There is roof  
14 terrace on that side. This -- this is the  
15 side that faces the park.

16                  VICE-CHAIRPERSON HOOD: Okay.

17                  MR. HICKOK: And, as you look up  
18 from the part, we want to be able to provide  
19 some cover; some sense of enclosure for people  
20 who are using the roof terrace. At the same  
21 time, when you see it from the park side, we  
22 didn't want it to be too predominant.

23                  We made it thin. It's a thinner

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 line when viewed from the park. It has  
2 perforations so it's not quite as solid. It's  
3 more trellis like. And it was for -- it was  
4 an effort to make the roof terrace itself a  
5 little more friendly, but also to provide  
6 something that breaks that roof line a little  
7 bit when you view it from the park side.

8 VICE-CHAIRPERSON HOOD: Okay. And  
9 what is it? Is it a rail or something going  
10 around the side there? What's keeping me  
11 from --

12 MR. HICKOK: Yes. That's a --  
13 there -- there's a -- you can see that -- you  
14 can see that drawn there, as well. There's a  
15 standard 42 inch code required rail.

16 VICE-CHAIRPERSON HOOD: Oh. Okay.  
17 All right. Thank you. The other thing is I'm  
18 looking at A2.03, and I know this is probably  
19 just a color copy issue. And it appears that  
20 in the other submittal, the garage doors or  
21 the entrance doors were like a -- from what we  
22 have here, they're like a purple. Is that  
23 just a printing issue?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   MR. HICKOK: I think that's a --  
2                   yes. I think that's a color copy issue.  
3                   We're not proposing purple doors.

4                   VICE-CHAIRPERSON HOOD: Color copy  
5                   issue. Okay. Okay. Because that -- I was  
6                   about to say -- okay. All right.

7                   And the entrance? Where is the  
8                   garage entrance? It's on 2nd Street, right?

9                   MR. HICKOK: The garage entrance  
10                  is off of the service alley, I believe; the  
11                  service drive at the rear.

12                  VICE-CHAIRPERSON HOOD: It's in  
13                  the back?

14                  MR. HICKOK: If you look at that  
15                  same A2.03.

16                  VICE-CHAIRPERSON HOOD: A2.03?

17                  MR. HICKOK: There's a key plan at  
18                  the bottom right. That indicates which  
19                  elevation that is and that's that service  
20                  alley elevation.

21                  VICE-CHAIRPERSON HOOD: Which page  
22                  are we looking at? Okay. Okay.

23                  MR. HICKOK: And here's the key

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 plan. And it's that -- this is the alley, the  
2 service drive elevation.

3 VICE-CHAIRPERSON HOOD: Okay.  
4 Thank you. Mr. Quinn, on the -- I noticed in  
5 the submittal that, from the Department of  
6 Employment Services, Ms. Gilbert, I believe is  
7 her name, on the sheet that had -- you already  
8 had a name on there. And it looks like that  
9 was the Applicant. Even though there's Social  
10 Security number on there, but then it had N/A.  
11 Can you tell me why that's written down like  
12 that? And I'm sure it's a very minor issue.  
13 I'm just curious.

14 MR. QUINN: No. I don't know  
15 right now. I'd have to find out. This was in  
16 the --

17 VICE-CHAIRPERSON HOOD: It was in  
18 the agreement. The agreement looked like it  
19 was signed. But there was a name, FENELL, I  
20 think it was. And it had N/A. Let me see if  
21 I can find it. And I was just curious because  
22 I know that was being proffered and I was  
23 wondering --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 CHAIRPERSON MITTEN: This is in  
2 the employment plan?

3 VICE-CHAIRPERSON HOOD: Right.

4 CHAIRPERSON MITTEN: Which is page  
5 7 of attachment 5 to your November 17th  
6 submission.

7 VICE-CHAIRPERSON HOOD: They  
8 obviously are sending us some -- telling  
9 somebody something.

10 THE WITNESS: Oh, that's -- I  
11 believe that would be part of what is filled  
12 out as we proceed with the implementation of  
13 the plan. In other words, you have to have --  
14 you submit a whole study, basically, of  
15 information. And that goes in before  
16 everything is completed. And that's one of  
17 the requirements.

18 VICE-CHAIRPERSON HOOD: So that's  
19 still being proffered. That's still --

20 MR. QUINN: It's still being  
21 processed as part of the terms of the  
22 agreement.

23 VICE-CHAIRPERSON HOOD: Okay.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           MR. QUINN: In other words, when  
2 it says N/A, that really -- I'm not sure it  
3 should say N/A. It should say to be -- to be  
4 filled out and to be filed with it as part of  
5 the deal.

6           VICE-CHAIRPERSON HOOD: And let me  
7 ask you, Mr. Quinn, for the record, is this  
8 Applicant just proffering this or are they  
9 really going to try to do this? Do they have  
10 a good track record?

11          MR. QUINN: Why don't I call Mr.  
12 Fenell to ask him.

13          VICE-CHAIRPERSON HOOD: Well, I  
14 was trying to save us some time. But you can  
15 call him.

16          MR. QUINN: Well, I'll say the  
17 answer's yes.

18          VICE-CHAIRPERSON HOOD: Okay. I  
19 want to hear from him now. You're right. Let  
20 me hear from him.

21          MR. FENELL: Brad Fenell with  
22 William C. Smith and Company, on behalf of the  
23 Applicant's for 769 LLC. And the answer is

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 absolutely yes.

2 VICE-CHAIRPERSON HOOD: Okay.  
3 Have you done PUDs -- and forgive me for not  
4 knowing -- but have you done PUDs in this city  
5 before?

6 MR. FENELL: We have done a 210-  
7 unit town home community in Far Southeast  
8 through a PUD.

9 VICE-CHAIRPERSON HOOD: Did you  
10 offer --

11 MR. FENELL: We did.

12 MR. GRANT: You did?

13 MR. FENELL: We did.

14 VICE-CHAIRPERSON HOOD: What was  
15 your rate? Or what was your success with  
16 that?

17 MR. FENELL: It was back in '99,  
18 so I'm -- I -- I -- I don't know that I could  
19 quote the success rate. I know that we're  
20 very active in the city. We have five jobs  
21 that are being -- under construction,  
22 currently. All of them have LSTB requirement,  
23 where we are at or over 35 percent. We've

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 worked with minority contractors from within  
2 the Ward 8 community, and we have a strong  
3 relationship with those contractors.

4 VICE-CHAIRPERSON HOOD: Okay. All  
5 right. Thank you. Thank you, Mr. Quinn.  
6 Thank you, Madam Chair.

7 CHAIRPERSON MITTEN: Just before  
8 you go away, I just want to ask an explicit  
9 question, since Mr. Hood didn't ask it  
10 explicitly. But, in the area on the  
11 employment plan where it says N/A, that's the  
12 area that's new job creation projections. Do  
13 you project that you will create any new jobs  
14 through this project?

15 MR. FENELL: Yes.

16 CHAIRPERSON MITTEN: Okay. So  
17 then why does it say N/A?

18 MR. FENELL: I -- I -- I can't  
19 answer why it says N/A. I think it should be  
20 -- it's not applicable at this time. Or  
21 unanswerable at this time. And I think that,  
22 when the form was filled out, we just didn't  
23 have the information.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   CHAIRPERSON MITTEN: It's actually  
2 kind of interesting, Mr. Hood, that you asked  
3 it. Because at what point will this be  
4 revisited, if this is being submitted -- you  
5 know, this is being proffered and submitted as  
6 it is, when will it be revisited? That's the  
7 question for me.

8                   VICE-CHAIRPERSON HOOD: I was  
9 thinking, at least for me, it would be before  
10 final action. I would -- that would resurface  
11 and it'd have to be more definite. Because  
12 that N/A bothers me.

13                   CHAIRPERSON MITTEN: Is that  
14 something that, before final actions, that  
15 that can be articulated? Or, I mean, really  
16 --

17                   MR. QUINN: Really, I think,  
18 legally if you look at the -- in order to meet  
19 the terms of it, you have to fill out -- you  
20 have to provide that information. But if  
21 you'd like for us to try to file that before  
22 the final action, we could do that.

23                   CHAIRPERSON MITTEN: Would you

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 show me where it says that you would have to  
2 file that before -- or in order to be in  
3 compliance?

4 MR. FENELL: In order to meet the  
5 requirements, like the general terms, employer  
6 shall require all contractors and  
7 subcontractors, each one a recruitment. In  
8 order for there to be compliance, there has to  
9 be information to assure compliance. And that  
10 information has to be filed as part of  
11 determining compliance.

12 CHAIRPERSON MITTEN: I guess what  
13 the document, as it's been submitted, if the  
14 -- the First Source Agreement has to do with  
15 new hires. So, if the document says N/A, not  
16 applicable, that's suggests to me, if I'm just  
17 looking at the document as it sits there, that  
18 I won't have any new hires. It doesn't say  
19 I'll come back later and tell you about that  
20 so that you can follow up with me to make sure  
21 I'm in compliance. So that's the part that is  
22 a little confusing.

23 MR. FENELL: Right. So why don't

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 we try to get something for the record that --  
2 and it -- basically, you -- it's impossible  
3 early on, without knowing how the construction  
4 is going to proceed, to accurately predict  
5 that. You can't --

6 CHAIRPERSON MITTEN: And I can  
7 understand that point.

8 MR. FENELL: -- you can't file  
9 that information.

10 CHAIRPERSON MITTEN: But there  
11 just doesn't seem to be a --

12 MR. FENELL: The N/A bothers you,  
13 right?

14 CHAIRPERSON MITTEN: Yes, it does.

15 MR. FENELL: Okay.

16 CHAIRPERSON MITTEN: Since Mr.  
17 Hood asked about it, it does bother me.

18 MR. FENELL: All right. We'll --  
19 we'll take care of that.

20 CHAIRPERSON MITTEN: It seems to  
21 send a different message than is true. It's  
22 not --

23 MR. FENELL: Yes. I understand.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   CHAIRPERSON       MITTEN:            You  
2 understand my point?

3                   MR. FENELL:     Yes.

4                   CHAIRPERSON MITTEN:    Okay.    Did  
5 you have anything else, Mr. Hood?   Okay.    Did  
6 you have anything, Mr. Turnbull?

7                   COMMISSIONER    TURNBULL:        Yes.  
8 Thank you, Madam Chair.   I guess I was just --  
9 in going back to the comments of Commissioner  
10 Parsons and Commissioner Jeffries.   And I  
11 think one of the things they're struggling  
12 with is, if you look at the sheet -- the title  
13 sheet of your plate of submission, which has  
14 a 16 on the corner, where it sort of shows the  
15 corner of the building in perspective.

16                   And I think -- and I guess what  
17 may be this tentative or what makes people --  
18 let me divert just a little bit.   But I think  
19 one of the most difficult uses to design well  
20 is a pharmacy.   I mean, a drugstore to me  
21 always seems like it's an awkward building  
22 because you need it.   It's a wonderful  
23 profession.   But the stores always seem funny

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 to go into. You just never feel comfortable.  
2 I've never felt comfortable going into a  
3 pharmacy.

4 And there is one pharmacy now that  
5 has these wonderful bi-folding doors that open  
6 up electronically that feel like they're going  
7 to eat you as you go into it. But they always  
8 have windows and you could never use windows  
9 because they don't want windows because of  
10 retail. So you have the high windows. And if  
11 they do try to take a building that has  
12 windows and make it into something, it just  
13 never looks right.

14 And I have a fear of a pharmacy  
15 going in here first off, even though it says  
16 restaurant. And I feel this very tentative  
17 view of this corner.

18 And, if I look across in your  
19 other A2.01b, the verticals accentuate that  
20 corner a bit more so that the very light  
21 verticals on this one. And I think right  
22 now if I look at it, it looks like an empty  
23 storefront in the perspective. And I think

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 that there's this feeling that it hasn't been  
2 quite solved; that there is this tenuous  
3 aspect of the corner on what is supposed to be  
4 -- and I know you want it.

5 It looks like the entrance is  
6 going to be down further and that this is  
7 simply a corner element and it's going to be  
8 used, But I think maybe what the -- and I'm  
9 trying to read through some of their comments,  
10 but I think they see this as a tenuous  
11 solution as it meets that corner; that there's  
12 a sense that it's hitting the ground, but it's  
13 not as expressive as it is across the street.

14 And I think it feels that the  
15 design then kind of like comes to an end  
16 rather abruptly and really doesn't express  
17 what you're trying to do with the Canal Park.  
18 So I think there's a feeling that the solution  
19 just is ending uncomfortably. And that  
20 there's no way to really -- it isn't defined  
21 enough as it meets the other side of the  
22 street.

23 And maybe they want to comment on

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1        what I'm saying.        But I just think that  
2        there's a feeling that it's a design solution  
3        that hasn't gone far enough to do what you  
4        want it to do to be a gateway.        And I think  
5        it's not as expressive as what you've done on  
6        the other side of the street.        And I think  
7        that there's just a tenuous aspect.        I think  
8        that, with some of the comments that I'm  
9        reading from.

10                    COMMISSIONER JEFFRIES:        And if I  
11        can, Commissioner Turnbull, I mean, there's  
12        park.        I mean this is not an infield design.  
13        I mean, it's not going to sort of fit  
14        comfortably into a series of buildings.        It  
15        does stand out and people will see this.

16                    I mean, you know, you've got a  
17        park.        It's a wonderful amenity.        And I just  
18        that that elevation, or at least particularly  
19        the ground floor should try to do perhaps a  
20        little bit more, particularly at the corner.

21                    CHAIRPERSON MITTEN:        I just want  
22        to clarify something.        1100 New Jersey was not  
23        a PUD.        Is that correct?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. QUINN: I think that's  
2 correct.

3 CHAIRPERSON MITTEN: Okay. So --

4 MR. QUINN: But it does have a  
5 pharmacy in it, however.

6 CHAIRPERSON MITTEN: Among the  
7 things I'm hearing, I think, is that using --  
8 on the one hand, I think there's some sense  
9 that maybe the corner facing the park on 1100  
10 New Jersey is a little more appealing to the  
11 Commission, as opposed to what's being done  
12 here.

13 But the other aspect of it is,  
14 which is what Commissioner Jeffries was  
15 struggling with, I think, which is, to the  
16 extent that you're pairing these two  
17 buildings, how is it that if you're pairing  
18 something that's supposed to be part of a PUD  
19 and is supposed to exhibit superior  
20 architecture, but you're pairing it with a  
21 building that was not part of a PUD, there  
22 should be some kind of distinction there, and  
23 that's not being -- that we're not seeing.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 And so.

2 MR. QUINN: Could I just observe  
3 something from a legal standpoint?

4 CHAIRPERSON MITTEN: Sure.

5 MR. QUINN: Namely, that a  
6 superior building can be a superior building  
7 matter of right, just as it can be a superior  
8 building PUD, A lot depends on -- the  
9 language is atypical in your regulations.

10 So that there are many buildings -  
11 - I can give you one right now, 1900 K Street,  
12 designed by Cesar Pelli.

13 CHAIRPERSON MITTEN: Yes.

14 MR. QUINN: That building is, in  
15 my view, lawyers can say these things without  
16 fear of -- well, we always can be, you know,  
17 criticized, but that's a -- that's a superior  
18 building.

19 CHAIRPERSON MITTEN: Right.

20 MR. QUINN: It's a matter of  
21 right.

22 CHAIRPERSON MITTEN: Right. And

23 I--

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 MR. QUINN: But there are many --  
2 I'm just saying that the word superior can be  
3 in many context. And here I think the concept  
4 is under PUD the comparison to a typical that  
5 someone could walk in and build and what would  
6 normally be there. Not something that's  
7 necessarily a superior building.

8 So I think that sometimes we get  
9 lost in that comparison.

10 CHAIRPERSON MITTEN: I agree. And  
11 it's also how we're left wanting, often. But  
12 I think that the Commission has seen enough  
13 buildings that it's -- I was trying to give a  
14 specific example. But I think there's also  
15 the sense that this general sense that we  
16 haven't quite gotten to where we're being  
17 convinced.

18 MR. QUINN: I think we're hearing  
19 that loud and clear.

20 CHAIRPERSON MITTEN: Okay? Okay.  
21 Any other questions? Mr. Parsons?

22 COMMISSIONER PARSONS: I wanted to  
23 go to L1.2a, which is a planting plan, but

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it's also something we received in color here  
2 tonight on the table. And I'm having trouble  
3 understanding what's happening on 2nd street.

4 To use tonight's exhibit will help  
5 me because the sidewalk is in blue. And then  
6 there's an area between the sidewalk and the  
7 building which is white. Have you all got  
8 that? There we are.

9 Then I compare that with the  
10 perspective view which is on the board over to  
11 your right, on the cover of the document,  
12 which shows umbrellas along the street. And  
13 I'm trying to understand what is it that's  
14 going on along the edge of the building.

15 We've got a transformer vault  
16 which is enormous along that frontage. Doors  
17 spilling out onto this space, and I'm  
18 wondering is this a place where outside dining  
19 will occur or what?

20 MR. McCLURE: Okay. My name is  
21 Craig McClure. I'm with Parker Rodriguez, the  
22 landscape architects for this project.

23 CHAIRPERSON MITTEN: You turned

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 your mike off.

2 MR. McCLURE: Perhaps I'll put up  
3 the other drawings so that the colors are more  
4 realistic. What is happening on 2nd street is  
5 that you -- you have a bit of additional space  
6 in the public parking area. And, in that  
7 space, is where there's special paving. And,  
8 along that facade, there are doors in the  
9 building. And, with regard to the use in that  
10 space, I would have to ask Mike Hickok to  
11 speak to -- to what the potential future uses  
12 are for that particular space.

13 COMMISSIONER PARSONS: But did the  
14 artist take some artistic license? In the  
15 perspective, red umbrellas are shown along  
16 here. And it's hard to understand where these  
17 people are sitting.

18 I mean, is the intent that the  
19 area where the transformer evolved and along  
20 the facade of the building, there would be  
21 tables and chairs?

22 MR. HICKOK: If -- If -- there's  
23 certainly room for tables and chairs. Whether

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the tenant -- the retail tenant that rents the  
2 space has a use that's appropriate to tables  
3 and chairs, we obviously don't know at this  
4 time.

5 But the space is there. And if  
6 they are -- if it were a restaurant, if it  
7 were a cafe, if it were someplace where tables  
8 and chairs would be appropriate, then I think  
9 we could expect to see them.

10 COMMISSIONER PARSONS: So then  
11 what kind of a surface do you imagine this  
12 transformer vault would have? I mean, is that  
13 conducive to people sitting on it? It's  
14 enormous.

15 MR. McCLURE: What you have here--

16 COMMISSIONER PARSONS: They aren't  
17 going to be sitting on tables on top of it?

18 MR. McCLURE: That's actually a  
19 graded vault. The top two -- the northern  
20 most portions of it and the one below, in the  
21 sidewalk space, is paved in the pan of the  
22 transformer vault cover.

23 COMMISSIONER PARSONS: So that

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 it's not a vent that we're used to in the city  
2 streets with air passing through a steel grid.  
3 It's a paved surface? Is that what you mean?

4 MR. McCLURE: It is paved on the--  
5 on the southern most portion of it. It's a --  
6 it's a three portioned --

7 COMMISSIONER PARSONS: Yes.

8 MR. McCLURE: We're kind of  
9 getting beyond my area of expertise with how  
10 transformers work.

11 COMMISSIONER PARSONS: But does  
12 the transformer have something to do with the  
13 building, or is that a utility that exists in  
14 the street that you've got to live with?

15 MR. HICKOK: Well it --  
16 transformer vaults are not easily relocated.  
17 If the transformer -- it's the transformer  
18 vault that -- I think it serves the building  
19 --

20 MR. McCLURE: Yes. It serves the  
21 building.

22 MR. HICKOK: Okay. It does serve  
23 -- it does serve the building. It's not part

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 of the larger public utility. But it's the  
2 location that -- that, for this building for  
3 a whole set of technical reasons, is the -- is  
4 the chosen location.

5 COMMISSIONER PARSONS: So there's  
6 an existing vault there now and you're adding  
7 to that?

8 MR. HICKOK: I'm unclear on that.  
9 I don't know if there's an existing vault  
10 there or not.

11 COMMISSIONER PARSONS: Because of  
12 all the places to put this, it just seems  
13 wrong, doesn't it? I mean, to achieve an  
14 amenity here at the end of 2nd and M, across  
15 from the park, it might not be a desirable  
16 place to have people sitting at tables and  
17 umbrellas. Oh. Here comes the expert.

18 MR. CAO: Hi. I'm Chuong Cao with  
19 Hickok Cole. The -- the location of the  
20 vaults are exactly where we coordinate and  
21 that's actually where Pepco wanted it located.  
22 So anyone's who worked with Pepco, then  
23 actually then you know it's --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: I have. I  
2 have. I know what you mean.

3 MR. CAO: Yes.

4 COMMISSIONER PARSONS: So the  
5 trick is to get a surface on the vault that --

6 MR. CAO: What Craig is  
7 describing, the southern part of the vault is  
8 actually, they call it a transformer. And  
9 that's going to be paved. But the areas north  
10 and south are graded. So you have a bus stop  
11 and then -- I'm sorry, bus vault, and then, on  
12 top of that is a transformer vault. And that  
13 should be covered too.

14 (Whereupon, a short break from  
15 7:20 p.m. until 2:21 p.m.)

16 MR. CAO: My understanding is that  
17 the north vault as well as the south vault can  
18 be covered. But the bus vault needs to be  
19 open.

20 COMMISSIONER PARSONS: I'm  
21 confused. North vault and south vault?

22 MR. CAO: Right. You have three--  
23 three vaults. Yes. The top, the north and

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the south are transformer vaults. And the  
2 middle vault is the bus vault.

3 COMMISSIONER PARSONS: So the  
4 middle one could be --

5 MR. CAO: The middle one, I  
6 believe, needs to be open with the grate. And  
7 the north and south needs to be covered, or  
8 can be covered.

9 COMMISSIONER PARSONS: So the  
10 pavement you show on the south vault could  
11 possibly be used for the north vault?

12 MR. CAO: Correct. Right.

13 COMMISSIONER PARSONS: Well, that  
14 would be better, wouldn't it? They nodded.

15 MR. HICKOK: It would -- it would  
16 be better. And it's something that we can  
17 easily look at and -- and confirm that it can  
18 be covered. And if it can be covered, I mean,  
19 we'll -- it think we can do that.

20 COMMISSIONER PARSONS: Well, that  
21 would be preferable. Certainly, if CVS is  
22 here, we wouldn't care. But I hope this Canal  
23 Park Cafe is the result. I mean, we all do,

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 right?

2 MR. HICKOK: We certainly do.

3 COMMISSIONER PARSONS: All right.  
4 Thank you. And the -- excuse me, the stone  
5 accent pavers that are out in the street, is  
6 that something -- I assume this is public  
7 space. The Department of Transportation is  
8 okay with that?

9 MR. McCLURE: That is correct. It  
10 is public space, and that special paving  
11 occurs within the public parking zone, not  
12 within the sidewalk zone.

13 COMMISSIONER PARSONS: So that  
14 would need subsequent approvals from somebody  
15 other than us?

16 MR. McCLURE: That is correct.

17 COMMISSIONER PARSONS: Okay. So  
18 you haven't got those. It's a desire here?

19 MR. McCLURE: Well -- go ahead.

20 MR. QUINN: Well, normally what we  
21 do when we have a plan in front of you is  
22 that's what gets submitted to Public Space  
23 Committee.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 COMMISSIONER PARSONS: Sure.

2 MR. QUINN: And normally they  
3 approve. I mean, not always, but --

4 COMMISSIONER PARSONS: You know,  
5 it's very unusual to see this kind of paving  
6 pattern. You know, they usually -- we're  
7 using London Pavers here and that's it. But  
8 good luck.

9 MR. McCLURE: I would like to add  
10 that -- that we have been working with DDOT  
11 and the Anacostia Waterfront Corporation.

12 MR. QUINN: Those letters we filed  
13 tonight.

14 MR. McCLURE: They -- they have  
15 seen this design and we've made some  
16 revisions, based on some early comments that  
17 they had. And -- and I think that they're  
18 very happy with what has been -- been done.

19 COMMISSIONER PARSONS: Well  
20 assuming that you've got a letter from Uva  
21 here, Uva Brandeis. Okay. Thank you.

22 CHAIRPERSON MITTEN: Commissioner  
23 Jeffries?

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER JEFFRIES:     Just on  
2     the same front, on page 8 of the Office of  
3     Planning's report, it says that what was shown  
4     November 17th, as it relates to paving was  
5     somewhat plain. So what you submitted today  
6     is a reflection of the change. Is that  
7     correct?

8                   MR. McCLURE:     It's -- it's not a  
9     reflection of, to my understanding, that --  
10    that particular comment. What this is a  
11    reflection of is the Anacostia Waterfront  
12    design guidelines and standards for this area,  
13    which are very specific. And also, responding  
14    to comments by the Anacostia Waterfront  
15    individuals, and also DDOT.

16                  COMMISSIONER JEFFRIES:    Okay. So  
17    the Office of Planning's comments have not  
18    been addressed? On page 8 of their 15-page  
19    report.

20                  MR. QUINN:     I -- I think what we  
21    have is -- we -- we --

22                  COMMISSIONER JEFFRIES:    I mean,  
23    that's all right. Whether you've addressed it

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 or not, I just --

2 MR. QUINN: Well, we think we've  
3 addressed it by going through AWC and DDOT,  
4 which really have the ultimate approval  
5 process. And therefore, you -- if -- if OP  
6 wanted something else, we've responded to AWC  
7 and DDOT.

8 COMMISSIONER JEFFRIES: Okay.  
9 Fair enough. The other question I had, and  
10 this might be for Mr. Fenell, perhaps I don't  
11 recall whether I asked the question about  
12 retailers. So, have there been discussions  
13 with certain retailers. Has anyone sort of  
14 stepped up to the plate?

15 I know there's the pharmacist  
16 across the park. But again, given that this,  
17 you know, Canal Park is such an amenity, it  
18 would be interesting to know the types of  
19 retailers we're talking about.

20 MR. FENELL: Yes. Certainly our  
21 aspiration is to get a restaurant at the  
22 corner of 2nd and M, fronting out onto the  
23 park. That's what we'd love to see. We have

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 strong interest from a bank to go in. We have  
2 strong interest from Subway and Five Guys who  
3 happen to be downstairs in our existing  
4 building.

5 COMMISSIONER JEFFRIES: Yes.  
6 Right.

7 MR. FENELL: Who now want more  
8 space and would love to entertain taking  
9 additional space in the building. But, quite  
10 frankly, we -- we really haven't been out to  
11 the market to test the market to see the type  
12 of retailers that are ready. Except that we  
13 know, in general, there is a buzz about retail  
14 in this area and we're excited that we can  
15 offer a building of this design that can meet  
16 their needs.

17 MS. HIGHTOWER: Yes. So a bank?  
18 There's a bank?

19 MR. FENELL: There was a bank that  
20 came in second at 1100 New Jersey Avenue.  
21 They're patiently waiting and would love to  
22 hear about an opportunity to go into this  
23 building.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER JEFFRIES:    I don't  
2                   think banks are part of the -- I don't think  
3                   they're part of this preferred retail uses.  
4                   We didn't have banks as part of that.  Didn't  
5                   we have a list of --

6                   CHAIRPERSON MITTEN:  I don't know.

7                   COMMISSIONER JEFFRIES:            Yes.  
8                   Okay.  Okay.  Thank you.

9                   CHAIRPERSON MITTEN:  Okay.  Anyone  
10                  else?  Okay.  Thank you, very much.  Now we're  
11                  ready for the report by the Office of  
12                  Planning.  Mr. Cochran?

13                  MR. COCHRAN:  Good evening, Madam  
14                  Chair and members of the Commission.  This  
15                  application is consistent with the goals and  
16                  objectives for the area as outlined in the  
17                  Comprehensive Plan and in the previously  
18                  approved preliminary and consolidated PUD.

19                  Additionally,            the           proposal  
20                  generally meets the goals and objectives of  
21                  the CG Overlay, their goals for retail space  
22                  to create an active and welcoming pedestrian  
23                  character along M Street.  The revised design

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 also responds to the concerns expressed by the  
2 Zoning Commission and the Office of Planning  
3 at set down.

4           However, we've heard your concerns  
5 tonight about the design of the ground floor  
6 in the corner and would be very pleased to  
7 work with the Applicant on design revisions  
8 prior to final approval of this.

9           Nevertheless, OP recommends that  
10 the Commission approve this application  
11 preliminarily tonight, contingent upon the  
12 provision of a countersigned LSDBE application  
13 before the final application, and whatever  
14 kinds of supplemental information you may wish  
15 on the ground floor and corner design.

16           Beyond this, OP would be pleased  
17 to stand on the record or, of you wish, we  
18 could highlight the concerns expressed at set  
19 down and how the Applicant has responded to  
20 them. And then, of course, we're ready to  
21 answer any other questions you might have.

22           CHAIRPERSON MITTEN: I think the  
23 Commission will ask the questions that are

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 most meaningful to them, rather than have you  
2 make a further report. And I appreciate the  
3 offer, though. So questions from the  
4 Commission for Mr. Cochran? Anyone have  
5 questions? Anybody?

6 COMMISSIONER PARSONS: Well, let  
7 me just ask Mr. Cochran, in your experience  
8 with Pepco, once they've made a decision or a  
9 determination as to where they think the  
10 transformer vault is to occur, how much  
11 mobility is there really? How much ability is  
12 there to negotiate to move something like  
13 that?

14 MR. COCHRAN: I haven't had  
15 experience with Pepco on that in particular.  
16 We did have some success in getting Pepco to  
17 relocate some major transmission lines to a  
18 sub-station in Eckington. However, once  
19 they'd made one change, they were not willing  
20 to make additional changes. But that's a much  
21 bigger scale. I -- I don't know the answer to  
22 this particular question.

23 COMMISSIONER PARSONS: All right.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 Thank you.

2 CHAIRPERSON MITTEN: Okay. If  
3 there are no more questions for Mr. Cochran,  
4 then I would just note as Mr. Quinn had noted  
5 that we do have a report from DDOT as it  
6 relates to the sidewalk design and a report  
7 from the Anacostia Waterfront Corporation on  
8 the record.

9 Is there anyone here from ANC 6D?  
10 Okay. Anyone who'd like to testify in support  
11 of the application? Anyone who'd like to  
12 testify in opposition to the application?  
13 Okay. Mr. Quinn?

14 MR. QUINN: I think I don't need  
15 to say too much more. We believe that we meet  
16 the test. We would like to point out first  
17 that a bank is a preferred use.

18 CHAIRPERSON MITTEN: Oh, is it?

19 COMMISSIONER JEFFRIES: It is a  
20 preferred use?

21 CHAIRPERSON MITTEN: What were we  
22 thinking?

23 MR. QUINN: Yes. At any rate --

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1                   COMMISSIONER JEFFRIES:       Not a  
2 bank?

3                   MR. QUINN:    Okay.  We would like  
4 to seek your preliminary approval.  We  
5 understand precisely what you've said in terms  
6 of the design in the corner.  We will submit  
7 plans.  We've made a list of about four  
8 different points that you've made tonight,  
9 including looking and being more specific on  
10 the Pepco vault.  I think we need to do that  
11 again and to talk about that.  And we would  
12 submit plans to you on that.

13                  CHAIRPERSON MITTEN:  Okay.  I just  
14 want to huddle up with my colleagues for a  
15 minute to see if we're ready to move forward  
16 tonight.

17                  (Whereupon, off the record from  
18 7:30 p.m. until 7:31 p.m.)

19                  CHAIRPERSON MITTEN:  We think that  
20 the issues that have been raised are fairly  
21 serious.  And we'd like to hold off on  
22 preliminary action until we see the response  
23 from the Applicant.

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1           So I just want to review the  
2 things that we'd like to see. In response to  
3 Mr. Jeffries question, he wanted to see a  
4 rendering of the 2nd Street side of the  
5 building.

6           MR. QUINN: Without trees.

7           CHAIRPERSON MITTEN: Without  
8 trees. Yes. And he wanted to have some  
9 perspective drawings showing how the ground  
10 floor along that same side relates to the  
11 park.

12          MR. QUINN: And specifically, as I  
13 recall, the corner treatment.

14          CHAIRPERSON MITTEN: Yes. Yes.

15          COMMISSIONER JEFFRIES: But go  
16 down the street.

17          MR. QUINN: Right. Right. Go  
18 north. Right. Yes. Right.

19          CHAIRPERSON MITTEN: I'll leave it  
20 to you as to how you'll respond to the  
21 comments that you heard about the issue of  
22 superior architecture.

23          We'll have the clarification of

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 the First Source agreement, and then we'll, if  
2 you could review the surfaces that can be  
3 installed above the three different Pepco  
4 vaults and how those would be installed, I  
5 think that would be helpful.

6 Is there anything else? Anything  
7 else? Anybody else? Last call. Okay. I  
8 need a sense from you about timing. Since the  
9 December meeting is Monday, we don't have to  
10 worry about that.

11 MR. QUINN: We think we can submit  
12 within two weeks.

13 CHAIRPERSON MITTEN: Okay.

14 MR. QUINN: And that would allow  
15 us to be on the January agenda.

16 CHAIRPERSON MITTEN: Okay. The  
17 very full January agenda. Ms. Schellin,  
18 what's two weeks?

19 MS. SCHELLIN: 3:00 December 21st.

20 CHAIRPERSON MITTEN: Okay. All  
21 right. Well, thank you all for your  
22 participation this evening. And we look  
23 forward to your responses. And we're

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 adjourned.

2 MR. QUINN: May I just ask if  
3 you'd like a proposed order?

4 CHAIRPERSON MITTEN: I'm sorry?

5 MR. QUINN: Would you like a  
6 proposed order?

7 CHAIRPERSON MITTEN: Absolutely.

8 MR. QUINN: Thank you.

9 CHAIRPERSON MITTEN: And I'm sure  
10 the Office of the Attorney General would like  
11 a proposed order as well. Thanks for the  
12 offer. We're adjourned.

13 (Whereupon, the hearing was  
14 adjourned at approximately 7:33 p.m.)  
15

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701