

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF:           :
                             : ZC CASE NO.
OFFICE OF PLANNING -       : 09-21
TEXT AND MAP AMENDMENTS -  :
UNION STATION NORTH       :
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Thursday,
January 6, 2011

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

The Public Hearing of Case No. 10-22 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room, 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
KONRAD W. SCHLATER	Vice Chairman
PETER G. MAY	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner FAIA, (AOC)
GARY SELFRIDGE	Commissioner

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
ESTHER BUSHMAN, General Counsel

OFFICE OF PLANNING STAFF PRESENT:

HARRIET TREGONING
JENNIFER STEINGASSER
MATT JESICK
JOEL LAWSON

This transcript constitutes the
minutes from the Public Hearing held on
January 6, 2011.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

2 6:52 p.m.

3 CHAIRMAN HOOD: Let's go right into
4 our second case. The subject of tonight's
5 second hearing is Case No. 09-21, which was
6 rescheduled from December 16, 2010 due to
7 inclement weather. It is a request from the
8 Office of Planning for Text and Map Amendments
9 to the Zoning Regulations to create and
10 implement the Union Station North District.

11 Notice of that hearing was
12 published in DC Register on October 8, 2010
13 and copies of that announcement are available
14 to my left on the wall near the door. And the
15 rest of the comments we will sustain from the
16 first hearing.

17 We have also been joined by the
18 Director of the Office of Planning, Ms.
19 Tregoning, and also the, I'm not sure what the
20 title is, but, Historic Preservation Review
21 Board, Mr. Maloney. Okay. And Mr. Jesick, I
22 think, you were -- okay, anyway, the Office of

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1 Planning.

2 Okay. Let's go straight into it.
3 Who is going to start us off? Ms. Tregoning?

4 DIRECTOR TREGONING: I believe I
5 will, Chairman Hood, thank you so much, and
6 Members of the Zoning Commission. I'm here
7 just to kind of introduce the matter that is
8 before you this evening.

9 The District's policy objectives
10 have been very clearly stated, not only in the
11 recently adopted Amendments to the 2006 Comp
12 Plan, but both in the NoMA and the H Street
13 Plans. To summarize those objectives with
14 respect to this Union Station Project and its
15 air rights, they are to reconnect the city
16 from east to west with a new walkable H Street
17 that will feel just like a regular street,
18 contribute to and accelerate the revival of H
19 Street, N.E., to improve access to Union
20 Station from the north and to encourage infill
21 development on a vacant 14 acre site adjacent
22 to the most multi-modal transit accessible

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1 site in the entire region.

2 Reconnecting the city over
3 transportation infrastructure rail tracks, in
4 this case, is an incredibly important
5 objective to the city, important to community
6 development as well as to economic
7 development.

8 We also recognize that Union
9 Station is a very sensitive site, important to
10 the architectural history of the city's
11 classical development and critical to the
12 image of the city as guests and residents
13 arrive at Union Station.

14 This project will help present a
15 much better face to visitors and travelers
16 arriving at Union Station from the north, in
17 particular. And as you know, transit is a
18 vital and increasingly important resource in
19 the District. While Metro Rail is a critical
20 component of that transit, the city is also
21 working to increase the diversity, quality and
22 quantity of its transportation choices.

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1 So much so that now more than 50
2 percent of D.C. residents walk, bike or take
3 transit for their trips. The city now has a
4 number of places where multi-modal
5 connections, including high capacity bus
6 corridors, bike-share kiosks, Zipcar and
7 possible future street car come together. But
8 in no part of the city is this more true than
9 Union Station.

10 TOD is one of the most important
11 concepts in creating sustainable places and
12 taking advantage of the densities inherent in
13 urban areas and coordinating land use around
14 non-automobile transportation options are
15 among the very best ways to give more people
16 real transportation, retail and service
17 choices, as well as reduce greenhouse gas
18 emissions.

19 While TOD is often associated with
20 additional density, there are other defining
21 concepts that include walkability, the safety
22 of pedestrian ways, the orientation of

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1 development toward transit that are vitally
2 important. All of these would be enhanced by
3 this Union Station proposal.

4 Thank you. And I'm going to turn
5 it over to Matt.

6 MR. JESICK: Thank you. And thank
7 you, Mr. Chairman and Members of the
8 Commission. Jumping off from that policy
9 background, I'm going to recap some of the
10 basic aspects of the proposed zone, since it
11 has been a while since it was before the
12 Commission. And then I'll get into some of
13 the changes that have occurred to the text
14 since the time of set-down.

15 So to achieve the goals that Ms.
16 Tregoning spoke about, we are proposing the
17 Union Station North Zone or USN and the zone
18 will address some of the unique
19 characteristics of this site, such as building
20 over an active rail yard, building on a 14
21 acre site that only fronts on one public
22 street and also the zone will address the

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1 relationship between development on this
2 subject site and the existing development in
3 the surrounding neighborhoods.

4 Now, the subject site is currently
5 Zoned CM-3/M, of course, Industrial Zones,
6 that zoning would remain on the ground where
7 the railroad tracks actually are. The
8 proposed zone would only apply to the air
9 rights lots, which are above the railroad
10 tracks. And the boundaries of those lots, you
11 can see on the screen.

12 Now, the Comprehensive Plan's
13 Future Land Use Map shows this site as
14 suitable for a mix of high-density uses. And,
15 in fact, this site is really the edge of
16 downtown or what the Comp Plan calls Central
17 Washington.

18 And the existing zoning allows 6
19 FAR while the proposed zoning allows 6.5,
20 which is equal to the matter-of-right density
21 in the C-3-C Zone. Now, 6.5 is on the low end
22 of what we would normally consider high-

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1 density, but we feel that with that level of
2 density combined with a maximum height of 130
3 feet, that would provide the maximum design
4 flexibility so the massing of buildings can
5 respond to their surroundings. And also, the
6 design within the site can incorporate open
7 spaces.

8 And it is worth noting that most
9 areas that allow 130 feet in height also allow
10 somewhere in the neighborhood of 10 FAR.

11 Now, it might be helpful to review
12 just the structure of the zone itself. The
13 Union Station North Zone is meant to be sort
14 of an all inclusive zone. What I mean by that
15 is an owner of a property in the USN Zone
16 could come to this one chapter and find all
17 the regulations that they need that would
18 apply to their property.

19 So we have some introductory
20 sections, which deal with the purposes of the
21 zone, where it applies. I showed you the map
22 a moment ago. And it also defines the

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1 platform which is the structure that buildings
2 will be built on top of.

3 Now, ' 2904 states that there will
4 be one building north of H Street and one
5 building south of H Street and that is because
6 there is only one public street bisecting the
7 property.

8 But there will be only one building
9 in name only. In reality, the buildings will
10 be divided up into normal size structures that
11 the USN Zone calls building units.

12 Now, 2905 talks about height, not
13 just the maximum height, but also a stepdown
14 in height at the northeast corner of the
15 property. And that area can be seen in the
16 blue rectangle on the screen.

17 And 2905 also clarifies that H
18 Street should be the measuring point for
19 height.

20 Now, in the middle of the text we
21 have various sections that give rules for
22 penthouses, FAR, parking, loading and uses.

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1 Within FAR, we have incorporated a residential
2 use requirement. Under the uses section,
3 which is similar to C-3-C, there is a
4 preferred use requirement along H Street that
5 is retail, service and arts uses, and that's
6 really to encourage a walkable environment
7 along H.

8 Just to jump to the end real quick,
9 there are concluding sections about the fees,
10 approval time lines, etcetera. But the real
11 heart of the zone is the design review process
12 and the design review criteria. And every
13 project that is proposed to be built in the
14 U.S. then would have to come before the Zoning
15 Commission for a design review approval.

16 And so the Commission, staff, the
17 community can all use the design review
18 criteria to evaluate a project. So there are
19 numerous criteria. Some of the topics they
20 cover include connectivity, circulation, site
21 design, both the internal site design and then
22 the massing and the view from surrounding

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1 neighborhoods.

2 The criteria encourages a mix of
3 uses. They look at the architecture including
4 green design features and the skin of the
5 building, architectural details. And the
6 criteria also address community outreach.

7 Now, just to emphasize again what I
8 said a moment ago, every project has to come
9 to the Zoning Commission for design review
10 approval. And there will be a lot of
11 opportunities for public input. The ANC will
12 review all design review applications.

13 The zoning includes a new ' 2918
14 which speaks to the existing rights of the ANC
15 to automatically be a party to a case and also
16 participate fully in a Zoning Commission
17 Public Hearing.

18 Now, in a separate process, all
19 projects will also be reviewed by the State
20 Historic Preservation Officer or SHPO, so
21 there will be lots of opportunities for public
22 input on any future projects.

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1 Now, there has been a lot of
2 discussion about the Height Act and what the
3 appropriate measuring point for height is on
4 this location. Now, if we take a look at the
5 text of the Height Act, ' 7 of the Act says
6 "Height shall be measured from the level of
7 the sidewalk in the middle of the front of the
8 building."

9 Also in ' 5 it says in a slightly
10 different way that "Height shall be taken from
11 the street in its front, in the front of the
12 building."

13 So when we look at this site and
14 try to understand where the front of the
15 buildings would be, you know, we see some
16 nearby streets like 1st and 2nd Street.
17 However, this site is not only separated
18 vertically from 1st and 2nd Streets, it is also
19 separated horizontally by other properties.

20 To the west we have the WMATA Red
21 Line right-of-way. To the south we have the
22 Union Station Garage and Union Station itself.

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1 And to the east we have private properties
2 such as Station Place, which separate the
3 subject site from 2nd Street.

4 So we feel that H Street is not
5 only an appropriate measuring point for
6 height, but, in fact, the only measuring point
7 that conforms to the Height Act.

8 Now, we have made a few changes
9 since the set-down meeting. We have continued
10 to meet with the community. We met several
11 times, four or five times, with the ANC's
12 Planning, Zoning and Environment Committee.
13 And in December, the case was presented to the
14 Full ANC.

15 And the community, you know, spent
16 a lot of time and gave us a lot of great
17 feedback and we have incorporated a lot of
18 those ideas into the text. There is a new
19 section that prevents the expansion of the USN
20 Zone boundaries.

21 The section I mentioned earlier,
22 2918, spells out the rights of the ANC. I

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1 mentioned review criteria that is requiring an
2 applicant to demonstrate the extent of their
3 community outreach. I also mentioned the
4 stepdown in height at the northeast corner of
5 the site, that's a new addition we put in in
6 response to community feedback. And again,
7 the residential requirement to help ensure a
8 mix of uses.

9 So those are some of the major
10 changes we have made since set-down. We would
11 like to make two more changes to the text.
12 One came up in the context of a letter from
13 the property owner to the Commission. They
14 brought up the idea of parking space
15 dimensional standards.

16 And out of an abundance of caution,
17 we included in the zone minimum dimensions for
18 parking spaces and drive aisles and that sort
19 of thing. In their letter, the property
20 owner, I guess, implied or stated that they
21 would be looking at alternative parking
22 strategies, such as mechanical parking

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1 garages. And we certainly encourage that
2 direction. And a mechanical parking garage,
3 obviously, doesn't need drive aisles or
4 minimum parking space widths. So we are going
5 to revisit that text and see if it is
6 necessary to keep in the USN Zone.

7 Amtrak also wrote a letter to the
8 Commission. We met with Amtrak and they gave
9 us a lot of great feedback. They want to
10 ensure that as passenger capacity increases at
11 Union Station, that the USN Zone doesn't in
12 some way prevent needed infrastructure for
13 future capacity.

14 Their ideas were things like
15 passenger entrances on H Street, mechanical
16 equipment related to railroad uses within the
17 platform or even daylighting down to the level
18 of the railroad tracks. So we think those are
19 all great ideas and we would like to
20 incorporate those into the text.

21 Now, finally, I would just like to
22 draw the Commission's attention to the

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1 graphics that were attached to the back of the
2 report. The graphics include section
3 drawings, some view studies from various
4 points around the neighborhood, an access
5 diagram, as well as information on heights and
6 densities for surrounding development.

7 Now, I just want to emphasize that
8 the massing shown in the view studies is not
9 an actual project. It's just a theoretical
10 massing, but I think it is still valuable as a
11 tool.

12 So that concludes my portion of the
13 presentation. Mr. Maloney will add a few
14 remarks of his own.

15 MR. MALONEY: Thank you, Matt. Mr.
16 Chairman, I have only a few brief comments to
17 make. You have already heard how this
18 proposed Text Amendment addresses critical
19 planning goals for this part of the city. It
20 is also critical for historic preservation,
21 because it promotes carefully planned
22 development that will support the continued

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1 vitality of Union Station as a major
2 transportation hub and/or an amenity in the
3 city.

4 Union Station, of course, is one of
5 our most important historic structures. It is
6 now almost 30 years since the station was
7 fully renovated in the 1980s and so
8 reinvestment in both the historic building and
9 its surroundings are clearly on the horizon.

10 I have read the testimony submitted
11 by the various preservation and community
12 groups for this hearing and appreciate the
13 general acknowledgement that the new
14 development coming to the area is good for the
15 Station and good for preservation.

16 As Matt has mentioned, development
17 of these air rights is subject to review and
18 approval by the State Historic Preservation
19 Officer. Our office is very much of the view
20 that the historic building and its
21 surroundings, including the transportation
22 infrastructure, are mutually supported and

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1 should be conceived as an entity and planned
2 for comprehensively.

3 The covenants on the air rights
4 require new buildings to be consistent with
5 the Secretary of the Interior's Standards for
6 the treatment of historic properties. And I
7 would like to emphasize that.

8 The review process that will be
9 needed to support these determinations will be
10 an open public process and I want to welcome
11 the participation of everyone in that process
12 and, of course, including those in the
13 audience here tonight who are speaking from
14 the standpoint of historic preservation.

15 This hearing is just the beginning
16 of a much larger effort in which preservation
17 is very much a factor and I want to assure the
18 Commission that we will continue to be fully
19 involved.

20 And I'm glad to answer any
21 questions you may have.

22 CHAIRMAN HOOD: Okay. Let me first

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1 thank Director Tregoning and Mr. Jesick and
2 Mr. Maloney for the presentation. Very
3 succinct, we appreciate it.

4 Let's open it up to Commissioners
5 for questions. What I was thinking, I was
6 thinking we would do like we did the last
7 time, hear from everybody. But I think, I
8 mean, I'm going to hear from my colleagues.
9 Which way would you -- okay. Let's go ahead
10 and start with our questions.

11 Mr. May, would you like to start us
12 off?

13 COMMISSIONER MAY: Do you want to
14 put me on the clock?

15 CHAIRMAN HOOD: Could we do 10
16 minute rounds? Let's start with 10 minute
17 rounds. But from what I saw, we may need to
18 do 20 minute rounds, but let's do 10 minute
19 rounds.

20 COMMISSIONER MAY: Okay. I'll try
21 to be fast and I'm not sure, I'll just throw
22 them out there and whoever wants to answer can

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1 answer.

2 Some of these are sort of picky
3 questions. I'm just trying to get some of the
4 finer points here.

5 What is the width of the K Street
6 right-of-way? That's still 130 feet in that
7 area, right, or is it 110?

8 MR. JESICK: I believe it does
9 narrow down to 110, but we can get that
10 information.

11 COMMISSIONER MAY: Okay. I'm very
12 curious about that, because just scaling it
13 off the drawing that I saw, it looked like it
14 was 130. And so it would be of interest to me
15 to know what it is. I mean, it may only be
16 110, maybe I'm just reading it wrong.

17 What has happened with the proposed
18 streetcar turnaround that would actually go
19 under the bridge? Is that still a live idea?

20 It is. Okay.

21 And I guess my suggestion is you
22 look at actually running H Street through

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1 there and never get -- went anywhere.

2 DIRECTOR TREGONING: I can't speak
3 for DDOT or for the final design, but you know
4 that even the turnaround is an interim?

5 COMMISSIONER MAY: No, I didn't
6 know that.

7 DIRECTOR TREGONING: Yes. It is
8 not a permanent situation.

9 COMMISSIONER MAY: Only because the
10 tracks will eventually go all the way through?

11 DIRECTOR TREGONING: Right.

12 COMMISSIONER MAY: Right. But
13 if --

14 DIRECTOR TREGONING: On some route.

15 COMMISSIONER MAY: On some route.

16 DIRECTOR TREGONING: Maybe that
17 route, maybe not.

18 COMMISSIONER MAY: It may be under
19 or it may be over?

20 DIRECTOR TREGONING: Right. Or it
21 may be up to K Street.

22 COMMISSIONER MAY: Okay. Do we

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1 know what the, approximate, existing grade is
2 below the peak of the bridge?

3 MR. JESICK: The level of the
4 railroad tracks is, approximately, 55 feet
5 above sea level.

6 COMMISSIONER MAY: And the bridge
7 measuring point that you are proposing, is it
8 88.5? Is that right?

9 MR. JESICK: 82.5.

10 COMMISSIONER MAY: 82.5. Okay. So
11 it's about -- it was 28 feet was the
12 difference. Okay.

13 I saw in a drawing that indicated
14 that the H Street right-of-way was 124 feet?

15 MR. JESICK: 25 feet.

16 COMMISSIONER MAY: 125 feet.
17 That's odd. Where did that come from? Did
18 some of it get trimmed off at some point?

19 MR. JESICK: Actually, I believe,
20 it is more narrow east and west of the bridge.

21 COMMISSIONER MAY: Yes.

22 MR. JESICK: At some point --

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1 COMMISSIONER MAY: So it just got
2 widened in that area?

3 MR. JESICK: Right.

4 COMMISSIONER MAY: So, I mean, if
5 you were theoretically going to measure from
6 grade there, it would be 125 plus 20 feet
7 would establish your height that this is
8 above-grade, right?

9 MR. JESICK: Except the Height Act
10 would cap you at 130.

11 COMMISSIONER MAY: Okay. And
12 what's the grade at 1st Street and 2nd Street
13 that people have been talking about?

14 MR. JESICK: I believe it is around
15 30 feet.

16 COMMISSIONER MAY: It's at 30 feet.
17 So it's 25 feet lower than the tracks?

18 MR. JESICK: I think that's
19 correct, yes.

20 COMMISSIONER MAY: Yes, okay. You
21 mentioned that normally for 130 foot zone, the
22 FAR would be 10, right? For 6.5 FAR, the

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1 normal height would be what?

2 MR. JESICK: We have seen
3 buildings, you know, at 90 feet with like
4 around a 6 FAR, that's pretty much building
5 out the entire envelope. And, you know,
6 that's one thing we are trying to avoid is box
7 buildings.

8 COMMISSIONER MAY: Yes. I can
9 understand that. I mean, there is a balance
10 that needs to be struck, I guess.

11 Is there any -- I didn't see any
12 specific provision in the design guidelines
13 for the creation of public space other than
14 the sort of public rights of ways at access or
15 I guess it's not -- it's still a private
16 right-of-way, but gives you access to the
17 individual building. Is that right?

18 MR. JESICK: That's correct. And
19 in response to community comments, I think we
20 did make a minor tweak to the language that
21 tries to prevent sort of a gated community
22 effect. We do want these to be, even if they

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1 are private streets, publicly accessible. And
2 I can find that exact text if you would like.

3 COMMISSIONER MAY: Okay. That's
4 okay. I'll look for that. All right.
5 Paragraph 2908.1, can you explain that to me,
6 because I found it confusing. It had to do
7 with the interplay of residential space and so
8 on.

9 MR. JESICK: Sure. Okay. The
10 first thing it says is that for the entire
11 site, the nonresidential FAR is capped at 5.5.
12 Except there is a residential requirement
13 that kicks in when you hit 3 FAR of
14 nonresidential. So you could build up to 3
15 FAR of nonresidential, then you have to build
16 at least half an FAR of residential.

17 COMMISSIONER MAY: Okay. Okay.
18 And if I read it correctly, the private roads
19 that we talked about -- sorry, I'm sort of
20 bouncing around from place to place, but
21 that's, you know, as I read it.

22 The private roads that we talked

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1 about just before would be excluded from any
2 FAR calculations?

3 MR. JESICK: That's correct, yes.

4 COMMISSIONER MAY: But the alleys
5 or whatever that would service the buildings
6 would be included?

7 MR. JESICK: Right. And that's
8 consistent with previous Zoning Commission
9 direction.

10 COMMISSIONER MAY: That's fine.
11 I'm glad to see private roads excluded from
12 FAR, because sometimes in PUDs that -- they
13 try not to do that.

14 Okay. If there is no parking
15 requirement at all and there are residential
16 units provided, how is this going to work with
17 residential parking permitting? Is there -- I
18 mean, I know that sometimes in PUDs that gets
19 offered up as part of the conditions of the
20 PUD, but since this isn't going to be a PUD,
21 what I'm concerned about is pretty obvious,
22 it's the prospect that you would have a lot of

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1 residential units and people would somehow
2 qualify for RPP and they would be parking in
3 the neighborhood.

4 But maybe there are no streets that
5 would be RPP permitted, but it would be on --
6 I don't know.

7 MS. STEINGASSER: Well, as you
8 know, zoning can't regulate parking --

9 COMMISSIONER MAY: I know.

10 MS. STEINGASSER: -- in public
11 spaces. So we have not addressed the RPP as
12 part of this at all.

13 COMMISSIONER MAY: Okay. I think
14 that's something that I would like to know
15 some kind of an answer from. I mean, maybe
16 I'm worrying about nothing because it's not
17 likely that any building built here would
18 become eligible, because it wouldn't face on a
19 street that has residential parking.

20 I don't really understand the rules
21 fully, but it would be helpful to know an
22 answer to that.

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1 Now, the regs call out specifically
2 that the ANC is automatically a party, but if
3 this is going to be considered a contested
4 case when we do design review, then that would
5 mean that ordinary party status regulations
6 kick in. So other organizations could still
7 get party status, right?

8 MR. JESICK: That's correct.

9 COMMISSIONER MAY: Okay. Okay.
10 Believe it or not, that's it for me.

11 CHAIRMAN HOOD: Those questions
12 looked a lot longer at this distance. All
13 right. Any other questions, Commissioners?
14 Thank you, Commissioner May. Any other
15 questions? Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Thank you,
17 Mr. Chair. I guess getting back to Chairman
18 May's point about H Street. Just by the
19 nature of H Street, it is wider on the bridge
20 as compared, so I think that's where we get
21 this -- I get concerned about the height, the
22 130 feet. I think it's almost like arbitrary

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1 and capricious setback.

2 It's the only thing that we have,
3 so we are going to use that. And I guess, to
4 me, the logic falls down a bit that we have
5 this 130 foot measurement for the whole site.

6 It's uniform all the way across.

7 And if I look on your Sheet C-4,
8 which is sort of your access grid, we see the
9 private streets that come up. And I'm just
10 wondering why those private streets then don't
11 govern on some of these heights for buildings.

12 It just seems like it is self-serving to say
13 it's 130 feet and use H Street.

14 MS. STEINGASSER: Well, as you
15 know, street is a defined term in the Zoning
16 Regulations. And it is required to be a
17 dedicated and accepted public street, avenue
18 or highway recorded by the surveyor as such.

19 So a private street is not eligible
20 to qualify as a street for the purposes of
21 building permits or for getting height
22 measurements, because the Height Act says

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1 street. And zoning, as it has been since
2 1958, defines it as a dedicated public street.

3 COMMISSIONER TURNBULL: Okay.
4 Well, let me ask about the setbacks. We have
5 seen some buildings in your perspectives that
6 show a setback. Do you think that that's
7 sufficient for meeting some of the lower
8 buildings?

9 MR. JESICK: Well, let me just
10 emphasize again that the massing shown in the
11 renderings is just a theoretical massing.
12 Often in D.C. we do see setbacks at higher
13 heights. I think the architect shows that as
14 sort of a standard feature in buildings. We
15 didn't object to that theoretical massing.

16 Obviously, when the specific
17 project comes in, we are going to look very
18 closely at the relationship of these buildings
19 to other buildings.

20 COMMISSIONER TURNBULL: Right. And
21 I'm very concerned about the massing. The
22 massing looks really heavy. I mean, I know

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1 you are in the very -- you are just not even
2 in schematics. This is just bubble diagrams.

3 I'm concerned about open space, buildings
4 that are going to just consume.

5 I understand we want high-density,
6 but I'm looking at good urban planning,
7 continuing on with the L'Enfant Plan, the
8 McMillan Plan, trying to get that same spirit
9 of development where we have some open space
10 that relates to the -- in the context to where
11 we are.

12 MR. JESICK: Well, I guess, you
13 mentioned high-density. While 6.5 could be
14 considered high-density, it's --

15 COMMISSIONER TURNBULL: Right. I
16 understand.

17 MR. JESICK: -- lower.

18 COMMISSIONER TURNBULL: You say
19 it's at the low end, right?

20 MR. JESICK: Right. So we
21 purposefully build that in to allow more
22 flexibility in the massing, so you wouldn't

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1 get necessarily bulky buildings next to, you
2 know, sensitive other buildings.

3 COMMISSIONER TURNBULL: Right.

4 MR. JESICK: And I think what we
5 tried to do also is put in the zone the tools
6 that the Zoning Commission would need, you
7 know, to address those concerns when an actual
8 project comes forward.

9 COMMISSIONER TURNBULL: Well, good,
10 I'm glad to hear that. I'm just concerned
11 that we are developing an urban planning tool
12 for the city and not a developer's tool. I
13 mean, it has to be a developer's tool, but I
14 want it to be a planning tool from the
15 standpoint of getting the kind of spaces in
16 the context for that part of the city and not
17 just having it a mass of a building.

18 MR. JESICK: The mass of the
19 building was, you know, one of our primary
20 concerns. We have review criteria in there
21 that say the form of the buildings has to be
22 broken down into sort of, you know,

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1 traditional D.C. building sizes.

2 COMMISSIONER TURNBULL: Okay.

3 MR. JESICK: There need to be --
4 even before we mandated a stepdown in the
5 northeast corner, the review criteria already
6 addressed, you know, relating to adjacent
7 buildings, you know, being sensitive to
8 surroundings, especially historic landmarks,
9 nearby residential communities.

10 So I think all those things are in
11 the zone already.

12 COMMISSIONER TURNBULL: Okay.

13 MR. JESICK: But we would be happy
14 to, you know, get further feedback from the
15 Commission as well.

16 COMMISSIONER TURNBULL: Okay. I
17 guess the other concern is what Commissioner
18 May brought up about the parking and the
19 residential. I'm concerned about the total
20 impact of what is happening in this area. And
21 I would like to hear some more solutions on
22 how we go forward with this and where we are

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1 going to be going.

2 I just -- we have run into so many
3 areas, although we're in the heart of trains
4 and buses and subway here, there still will
5 be, at some point, someone is going to bring
6 up something about parking. And it is going
7 to become an issue.

8 I know we have a huge parking
9 garage, too, right there, but it is not all
10 designated just for the new development. So I
11 just feel that there are some issues that as
12 we go forward, we are going to have to really
13 be looking at very carefully that this is a
14 key element. This is going to be a definitive
15 project for the city and I think for the area.

16 So I think we want to put our best
17 foot forward on this and really get -- bring
18 something home here that everyone is going to
19 experience and enjoy. Those are all my
20 questions. Thank you.

21 CHAIRMAN HOOD: Okay. Thank you,
22 Mr. Turnbull. Any other questions,

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1 Commissioners? Commissioner Selfridge?

2 COMMISSIONER SELFRIDGE: Thank you,
3 Mr. Chairman. I just want to follow-up on Mr.
4 Turnbull's comments about the parking and
5 Commissioner May as well. I would just be
6 concerned that there was sufficient parking in
7 the area.

8 And I guess if you could just speak
9 about a little bit more what your thinking was
10 on that and how that would be addressed long-
11 term, particularly, as there is more
12 development over at the Union Station area.

13 MR. JESICK: Well, when we first
14 looked at this site, we realized that this is
15 the most, you know, multi-modal site in the
16 entire region. And I believe Ms. Tregoning
17 has spoke about that at the beginning.

18 So we really want to encourage TOD
19 principles here with very low parking ratios.

20 I mentioned earlier the property owner
21 looking at mechanical parking garages. I
22 think that will enable a more efficient use of

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1 the parking volume.

2 So, you know, we definitely want to
3 encourage the low parking ratios right next to
4 Union Station, but, you know, we would be
5 willing to revisit that issue if the
6 Commission feels that it's appropriate to look
7 at it more in depth.

8 MS. STEINGASSER: Because there
9 will be parking on-site. It's -- we have not
10 established a ratio that residential must have
11 this and nonresidential has that. There will
12 be parking on the site, especially in the
13 interstitial space within the platform.

14 We have wanted not to make parking
15 a driving force that dictates how the form and
16 the building begins to take shape. We really
17 see the site as one of the most unique, if not
18 the most unique site in the city in terms of
19 this multi-modal aspect, so we purposefully
20 did leave parking as a market issue that the
21 developer would deal with.

22 They will have to, as they come

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1 forward with the building to the Commission,
2 defend both its design and its parking ratio,
3 at that time. And I think through the
4 Transportation Management Plan, has to come
5 forward with each building also to show how
6 that is being integrated.

7 COMMISSIONER SELFRIDGE: And ANC, I
8 saw that you specifically met with the ANC-6C
9 quite a bit and they were relatively
10 comfortable with that approach and thought it
11 could be addressed down the line during the
12 design review process.

13 MR. JESICK: Yes, the ANC was
14 comfortable, I think. You know, we did hear
15 some public comment, you know, concerns about
16 parking, but the ANC was comfortable with
17 that.

18 COMMISSIONER SELFRIDGE: That would
19 be my main concern. Mr. Turnbull, I think,
20 spoke to the massing, as well, and I think
21 that will be addressed during the design
22 review process.

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1 I would just comment that it seemed
2 like OP did a lot of meetings with the
3 community and that moved the process forward a
4 lot, so I think that was a really good model
5 moving forward. On other projects as well, it
6 seemed to certainly help get this moving
7 forward.

8 CHAIRMAN HOOD: Okay. Thank you,
9 Commissioner Selfridge. Vice Chairman?

10 VICE CHAIRMAN SCHLATER: Thank you,
11 Mr. Chairman. Well, first of all, I just want
12 to say that in reading through the record,
13 there were a lot of comments on the good job
14 that OP has done in reaching out to people
15 through this process.

16 I know it has been contentious in
17 some ways, but it seems, like in many
18 respects, the community feels like you have
19 reached out to them and engaged them in this
20 process. And I think it shows in the work you
21 have done in trying to create a zone that is,
22 you know, going to have good buildings on it,

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1 architecturally. It is going to have a mix of
2 uses. It clearly is trying to apply good
3 planning principles to this zone. So you
4 should be applauded for that.

5 I want to jump into an issue I
6 raised at set-down, which is the residential
7 mix on the site. In reading through the NoMA
8 Vision Plan element speaking about this site
9 and some of the other planning documents, it
10 does seem that NoMA, as a whole, is lacking in
11 some ways. I hear it all the time that people
12 are disappointed that it is not a strong
13 mixed-use environment.

14 There is not as much residential as
15 people would like and there aren't as many
16 amenities such as parks. And I'm wondering,
17 and I appreciate that since set-down that the
18 proposal has changed and now we have, is it, a
19 1.0 FAR requirement?

20 MR. JESICK: Half an FAR.

21 VICE CHAIRMAN SCHLATER: Half an
22 FAR requirement. So half of 6.5?

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1 MR. JESICK: If figured at 6.5, it
2 would result in 1.0 FAR residential.

3 VICE CHAIRMAN SCHLATER: It would
4 result in 1.0. So I don't know the math of
5 that. But that means 15 percent of the FAR if
6 it's built out to its full build-out is going
7 to be residential FAR. And I guess the
8 question for OP is is that what we would
9 consider a strong mix of uses on the site,
10 residential versus commercial?

11 MR. JESICK: Well, you know,
12 arriving at the requirements of half an FAR,
13 that was a negotiation between us and the
14 property owner. We tried to balance their
15 desire to, you know, get the project up and
16 running through financing of nonresidential
17 projects with out desire to have a real strong
18 mix of uses.

19 You know, I think with that
20 requirement, you mentioned the overall cap on
21 nonresidential of 5.5, and then, you know, the
22 design review criteria that calls for a mix of

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1 uses, I think we have a lot of tools to help
2 ensure that there is that real mix within the
3 entire property.

4 VICE CHAIRMAN SCHLATER: How is the
5 Commission to evaluate that 1.0 FAR as all
6 that is economically viable or feasible on
7 this thing? I mean, if you look at, you know,
8 other parts of the city, I think where we put
9 residential requirements on, it is a higher
10 percentage of the overall FAR, if you look at
11 the Downtown Development Overlay.

12 And so I'm just wondering the
13 Commission finds it hard to say 1.0 is the
14 right number. I don't know what the right
15 number is, but I'm not sure that 1.0 is the
16 right number.

17 DIRECTOR TREGONING: I would just
18 say that it is a minimum and that marketing
19 conditions might dictate as they have in a
20 number of other projects that you are probably
21 familiar with that the mix has shifted to
22 residential and away from commercial. And so

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1 the intention was to literally establish a
2 minimum, but that number could actually be
3 different.

4 And if you look at the development
5 pattern on the map, you can see that there is
6 a lot of residential in adjacent neighborhoods
7 that helps to contribute to the mix that is
8 overall. Admittedly, it's to the east and not
9 so much to the west --

10 VICE CHAIRMAN SCHLATER: Yes.

11 DIRECTOR TREGONING: -- in the
12 neighborhood that you are referring to, but
13 it's a pretty large concentration of
14 residential to the east. And that is going to
15 be part of what creates a mixed-use
16 neighborhood here.

17 VICE CHAIRMAN SCHLATER: I think
18 the retail is certainly going to create a mix
19 of uses. And the most important thing is I
20 think the bridge does serve as a divide. And
21 I think if you are walking from the east side
22 -- from the west side of the bridge to the

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1 east side of the bridge, you want that to be
2 an inviting walk at night.

3 And if it's full of office
4 buildings, it's not going to be as inviting,
5 because there won't be as much pedestrian
6 traffic. So I'm concerned about the mix of
7 uses I hear, which is what you are saying
8 Director Tregoning, about it being a minimum.

9 I'm just not sure if the minimum is high
10 enough, but I'll move on.

11 That's my -- I don't know how to
12 resolve that except to say that's my feeling
13 based on what I'm seeing in NoMA. I feel like
14 the built environment there is sort of blah
15 and, you know, I would like to see more
16 residential mixed in.

17 I think it's a good question
18 Commissioner May raised about open space and
19 whether -- is that something we are going to
20 capture in the Stage 1 review, in terms of the
21 layout of the streets and parcels and all
22 that?

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1 MR. JESICK: Yes. For whatever
2 portion of the site is submitted, you would
3 see streets, open spaces. You won't
4 necessarily see the entire site. The way we
5 have written it so far is that, you know, it
6 could come in in pieces, in phases, but we do
7 -- you know, we have specifically said in the
8 zone that the Commission reviews all open
9 spaces, all plazas, streets, the design of
10 those features in addition to the buildings.

11 VICE CHAIRMAN SCHLATER: What's the
12 minimum width of the private right-of-way that
13 is going to be running through the site?

14 MR. JESICK: We haven't established
15 a minimum. The way the text is worded it
16 states that, I can't find the exact language,
17 but that the private right-of-way shall be the
18 curb-to-curb width plus 16 feet on each side.

19 The 16 comes from sort of a downtown sidewalk
20 standard.

21 We feel that that -- the way that
22 is written, it will encourage narrow streets

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1 to, you know, hopefully encourage pedestrian
2 walkability --

3 VICE CHAIRMAN SCHLATER: Yes.

4 MR. JESICK: -- while maintaining
5 the wide sidewalks that we want to see on
6 either side.

7 VICE CHAIRMAN SCHLATER: And I
8 guess we would have to wait until that Stage 1
9 review to see exactly how the site is going to
10 be broken up, because it does seem important.

11 More buildings, more and smaller buildings
12 would seem to be a very important principle
13 from an urban planning perspective.

14 MR. JESICK: And we certainly
15 emphasize that in the review criteria.

16 VICE CHAIRMAN SCHLATER: Some of
17 the graphics that we got in the OP report just
18 showing the building massing, I think, show
19 for, you know, 10 buildings for the site
20 total. What's -- if we achieve the maximum
21 FAR on the site, do we know what that density
22 would be, total density?

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1 MR. JESICK: Can you repeat that?

2 VICE CHAIRMAN SCHLATER: At full
3 build-out, what kind of density are we
4 envisioning for the site?

5 MR. JESICK: I guess I'm
6 anticipating 6.5.

7 VICE CHAIRMAN SCHLATER: No, but
8 6.5 times what?

9 MR. JESICK: Oh.

10 VICE CHAIRMAN SCHLATER: What's the
11 total gross square footage --

12 MR. JESICK: Oh, okay.

13 VICE CHAIRMAN SCHLATER: -- of the
14 buildings on the site?

15 MR. JESICK: The total site, I
16 believe, I want to say is about 600,000 square
17 feet, 633,000, if my memory serves. When you
18 subtract out an estimate of the public streets
19 or private streets, you get to right around
20 half a million.

21 VICE CHAIRMAN SCHLATER: Okay.

22 MR. JESICK: So 6.5 times half a

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1 million is 3.5.

2 VICE CHAIRMAN SCHLATER: 3.5
3 million. So each building would be roughly,
4 if you took an average, 350,000 square feet.
5 And would you say that or approximate that the
6 size of a typical D.C. building?

7 MR. JESICK: I don't know the
8 average size of a typical D.C. building.

9 VICE CHAIRMAN SCHLATER: It seems
10 large, I guess, is my -- those are pretty big
11 buildings.

12 MS. STEINGASSER: Well, the zoning
13 allows for maximum of 6.5. The early
14 schematic exercise is -- that the Development
15 Team has done shows that they can't actually
16 achieve density that high. And the whole
17 point of us allowing for the height is to
18 ensure that kind of porousness within the site
19 and create that small building that the
20 Commission is concerned of.

21 But we estimate that, yes, they
22 won't actually be able to get that full

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1 maximum like you would see, you know, in a
2 terra firma site downtown where you've got a
3 full street-to-street where you can go, you
4 know, 100 percent lot occupancy and straight
5 up. It's not going to be quite that easy in
6 this situation.

7 VICE CHAIRMAN SCHLATER: Okay. I
8 mean, don't get me wrong, I think it's great
9 the idea of having the 6.5 FAR and going up to
10 130 feet. I think you could end up with some
11 nice buildings. And it's probably the only
12 way to ensure that, from our zoning
13 perspective.

14 Usually, you are trying to maximize
15 the density and you have to fill up the
16 envelope and it's hard to get a good building.

17 So I think this is a very nifty solution and
18 I applaud you guys for coming up with it.

19 Thank you, Mr. Chairman.

20 CHAIRMAN HOOD: Good timing. I
21 just have a few questions. I know I want to
22 associate myself with some of Mr. Turnbull's

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1 comments. We want to make sure we do our best
2 to get it right. Unlike New York and Boston
3 where they can do skyscrapers and whatnot, we
4 have some limits.

5 My questions aren't necessarily
6 focused on the buildings. You know, I believe
7 that discussion with height and stuff will
8 come back.

9 My concern is the process. And I'm
10 looking here where the ANC has more or less
11 negotiated five points for their support. The
12 case in point, No. 4 says "Let the developer
13 be required to demonstrate community outreach
14 throughout the development process."

15 Mr. Jackson, what kind of standard
16 is that? I mean, you know, do they just go to
17 the ANC or do they -- I mean, how are we
18 looking at that?

19 MR. JESICK: Well, we didn't -- we
20 purposefully didn't define it, because, you
21 know, outreach could take many forms.
22 Certainly, we expect them to meet with the

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1 ANC, at least, you know, several times, but it
2 could also mean a website with information
3 about a project. It could mean mail -- you
4 know, mailing out flyers about a project,
5 holding other kind of town hall meetings.

6 So we didn't want to define it too
7 strictly, but if that's an issue you are
8 concerned about, we can look at that text in a
9 little more detail.

10 CHAIRMAN HOOD: I just know that we
11 hear recently a lot of people don't attend the
12 ANC meetings. And we had a case here a couple
13 of weeks ago, well, last week, where the
14 community came down and the ANC said one thing
15 and the community said something different.

16 So I just want to make sure that
17 that's not something that we are lost on, that
18 we make sure what we are looking at. And I
19 agree with you, a website, I just want to not
20 limit it to the ANC. And I'm not taking
21 anything away from the ANC, but I want to make
22 sure that that process is open when we talk

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1 about looking at outreach.

2 MR. JESICK: Well, I think, you
3 know, the good thing about the review criteria
4 is the Zoning Commission gets to judge it in
5 the end. And if any of the criteria, you
6 know, if you feel, did not meet the standard,
7 the criteria, then you can deny the
8 application, that's the way we have written
9 it.

10 So, you know, in the end, the
11 Zoning Commission does have a lot of say on
12 what is sufficient or insufficient community
13 outreach.

14 CHAIRMAN HOOD: And I actually was
15 asking that question to kind of give us a
16 little more help when we get to that point.
17 That's kind of where I really was. So we
18 won't get to that point.

19 Let me see, I really don't have any
20 other questions. I know Mr. May has some
21 additional questions. I believe,
22 Commissioners, that, and everyone, this

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1 comment about height and where we measure, I
2 believe that is going to come back,
3 especially, when you come back. So I believe
4 that discussion is going to be had again and
5 that's kind of where I fall.

6 Okay. Commissioner May?

7 COMMISSIONER MAY: Thank you. Yes,
8 there were a couple of questions that occurred
9 to me afterwards.

10 What is the proposed height of the
11 platform relative to the measuring point? Is
12 it right at the measuring point or is it --
13 because it seems to me it would be -- the
14 platform could actually be a little bit lower
15 than that if the bridge is arching.

16 MR. JESICK: Right. The platform,
17 you know, obviously, it hasn't been designed
18 yet, but it will definitely have a thickness
19 to it.

20 COMMISSIONER MAY: Yes.

21 MR. JESICK: You know, tall enough
22 to hold parking.

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1 COMMISSIONER MAY: The top of it
2 would be at what height relative to the
3 measuring point?

4 MR. JESICK: The top of it at H
5 Street, you know, where it touches H Street
6 will be right at the sidewalk level.

7 COMMISSIONER MAY: It will be right
8 at that?

9 MR. JESICK: No, we may have to
10 ramp up further away from H Street, but we are
11 going to require that it, you know, meet H
12 Street at grade, so to speak.

13 COMMISSIONER MAY: Okay. I'm
14 wondering if that is absolutely necessary,
15 because it is going up and over to clear
16 things, right? And those clear things have a
17 certain width. And they have to reach a
18 certain height and then, you know, the bridge
19 doesn't reach that height and then flatten out
20 and then go down, does it?

21 MR. JESICK: No. I mean, it seems
22 to be a pretty constant arch.

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1 COMMISSIONER MAY: Right.

2 MR. JESICK: I mean, I think the
3 platform will --

4 COMMISSIONER MAY: The platform
5 really has to --

6 MR. JESICK: -- follow the --

7 COMMISSIONER MAY: -- be at the
8 very peak or can the platform be lower than
9 that?

10 MR. JESICK: It can follow the arch
11 of the bridge more or less.

12 COMMISSIONER MAY: Oh, it can
13 follow the -- well, you mean, stepping in some
14 manner?

15 MR. JESICK: Correct.

16 COMMISSIONER MAY: But does it have
17 to? I mean, that's -- you know, I'm not sure
18 what the advantage is to that.

19 MR. JESICK: Well, just from our
20 perspective, and we can -- you know, the
21 property owner is here and they may have more
22 of a better idea of how it will actually look,

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1 but from our perspective, we want it to follow
2 H Street as closely as possible to just feel
3 like a normal street with buildings right
4 along side.

5 COMMISSIONER MAY: Well, I
6 understand that. I mean, the building phases.

7 I mean, this is going to be analogous to
8 building on a hill. And so there are going to
9 be certain entrance points that, you know, the
10 building will meet. It will line up with --
11 the floor will line up with the slope.

12 Now, you know, could the floor line
13 up with the slope or does the floor -- what
14 you are suggesting is the floor is going to
15 line up with the peak. And I'm not sure that
16 the platform needs to necessarily be that
17 high. Maybe the platform can be down here and
18 then your meeting point is further along?

19 MR. JESICK: I think the top of the
20 platform at the top of the bridge will be, you
21 know, equal to the peak of the bridge. You
22 know, as you go down the sides of the bridge,

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1 there will have to be some kind of stepping,
2 so that you can get the retail entrances.

3 COMMISSIONER MAY: So there will be
4 some stepping in the platform?

5 MR. JESICK: Right.

6 COMMISSIONER MAY: But the
7 measuring will occur from the top and the FAR
8 will -- all of the FAR on the platform will
9 count no matter what?

10 MR. JESICK: Right. Everything
11 about the level of the platform counts towards
12 FAR.

13 COMMISSIONER MAY: The level of the
14 platform, not the level of the platform at the
15 measuring point?

16 MR. JESICK: Correct.

17 COMMISSIONER MAY: Okay. If, in
18 fact, the owner has worked out some of that
19 stuff and there is a diagram that kind of
20 shows how the profile of the platform relative
21 to the height of the bridge and how that might
22 work, I think that would be helpful to see.

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1 You know, I'm getting into sort of
2 the weeds of thinking about height and the
3 measuring point, so it would be helpful for me
4 to understand that.

5 I really appreciate all the
6 drawings that were done that tried to show the
7 massing of things, but I think in the course
8 of the conversation tonight, there is still a
9 gap of sorts for me. And I think it would be
10 very helpful to see sort of, you know, limited
11 aerial perspectives that show the massing of
12 the site, the potential massing.

13 Not the full build-out which shows
14 the entire element -- sorry, the entire
15 envelope, but something that shows, you know,
16 a theoretical 6.5 FAR build-out of the site,
17 so I understand the benefits of having 130
18 feet and only 6.5 FAR.

19 I mean, I understand what is
20 driving it, I'm just not sure that the result
21 in the end is really what makes sense.
22 Because if you just do the math on the site,

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1 if you measured from the railroad tracks up
2 130 feet, if you could justify 130 feet, you
3 could still fit in that much FAR. It would
4 just wind up with buildings that are not
5 shaped the way you want.

6 So I have to -- so it has to be
7 proven, I think, on some level that that extra
8 height and the gymnastics with the measuring
9 point are worthwhile.

10 I guess I would also be interested
11 in hearing your response to the couple of
12 points raised by NCPC. They had the issue
13 with the measuring point and also the
14 treatment as a single building and I'm
15 wondering if you have a response to that,
16 other than what I can decipher from your
17 report?

18 MR. JESICK: On the measuring
19 point, I would just echo what I stated in my
20 presentation that this is the only public
21 street, H Street, that touches the property.
22 Pursuant to the Height Act, the Height Act

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1 says "You shall measure from the street in
2 front of your building." So we feel that this
3 is the only potential measuring point for the
4 property.

5 Following up on what Ms.
6 Steingasser said, this is a public street.
7 The right-of-way was dedicated and accepted by
8 the city, so it meets the definition of a
9 street in the Zoning Regulations.

10 And I'm sorry, what was the other
11 issue?

12 COMMISSIONER MAY: It's also
13 measuring from that viaduct is explicitly
14 contrary to the current Zoning Regulations.

15 MR. JESICK: And we have been up
16 front about that, since --

17 COMMISSIONER MAY: Right.

18 MR. JESICK: -- you know, the first
19 time we met with the community more than a
20 year ago that we are changing what was
21 previously stated in the Zoning Regulations,
22 but we felt this was the correct design

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1 solution.

2 COMMISSIONER MAY: Okay. And then
3 the other issue was the treatment of this
4 development as a single building. And do you
5 have a response to that?

6 MR. JESICK: Well, it's related
7 again to just having one public street
8 touching the property. Every building needs
9 to front on a public street. The way
10 developers in the past have gotten around that
11 is having sort of artificial bridges between
12 buildings or bike stand lots.

13 We wanted to avoid those
14 mechanisms. And we certainly didn't want to
15 have bridges connecting buildings. So, you
16 know, is it an ideal solution? You know, I
17 don't know, but I think it is probably the
18 best one given the unique characteristics of
19 the site.

20 COMMISSIONER MAY: Is there a
21 parallel -- I remember this coming up before
22 and it was the waterfront development or

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1 former Waterside Mall. I think that that was
2 -- when we dealt with that, we wound up
3 deciding that it could be treated as a single
4 building for zoning purposes.

5 Ms. Steingasser, you're kind of
6 shaking your head. Is that your recollection,
7 too?

8 MS. STEINGASSER: That is my
9 recollection. And I think that is how the 130
10 foot towers that are down there remain
11 conforming.

12 COMMISSIONER MAY: Yes, okay. So,
13 I mean, if there is --

14 MS. STEINGASSER: Upon a public
15 street.

16 COMMISSIONER MAY: If there is
17 anything that sort of led to that decision
18 making, that is helpful, you might be thinking
19 about that as well.

20 All right. Thanks.

21 CHAIRMAN HOOD: Okay.
22 Commissioners, any other questions?

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1 Commissioner Turnbull?

2 COMMISSIONER TURNBULL: Thank you,
3 Mr. Chair. I just wanted to follow-up on
4 Commissioner May's comments regarding H
5 Street. And that's -- we have a bridge that
6 is going to be coming. Not a bridge. It's
7 going to become a street. Major connection
8 east and west.

9 And I think it could become a major
10 design feature. I think we had a development
11 on the other side of H Street going east with
12 commercial on the first floor and we had a
13 difficult time as it stepped down with the
14 shops at the lower end.

15 And I think you are -- on C-4 you
16 actually show either arrows that point -- that
17 go off of H Street, so somehow we are
18 accessing off of H Street into the
19 development, which our friends at DDOT will
20 love, I suppose, but this is going to become a
21 major design function.

22 You are going to have an

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1 infrastructure issue with the transition that
2 is stepping down. I think it's an opportunity
3 to create this wonderful bridge/street that
4 connects -- that not only connects east and
5 west, but reflects that it's joining these
6 north and south.

7 And I don't know to what the city
8 is involved in this or if it's all the owner
9 going to be doing the changes on the bridge or
10 how that works out. But I think this is a
11 wonderful opportunity to -- I mean, this is
12 going to be difficult.

13 I mean, I think in looking at
14 access, the infrastructure for trucks, I don't
15 know if they are accessing off of H Street or
16 another point? And if the interstitial space
17 between what you need for the trains and what
18 is up above, it has got to be fairly tight.
19 So I think you've got to -- it sounds like it
20 is going to be a very complex and difficult
21 situation to be able to access these
22 buildings.

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1 Can you share with us some -- what
2 you know about that?

3 MR. JESICK: Sure. And I think you
4 are right. On C-4, those green arrows on the
5 side those represent, you know, the alleys
6 that will serve the project. And it does
7 relate to the stepping down that we were
8 speaking with Commissioner May about earlier
9 that as you go down the sides of the bridge,
10 the exposed top service of the platform will
11 also stepdown.

12 So when you get down to the edge of
13 the property, there will be an alley in that
14 location and that alley will serve, you know,
15 loading and parking functions, just like any
16 other alley would. So, yes, I think it will
17 feel like a regular street as you go over the
18 bridge.

19 You will have the main intersection
20 probably right near the top of the bridge and
21 then you will have these alleys coming into H
22 Street at the other points.

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1 COMMISSIONER TURNBULL: Well, yes.

2 And I guess I would hope that this would not
3 become simply a rudimentary street problem and
4 be placed on -- I think this is going to be a
5 highly visible street. And this is the vista
6 between east and west. And I think that we
7 are going to need some architectural treatment
8 that sort of can handle this.

9 I think this could be, as I say, a
10 wonderful design opportunity that takes
11 advantage of these changes, but, otherwise,
12 you are going to have simply one of those
13 other bridges that goes down and people are
14 either stepping down, walking around and it
15 becomes an awkward situation, I think.

16 I think there has to be a very keen
17 eye on this street/bridge to make this work
18 the way we want it to work with this new
19 development. I think this is going to be a
20 very significant feature on how this
21 development works.

22 MR. JESICK: We totally agree with

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1 that and it's the intent of the zone to really
2 make H Street a walkable pleasant street. As
3 you know, right now it is rather barren.

4 COMMISSIONER TURNBULL: Right.

5 MR. JESICK: So we want --

6 COMMISSIONER TURNBULL: This could
7 be a wonderful experience.

8 MR. JESICK: Exactly.

9 COMMISSIONER TURNBULL: Okay. I
10 just wanted to raise those comments. Thank
11 you.

12 CHAIRMAN HOOD: Any other
13 questions, Commissioners, for Office of
14 Planning? Okay.

15 VICE CHAIRMAN SCHLATER: A quick
16 question, Mr. Chairman.

17 CHAIRMAN HOOD: Okay.

18 VICE CHAIRMAN SCHLATER: It has to
19 do with following up on Commissioner May's
20 questions about the platform. Will the -- as
21 part of the Stage 1 review, are we going to be
22 determining how the platform is laid out and

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1 constructed, what the elevations are going to
2 be?

3 MR. JESICK: Yes. Stage 1 review
4 will look at the platform. In fact, in the
5 zone, we could stay that after Stage 1
6 approval, portions of the platform can begin
7 construction, can submit for their building
8 permit, just not the buildings above. That's
9 just to get a head start on the construction
10 of that supported infrastructure.

11 VICE CHAIRMAN SCHLATER: Which
12 section is that?

13 DIRECTOR TREGONING: I think it's
14 2920.2.

15 MR. JESICK: 2921.2.

16 DIRECTOR TREGONING: That's the
17 Stage 2. Stage 1 is -- I'm sorry, it has been
18 renumbered. Could you repeat it, Matt?

19 MR. JESICK: Sure. It's 2921.2.

20 VICE CHAIRMAN SCHLATER: I don't
21 have a 2921.2.

22 DIRECTOR TREGONING: That's at

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1 the --

2 VICE CHAIRMAN SCHLATER: But I
3 might be looking at the wrong version.

4 DIRECTOR TREGONING: There is the
5 public notice.

6 VICE CHAIRMAN SCHLATER: Yes.

7 DIRECTOR TREGONING: In which case,
8 it's 2920.

9 VICE CHAIRMAN SCHLATER: Yes.

10 DIRECTOR TREGONING: The revised
11 language that OP submitted in our report that
12 is marked in red and blue --

13 VICE CHAIRMAN SCHLATER: Yes.

14 DIRECTOR TREGONING: -- that would
15 be 2921, because we added a new section in
16 there.

17 CHAIRMAN HOOD: So, Ms.
18 Steingasser, we should be looking in the
19 report?

20 MS. STEINGASSER: Yes.

21 CHAIRMAN HOOD: Okay.

22 MS. STEINGASSER: We worked from

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1 that one.

2 VICE CHAIRMAN SCHLATER: Didn't I
3 read somewhere that the Zoning Commission does
4 not approve the design of the platform itself?

5 MR. JESICK: No, that's not
6 correct.

7 VICE CHAIRMAN SCHLATER: Or the
8 foundation system?

9 MR. JESICK: The --

10 VICE CHAIRMAN SCHLATER: What is
11 the foundation system?

12 MR. JESICK: That's everything that
13 goes into the ground, you know, below the
14 railroad tracks themselves.

15 VICE CHAIRMAN SCHLATER: Okay.

16 MR. JESICK: And then the vertical
17 columns that go up to the platform.

18 VICE CHAIRMAN SCHLATER: Oh, okay.

19 That makes sense. Can you just explain the
20 meaning or the purpose of the provision
21 2909.7? It has to do with how to calculate
22 lot area until the area is to be excluded from

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1 the FAR computations are known.

2 MR. JESICK: Right. As we talked
3 about earlier, the entire site doesn't have to
4 come in at once. It can come in, you know, in
5 different pieces. However, we do want to
6 subtract out all the private streets from FAR
7 calculations.

8 So when we need to make those FAR
9 calculations, we might now know all of the
10 private streets, so we have put in an estimate
11 of what that land area of private streets
12 would be.

13 VICE CHAIRMAN SCHLATER: Is there a
14 6.5 FAR max on the north? So there is two
15 basic parcels, right, that are going to be
16 addressed in the Stage 1 review or could there
17 be more?

18 MR. JESICK: There could be an
19 infinite number of Stage 1 reviews. You know,
20 each building could come in on its own. They
21 could do all the north at once, all the south
22 at once.

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1 VICE CHAIRMAN SCHLATER: Why not
2 just come up with a master plan for the site
3 up front, so you have one Stage 1 review? And
4 that way you know how the basic massing of all
5 the buildings are going to be broken down up
6 front.

7 MR. JESICK: We can certainly look
8 at that, if the Commission wants.

9 MS. STEINGASSER: We had talked
10 about that earlier with the applicant or with
11 the property owner and there was the term
12 about being able to be market-responsive to
13 look at how --

14 VICE CHAIRMAN SCHLATER: Couldn't
15 you change it over time?

16 MS. STEINGASSER: Well, you could.
17 And they would end up coming back with
18 modifications, so it just seemed more
19 efficient rather than having a master plan
20 that may or may not be realistically binding
21 and then a series of modifications and then a
22 series of new Phase 1s to just recognizing

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1 that the duration to build-out this site was
2 such that, you know, there needs to be some
3 kind of flexibility in how that goes.

4 VICE CHAIRMAN SCHLATER: So in the
5 case of Center Lake Freeway --

6 MS. STEINGASSER: Yes.

7 VICE CHAIRMAN SCHLATER: -- where
8 that platform is going to be built all at
9 once, correct? This is a situation where the
10 platform could be built in phases over time or
11 will be built in multiple phases over time?

12 MR. JESICK: I think that's going
13 to have to be worked out with Amtrak to see,
14 you know, when can Amtrak close certain
15 platforms, certain rail lines that come into
16 Union Station. Can they close -- I mean, it
17 will have to be phased across from east or
18 west.

19 VICE CHAIRMAN SCHLATER: Yes.

20 MR. JESICK: Whether that is all
21 done at once or whether Amtrak says no, you
22 have to break that up, you know, do some now,

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1 then 10 years later do another section. I
2 don't think we are sure about that timing yet.

3 VICE CHAIRMAN SCHLATER: Yes.

4 MR. JESICK: So I think physically,
5 the platform could be built in different
6 stages. It may be more efficient to do it all
7 at once, but I think that's an unknown.

8 VICE CHAIRMAN SCHLATER: It seems
9 to me that having a master plan, at least for
10 -- I could imagine doing two stages. One for
11 north of H and one for south of H, but I think
12 it would be better to do it for the whole
13 site, because you want to understand how these
14 buildings are going to relate to the rest of
15 the site.

16 We want to know if there is an open
17 -- say there is a plaza, which is one of the
18 design review criteria in the Stage 1, we want
19 to know how all the buildings are relating to
20 that plaza. And you want to know if there is
21 a street going halfway down the platform, is
22 it going to take an immediate left turn? I

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1 want to know what the grid is going to be for
2 the entire project.

3 So I think I'm leaning towards
4 approval of a master plan for the site up
5 front, that way we can vet the platform for
6 the entire site where the heights of the
7 platform are going to be and where the basic
8 building lots are going to be located, not
9 necessarily the design of the building
10 themselves. But we will have a good sense of
11 where the massing is located on the site. I
12 think it would be good.

13 No further questions.

14 CHAIRMAN HOOD: Okay. Any other
15 questions?

16 COMMISSIONER MAY: Yes, I would
17 just agree with Commissioner Schlater that
18 having a master plan up front seems pretty
19 basic. It will make it a lot easier to
20 understand what is going to happen. So just
21 to add that comment.

22 CHAIRMAN HOOD: Okay. Well, it

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1 sounds like we are pushing for a master plan.

2 I don't know if I would exactly agree. I
3 kind of listened to Mrs. Steingasser's point,
4 but I don't think we need to sit here and
5 fight over that right now. We can move on,
6 because we don't want to keep going back and
7 forth.

8 I think if we can get just a
9 general idea, I take his analogy of making a
10 left or making a right, all that stuff may
11 change and then we will be still here doing
12 the same thing again. So I mean, that's
13 something we can talk about. No need to go
14 back and forth or anything.

15 Any other questions? Okay. Let me
16 go to agencies. And I think, Commissioner
17 May, and I can't remember, you brought up to
18 the Office of Planning the NCPC report. You
19 asked them to comment on the height issue?

20 COMMISSIONER MAY: Yes. There was
21 a letter in the record.

22 CHAIRMAN HOOD: Did you get your

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1 answer or is that something that is
2 outstanding?

3 COMMISSIONER MAY: I got an answer.

4 CHAIRMAN HOOD: Okay.

5 COMMISSIONER MAY: Whether it is
6 satisfactory, we will figure that out later.

7 CHAIRMAN HOOD: Okay. I just
8 couldn't remember.

9 COMMISSIONER MAY: Yes.

10 CHAIRMAN HOOD: Okay. But anyway,
11 we have a letter from the NCPC, which is very
12 supportive of again connecting the community,
13 but they do go on, and I think Commissioner
14 May has already mentioned, to speak as far as
15 the measuring point, the grade and where it is
16 measured from.

17 So also, we have a letter, a very
18 strong letter, of support from the Honorable
19 Council Member of Ward 6, Council Member Tommy
20 Wells, who also mentions, I believe, the
21 proposed heights provided the flexibility
22 needed to achieve the best possible

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1 development in this area.

2 And then he goes on and he talks
3 about the work of the Office of Planning. And
4 then he also ends with "For all the reasons, I
5 write in support of this proposal before you
6 and urge you to vote in favor. Thank you for
7 your consideration of this matter."

8 We also have a number of other
9 letters and I see a lot of people in the
10 audience and I'll let them comment on them,
11 Capitol Hill, The Committee of 100, and a
12 number of other letters, whether they be in
13 support or opposition, I will let them comment
14 on it when they come up at the appropriate
15 time. And also from the property owner and
16 also from Amtrak and others and that's in the
17 record.

18 Also, I'm going to not comment on
19 ANC-6C's response with the five conditions to
20 their support, but I'm going to ask Mr. Rob
21 Amos to come forward. He is going to be
22 giving the presentation, I believe, of ANC-6C.

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1 So, Mr. Rob Amos, come forward.

2 MR. AMOS: Good evening.

3 CHAIRMAN HOOD: Good evening.

4 MR. AMOS: For a while there, I was
5 worried about snow again, the weather.

6 CHAIRMAN HOOD: We'll be out of
7 here before 3:00.

8 MR. AMOS: Mr. Chairman and
9 Commissioners, my name is Rob Amos and I'm the
10 Chairman of the ANC-6C Planning, Zoning and
11 Environment, the PZE Committee. And I am
12 representing the interests of ANC-6C in this
13 case.

14 The ANC-6C Planning, Zoning and
15 Environment Committee and the Full ANC-6C
16 Commission both support this requested Text
17 and Map Amendments to create and implement the
18 Union Station North District.

19 As stated in our letter of December
20 13, 2010, on December 6, 2010, the Full ANC-6C
21 Commissioners voted to support the application
22 with the following five requirements:

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1 (1) The Union Station North
2 designation will not apply to any other lot
3 outside the boundaries specified in the
4 request. The Office of Planning has responded
5 to this requirement already in paragraph
6 2901.3 of the requested Text Amendment.

7 (2) Stepdown height along the
8 eastern boundary will be no more than 90 feet.

9 This addresses the community's concerns that
10 building higher than 90 feet will not be built
11 adjacent to residential properties.

12 Again, the Office of Planning has
13 responded to this requirement in paragraph
14 2905.1 of the requested Text Amendments.

15 (3) ANC-6C is granted party status
16 to any application in this new zone. The
17 Office of Planning has responded to this
18 requirement as well in paragraph 2918.1 of the
19 requested Text Amendments. We had asked that
20 that be explicitly stated in the request.

21 (4) The developer is required to
22 demonstrate that community outreach has taken

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1 place throughout the development process.
2 Again, the Office of Planning has responded to
3 this requirement in paragraphs 2921.1(h) and
4 2923.1(j) of the Text Amendments. And we
5 would welcome any increased requirements that
6 you would like to add to that in terms of what
7 requires a design review.

8 And I can guarantee you that I
9 would be here again telling you very
10 explicitly that they did not have community
11 outreach at that particular point. We would
12 be very strong coming before you on that.

13 In addition, the ANC recommends
14 that a community advisory board be created to
15 serve throughout the development period with
16 the affected ANC SMD Commissioners as Members.

17 (5) ANC-6C must be party to any
18 discussions of the development that impact
19 residential side streets, national security,
20 bicycle parking ratios and the FAR densities.

21 As you can see, the Office of
22 Planning has promptly responded to the ANC

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1 requests regarding the Union Station North
2 District.

3 What is not apparent from the ANC-
4 6C letter that you have in front of you is the
5 amount of time and effort that has been
6 devoted to this project by the ANC-6C
7 Planning, Zoning and Environment Committee,
8 the Full ANC-6C Commission and the Office of
9 Planning.

10 Over the past 18 months, we have
11 held six Planning and Zoning Committee
12 meetings and six Full ANC Commission meetings
13 that were properly noticed where these Text
14 and Map Amendments were discussed. That makes
15 a total of 12 public meetings where issues,
16 concerns and recommendations were discussed
17 regarding the Union Station North District.

18 The Office of Planning,
19 specifically, Matt Jesick and Jennifer
20 Steingasser, attended many of these meetings
21 at which we requested their presence. Some
22 meetings we did request their presence, other

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1 meetings we did not, so we could have a
2 discussion amongst ourselves with the
3 Committee on issues.

4 Additionally, other meetings were
5 held with the Office of Planning and other
6 community organizations, as well as meetings
7 with Councilman Tommy Wells, to discuss the
8 impact of the Union Station North District.

9 I cannot stress enough that
10 community involvement and input has played an
11 integral role in the development of these Text
12 Amendments submitted by the Office of
13 Planning.

14 Throughout each of these meetings
15 with the Office of Planning, the concerns of
16 the ANC Committee Members, which I might add
17 are primarily citizen members, there is a mix
18 of Commission Members and citizen members, but
19 it is a mix, it's just not the elected
20 officials on the Committee, the Commissioners
21 and residents were heard and acted upon by the
22 Office of Planning.

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1 Examples of these responses include
2 the addition of the design reviews, the
3 residential component and the minimum FAR
4 requirements, the encouragement of multiple
5 public connections to the surrounding
6 neighborhoods and commercial areas, ensuring a
7 bike and pedestrian-friendly development,
8 height stepdowns towards residential that is
9 the eastern side of the project with the
10 higher massing to the western or more
11 commercial side and continued community
12 involvement.

13 In progressing through our
14 discussions, we separated the issues and
15 ensured the discussions centered just on the
16 zoning requests and not on any proposed
17 Comprehensive Plan changes or a particular
18 development design. We discussed and made
19 recommendations on the Text and Map Amendments
20 before us.

21 In reviewing the proposal, we paid
22 close attention to the images depicting the

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1 reviews of the possible building masses from
2 our streets and the neighborhoods and we asked
3 at many times that they come back with
4 different views for us of what the massing
5 would look like from this particular street or
6 from this particular resident. And they did
7 come back to us at the next meeting with those
8 new views.

9 We want to see that the buildings
10 do not overshadow the existing residential
11 properties. We do not see the project
12 radically altering the vistas of our
13 community.

14 The ANC has already given its
15 support to the Comprehensive Plan changes,
16 especially those that are pertinent to air
17 rights developments and provisions which would
18 allow the measurement from H Street. We are
19 certain when Akridge begins the development of
20 the site, that their plans will go through a
21 significant and thorough design review,
22 especially by this ANC and the Planning and

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1 Zoning Committee.

2 Our role with the development does
3 not end with tonight's meeting. It will
4 continue until the last building is designed
5 and constructed in the Union Station North
6 District and will then continue as we
7 represent each new resident in the Union
8 Station North District.

9 This project, like the return to
10 L'Enfant Air Rights Project, will serve to
11 heal the physical divide between our
12 communities and provide the connection between
13 our communities in Penn Quarter and Gallery
14 Place with Capitol Hill and the quickly
15 evolving H Street Corridor.

16 I cannot reiterate enough how
17 forthcoming the Office of Planning has been
18 with the ANC in incorporating the many
19 suggestions that came out of our discussions.

20 I will not call these meetings
21 negotiations, since that casts a negative
22 shadow on the talks. It was a positive and

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1 cooperative relationship that continues to
2 this day.

3 To that end, the ANC-6C Planning
4 and Zoning Committee and the Full ANC-6C
5 Commission look forward to the continued
6 collaborative process with the Office of
7 Planning and with Akridge as they begin to
8 develop the Union Station North District.

9 ANC-6C urges the Zoning Commission
10 to support the Office of Planning's Text and
11 Map Amendments for Union Station North and to
12 begin the process to join our communities
13 currently separated by the Union Station
14 tracks.

15 Thank you for your time and I'll be
16 glad to answer any questions.

17 CHAIRMAN HOOD: Thank you very
18 much, Commissioner Amos. And congratulations,
19 I know you were just sworn in recently. And
20 also to your Chairperson, Ms. Wirt, and also
21 the work of your Full ANC and you mentioned
22 all the meetings you had and you said don't

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1 call it negotiations, but the collaborative
2 relationship you have had with the Office of
3 Planning, that really shows that a lot of work
4 went into it.

5 And I want you to know this
6 Commission knows that ANC Commissioners do not
7 get paid. We know that, believe me.

8 MR. AMOS: One correction. I am
9 not a commissioner.

10 CHAIRMAN HOOD: Oh, you're not?

11 MR. AMOS: I am the Citizen
12 Chairman, as the Planning and Zoning Committee
13 itself is made up of a good number of citizens
14 and I Chair that Committee as a citizen
15 member.

16 CHAIRMAN HOOD: You are one of the
17 good people out there, I can tell you. I
18 thought you were a Commissioner. But anyway--

19 MR. AMOS: Unfortunately, I did not
20 win the election in November.

21 CHAIRMAN HOOD: Oh, you didn't?

22 MR. AMOS: I tried, but I did not

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1 win the election in November.

2 CHAIRMAN HOOD: I have to take my
3 statements back. But anyway, I want to
4 congratulate your ANC and you in the work that
5 you all have put into this. It really shows a
6 lot. We know that volunteer citizens as well
7 as Commissioners don't get paid.

8 MR. AMOS: That's right.

9 CHAIRMAN HOOD: So we appreciate
10 you.

11 Colleagues, any questions? Are you
12 aware though, let me ask you this, Chairman.
13 You're the Chairperson, Chairman Amos?

14 MR. AMOS: Yes.

15 CHAIRMAN HOOD: Let me ask this,
16 are you aware of Mrs. Anne Phillips?

17 MR. AMOS: Yes.

18 CHAIRMAN HOOD: Is she -- you are
19 aware of her letter?

20 MR. AMOS: Yes, I am.

21 CHAIRMAN HOOD: Okay. All right.
22 Any questions, Commissioners? Any questions,

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1 comments?

2 COMMISSIONER TURNBULL: Mr. Chair,
3 I would just echo that Mr. Amos does work
4 tirelessly. As a former Commissioner on a
5 case on BZA, he worked very much. He was very
6 involved. So he does work tirelessly.

7 CHAIRMAN HOOD: Okay.

8 VICE CHAIRMAN SCHLATER: Mr. Amos,
9 when it comes to the discussion of the height
10 off the bridge and measuring the 130 feet
11 height off the bridge, I mean, where I come
12 down on it is out of a concern for the
13 neighbors and whether the buildings themselves
14 would cast a shadow, basically, over the
15 Capitol Hill neighborhood.

16 Can you just maybe elaborate on the
17 discussions within your Committee on those
18 height discussions?

19 MR. AMOS: I think one word to
20 describe it would be heated at times. We did
21 look at the massing of the buildings and what
22 the proposed massing could be. We did talk to

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1 residents. We had residents come in from the
2 surrounding environment and we had additional
3 drawings made for us to show us what the
4 massings and the heights would be.

5 One way that they helped us with
6 this concern was that by lowering the height
7 of those buildings toward the eastern side
8 where the residences would be. And at the
9 end, we were happy with that and we did not
10 see where it would cast a great shadow on
11 those homes and things any more than some
12 other buildings already in that area would be
13 or if they had built by matter-of-right, what
14 that type of building would be, what it would
15 cast as well.

16 VICE CHAIRMAN SCHLATER: Well, it
17 is good to hear there was a vigorous debate
18 coming out of that. The Planning and Zoning
19 Committee, which you are Chairing, how many
20 people are members of that Committee?

21 MR. AMOS: I have officially about
22 11 members. At any time, I will have anywhere

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1 from 6 to 10 members in attendance at the
2 meetings.

3 VICE CHAIRMAN SCHLATER: And within
4 the Committee, did you take a vote on this
5 proposal?

6 MR. AMOS: Yes.

7 VICE CHAIRMAN SCHLATER: What --

8 MR. AMOS: We did take a --

9 VICE CHAIRMAN SCHLATER: -- was the
10 vote?

11 MR. AMOS: We have taken several
12 votes on this proposal. It has varied from 4
13 in favor to 2 against to none abstaining to 5
14 in favor to 1 against to 1 abstaining. And in
15 all of our votes, it was always in support of
16 the --

17 VICE CHAIRMAN SCHLATER: How about
18 the most recent vote on the most recent
19 language?

20 MR. AMOS: The most recent vote
21 was, if I recall, 4-2-1.

22 VICE CHAIRMAN SCHLATER: 4-2-1. So

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1 it shows a little bit of a divide, but it's
2 good to see that there was a vigorous debate
3 and this is how it came out, because I do
4 think when it comes to this height issue, the
5 most important thing is the impact on the
6 residential neighbors. So thank you very much
7 for the time you spent on this.

8 CHAIRMAN HOOD: Okay. Commissioner
9 Selfridge?

10 COMMISSIONER SELFRIDGE: Thank you.
11 I just thought Vice Chairman Schlater raised
12 an interesting point about the residential
13 mix. I know there were a lot of discussions
14 and actually, I think, ANC-6C got the
15 residential component included.

16 I guess, could you talk a little
17 bit about that? Do you feel like that is
18 enough residential? Recognizing it is just a
19 minimum, but is there a concern that there
20 will be an over-commercialization of the site
21 and it may not achieve some of that goals in
22 terms of providing neighborhood vitality and

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1 nightlife?

2 MR. AMOS: We were happy with the 1
3 percent, the 1.0 FAR as a minimum for that.
4 We were hoping that we could get more as the
5 market would improve. We would like to see
6 more residential, but we also realized that
7 there was already a significant amount of
8 residential to the eastern side of that
9 project, which would help us with that mixed-
10 use that we are trying to get in that
11 neighborhood.

12 CHAIRMAN HOOD: Any more questions?
13 Okay. Thank you very much. We appreciate
14 your testimony.

15 What I would like to do is call --
16 I have four people listed. Let me see how
17 many people are here who are proponents or in
18 support. Okay. I'm going to call who I have
19 and hopefully we have enough for everyone.

20 Mr. David Tuchmann, did I pronounce
21 that right? Is it Tuchmann? Okay. You can
22 correct me. Mr. Baranes, Mr. Peter -- no, I'm

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1 sorry. Tony Goodman and Ryan Velasco.

2 Now, I saw some more hands. How
3 many more? Just come forward, can you just
4 come forward? Anyone else in the audience in
5 support? Okay. This will be our panel for
6 support. Mr. Tuchmann, I think we can start
7 with you. Hopefully I pronounced your name
8 correctly, if not, you can correct me.

9 MR. TUCHMANN: Thank you, Chairman
10 Hood. I have some comments and then there has
11 been some other issues that have come up
12 during these questions, which if it pleases
13 the Commission, we would be happy to take a
14 little extra time and address some of those
15 issues after people have had a chance, if
16 that's how you would like to handle it.

17 Starting off, my name is David
18 Tuchmann. I'm Vice President of Development
19 at Akridge and I'm also the Project Manager
20 for Burnham Place at Union Station, our Air
21 Rights Project. I also happen to live just
22 about four blocks away from Union Station, so

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1 I have been at Union Station several thousand
2 times in my life and it is a place that is
3 near and dear to me and I feel pretty lucky to
4 work on this project and get to be by there
5 most every day.

6 Our company, Akridge, is here in
7 strong support of the Text and Map Amendments
8 that are before you this evening.

9 For those of you who are not
10 familiar with Akridge, we are locally
11 headquartered. We have been here for nearly
12 40 years in Washington, D.C. and we only
13 operate in this local area in the D.C.
14 Metropolitan region.

15 We tend to take on very complex
16 challenging projects, like some of you have
17 mentioned, this will certainly be probably our
18 most challenging and complex. Gallery Place
19 and 700 6th Street just north of the Verizon
20 Center, nearly a million feet there, a mix of
21 uses, including a movie theater and a bowling
22 alley, office and residential and other

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1 retail.

2 A little project history for this
3 project. We purchased the air rights fee-
4 simple through an auction, which was held by
5 the GSA, and we closed on that property in
6 2006. As the Office of Planning staff
7 mentioned earlier, Amtrak retained ownership
8 of the ground below and we own the air rights
9 above.

10 Well, why did we take on this
11 project? Well, we could see no better
12 development that would exemplify the type of
13 growth that the city is looking to achieve.
14 Environmentally restorative, not just in terms
15 of green buildings, but in terms of air
16 pollution and noise.

17 When anyone has been up on the H
18 Street Bridge, having a platform in place to
19 begin with will be a major improvement. It
20 will be transformative as others have
21 discussed in terms of bringing neighborhoods
22 together that have long been divided and it

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1 will also leverage existing investments,
2 streetcar coming down H Street, the Great
3 Streets Program, a significant city investment
4 as well.

5 And of course, its location it's
6 not that insignificant, but there are 16 modes
7 of transportation coming virtually underneath
8 our project.

9 So what have we done for the last
10 several years? Well, we have actually tried
11 to become students of all things rail, all
12 things Union Station, all things transit.
13 That has involved collaborating, getting to
14 know all of the players who are stakeholders,
15 that's Amtrak, the Union Station Redevelopment
16 Corporation, the landlord for the Station,
17 they have a letter that's on the record, DDOT,
18 responsible for the Streetcar Program, as well
19 as they have a chair, a seat on USRC's Board,
20 WMATA, the Metrorail Station there is the
21 number one station by ridership for WMATA and
22 the retail operator and many, many others.

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1 I think we are proud that we have
2 felt we have been in a convener and
3 coordinator role for several years helping the
4 Union Station Redevelopment Corporation to
5 form a master plan as Mr. Maloney talked about
6 earlier to think about how comprehensively
7 this whole facility can be improved.

8 So this project is pretty daunting.

9 I think some of you have talked about some of
10 the challenges. Why do we think we can
11 overcome those? Number one, those
12 relationships I just talked about. I think
13 that we can overcome any problem that comes
14 our way, based on continuing to collaborate
15 and use those relationships in a positive way.

16 And the second is sitting right
17 next to me, it's our team, the folks that we
18 have assembled. And Shalom Baranes is chief
19 among them. I think most of you are familiar
20 with Shalom's work.

21 We searched the country looking for
22 the proper person and team to lead this

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1 exciting and challenging project and we found
2 the person we wanted in Georgetown.

3 Why? We think that Shalom has
4 unparalleled knowledge of the built
5 environment in D.C. and how that built
6 environment relates to its historical context.

7 And if there ever was a project that needed
8 that type of knowledge and sensitivity and
9 ability to balance dozens of competing
10 interests, it would be this one.

11 Some of the projects that he has
12 worked on are Postal Square, which is just
13 adjacent to Union Station crossing Columbus
14 Circle, the Wilson Building renovation and
15 also the building that I work in every day,
16 the Homer Building at Metro Center.

17 We support the zoning proposal that
18 is before you for several reasons. One is, as
19 I mentioned, this is a challenging project,
20 but nearly all those challenges tie back to
21 the zoning. They tie back to both the form
22 and the function of what we can build and the

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1 process for what we will go through.

2 What is before you today will help
3 us move forward. It will help us enter later
4 stages of design, so we can continue that
5 collaboration with Amtrak primarily, USRC and
6 others.

7 In closing, if I haven't done so
8 already, I want to leave you a theme of
9 enthusiasm and excitement. I think because I
10 live in the neighborhood, I get to talk with a
11 lot of people. I have been to several of the
12 ANC meetings and I have seen there is some
13 disagreement over some of the elements related
14 to height, most predominantly, and you will, I
15 think, hear some of those coming up in some of
16 the testimony.

17 But I think what there is no
18 disagreement over virtually is that this will
19 be a fantastic project. It will be a positive
20 thing for the city and for the neighborhood.
21 And I think that is what is driving us and
22 making us excited about this project.

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1 As I mentioned before, I'm happy to
2 take on a couple of additional items which
3 came up later on or at whatever appropriate
4 time. Thank you.

5 CHAIRMAN HOOD: All right. Next,
6 Mr. Baranes?

7 MR. BARANES: Good evening. My
8 name is Shalom Baranes and I'm here with my
9 colleague, Mark Gilliam, who has been working
10 with me and the Akridge Company for the last
11 three or four years on this project.

12 I have some brilliantly crafted
13 comments, which I was going to read to you
14 tonight, but I think I'm just going to hand
15 those in to you and I think I prefer to just
16 address three or four points that have come up
17 in the discussion in the last hour or so.

18 The first point was I think brought
19 up by Mr. Turnbull about -- which had to do
20 with the issue of multiple buildings versus a
21 single building on the site or a couple of
22 large buildings on the site.

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1 And when --

2 COMMISSIONER TURNBULL: I was just
3 concerned about the height being uniform and I
4 think that was expressed later on that you got
5 H Street and it is 130 for all of the
6 buildings, rather than trying separate streets
7 or whatever.

8 MR. BARANES: Yes.

9 COMMISSIONER TURNBULL: That was my
10 concern. The overall height, the uniformity
11 of it all.

12 MR. BARANES: Yes. I think by
13 having -- by going up to 130 feet and keeping
14 the FAR down at 6.5, rather than the normal
15 8.5 or 10 associated with the 130 feet, one
16 should be able to have multiple building
17 heights on the site, which otherwise would not
18 be allowed.

19 And it's exactly the same issue
20 that we confronted when we came to the Zoning
21 Commission with the waterfront. It was a PUD
22 and we came here strictly for relief on the

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1 height, not for additional density.

2 The additional height allowed us to
3 create the multiple building heights that you
4 already see there, 130, the buildings we just
5 built at 110 feet and other buildings that
6 will be coming in at 112 and 120.

7 Putting the 130 together with that
8 6.5 really works well in terms of the amount
9 of open space that you wind up with on a site.

10 And I think that particular configuration of
11 height and density and FAR will lead to a lot
12 more open space on this site than you see in
13 any other development in the city.

14 You know, with the exception of
15 waterfront, which actually has the same
16 characteristics.

17 Another point I wanted to address
18 that I think was brought up by Mr. Schlater,
19 which has to do with the notion that --
20 actually has to do with the blah character as
21 you described it of NoMA.

22 You know, I think in the city we do

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1 tend to associate dead neighborhoods with
2 Commercial Districts, office districts. That
3 has been, I think, a common response or a
4 common experience I think we have all had.

5 However, I have three college-aged
6 daughters who, you know, live out near Chevy
7 Chase Circle. On weekends, they go down to K
8 Street. They go to K and 18th, K and 19th,
9 these commercial sections of the city that
10 used to be absolutely dead. There is no
11 residential there. There is a little bit of
12 retail and it's mostly all office.

13 You know, however, even without the
14 residential, those areas have become, at
15 night, one of the most -- some of the most
16 active and exciting parts of the city because
17 of the clubs, because of other things, the
18 music that is going on there.

19 And so I would suggest that if we
20 are concerned about activating the streets and
21 keeping a lively environment here, that we not
22 look to necessarily increasing the FAR of the

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1 residential to accomplish that. I think there
2 are better ways to do it.

3 I mean, there are certainly plenty
4 of residentially zoned neighborhoods in the
5 city which are dead at night.

6 Another point, which I don't think
7 I can go into a lot of detail right now, was
8 brought up by Mr. May, which has to do with
9 the section through the platform through the
10 whole site and your concern about the
11 relationship of the platform to H Street.

12 We actually are bending the
13 platform down about 3.5 feet to meet H Street,
14 because as we work through the building
15 section, the site section which involves, you
16 know, the tracks, the railroad cars, the
17 catenary system above them and then the
18 structure and the parking that we have to
19 provide, that's mostly the structure which has
20 to span, approximately, 60 feet across three
21 tracks, we need every inch of depth we can get
22 in order to accommodate all of that.

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1 And we are slightly above the
2 height of H Street in order to do that. It
3 won't be perceivable though. It won't be
4 perceptible, because it will be a very slight
5 gentle slope down to H Street.

6 So we will certainly submit more
7 drawings, if necessary, to demonstrate this,
8 but I think that you are going to find that
9 the technical aspects of the program and the
10 trains there really make it virtually
11 impossible, extraordinarily difficult, I
12 should say at this point, to lower that
13 platform below the height of H Street.

14 You know, with regard to the height
15 issues, I think there are two aspects to the
16 height issue. One of course is as it relates
17 to the neighborhood, as you brought, Mr.
18 Schlater. And the other one is as it relates
19 to Columbus Circle, which is a totally
20 different domain, a totally different
21 character. It's a Federal Precinct.

22 You know, I think there is a lot of

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1 concern about the way the height of these
2 background buildings will affect the tryptic
3 of buildings we have on Columbus Circle,
4 Postal Square, Union Station and Judiciary
5 Building.

6 The Architect of the Capitol about
7 20 or 25 years ago did a really carefully
8 detailed study for the development of the
9 Judiciary Building site, studying how a
10 building at that site should relate to the
11 Circle, what its height should be, what its
12 proportions should be, windows should be, what
13 the materials should be, never having to get
14 into what happened 450 feet back behind the
15 facade of Union Station. It never became an
16 issue.

17 And so I think that these will
18 become background buildings, very distant from
19 the primary experience of Columbus Circle and
20 really not have an impact on the Federal
21 Precinct that people are concerned about.

22 I'm sorry, if I could just take --

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1 say one more thing about the master plan issue
2 that I guess you brought up, Mr. Schlater.

3 It certainly is possible to think
4 about developing a master plan. Although, I
5 have to tell you that in the four years we
6 worked on this project, well, three or four
7 years, we have developed many dozens of master
8 plans.

9 And what makes it particularly
10 difficult to come up with a master plan now
11 that will work for the next 20 years is the
12 fact that this site requires -- it's a real
13 jigsaw puzzle in three dimensions. You know,
14 unlike every other set we work on where you
15 have got dirt, the parking goes below it. You
16 have a plane from which you build up on.

17 Here we found that every time we
18 introduced a new use, and we looked at uses,
19 for example, such as supermarkets, we looked
20 at uses such as, you know, mid-sized retail
21 boxes, it had an enormous impact on everything
22 else around it, because all this has to be

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1 accommodated above-grade.

2 It had an enormous impact on the
3 parking, which had to be accommodated above
4 the platform. It had to be laminated. And so
5 it's not just a question of, you know,
6 developing building masses that can change
7 from office to residential to hotel.

8 But as you start to introduce some
9 of these other uses that we are starting to
10 see in the city, especially on this site, it
11 would dramatically impact any master plan that
12 were developed in the beginning and then
13 change it and then uses were changed. So I
14 would be cautious about that.

15 Thank you for your time.

16 CHAIRMAN HOOD: Okay. Mr. Goodman?

17 MR. GOODMAN: Good evening,
18 Commissioners. My name is Tony Goodman.

19 CHAIRMAN HOOD: Is your microphone
20 on?

21 MR. GOODMAN: Now is it on? It's
22 on now. It's on.

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1 CHAIRMAN HOOD: Okay.

2 MR. GOODMAN: All right. I'm here
3 to express my strong support of the Union
4 Station North District. I live on 4th Street,
5 N.E., in ANC-6C, approximately, four blocks
6 from this proposed zone. I'm also a member of
7 the ANC-6C Planning, Zoning and Environment
8 Committee and a member of the Steering
9 Committee of the Capitol Hill North
10 Neighborhood Association.

11 For nearly two years, the Office of
12 Planning has been working closely with our ANC
13 Committee on the USN language and associated
14 Amendments to the District of Columbia
15 Comprehensive Plan.

16 OP incorporated many of the
17 suggestions we made in these numerous public
18 meetings in ways that will greatly improve the
19 impact of this development in our
20 neighborhood.

21 Union Station, as well as the
22 Burnham Wall supporting the railroad tracks

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1 are a wonderful asset to our neighborhood and
2 city. They certainly represent some of the
3 best architecture in the District.

4 However, the train tracks
5 themselves serve as a harsh barrier between
6 east and west while the H Street Overpass is
7 desolate, harsh commuter speedway, is
8 uncomfortable to walk on and detracts from the
9 vibrancy of the area.

10 Nonetheless, I'll walk this area
11 often, both on occasional walks downtown,
12 although now that NoMA is being built-out, I
13 usually go down 1st, and more often go to Union
14 Station.

15 The closest entrance to Union
16 Station from our neighborhood is from H Street
17 through the parking garage. This is not a
18 pleasant walk. Union Station is beautiful
19 from the south, but it turns its back onto our
20 neighborhood.

21 The railroad tracks and the H
22 Street Bridge are not just scars in our

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1 community. They are currently open wounds
2 that this is going to help heal.

3 The current zoning classification
4 of this area is industrial. It allows for a
5 maximum FAR of 6, maximum height of 90 with no
6 residential allowed at all.

7 The residential component alone is
8 a huge improvement. You know, as we know, you
9 know, residential will allow for more of the
10 retail to be neighborhood-serving.

11 But thanks to the raised height of
12 this zone, 130 feet versus 90 feet, and the
13 measuring point of H Street in front of the
14 air right lots, this development will have a
15 visually interesting massing with multiple
16 minor streets and alleys throughout the
17 development.

18 The 130 feet height combined with
19 the 6.5 FAR will by definition require a
20 varied site massing. So I have absolutely no
21 objection to buildings rising 130 feet above H
22 Street precisely because the maximum FAR

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1 remains at a modest 6.5.

2 If the measuring point was changed
3 so that the effective allowable height was
4 only 70 feet or 90 feet above H Street, it
5 would seriously jeopardize my support, because
6 the developer is far more likely to build a
7 series of large unarticulated boxes to
8 maximize the available development area.

9 It's a common theme for buildings
10 in NoMA and Downtown and the new zoning will
11 not allow this type of development. So
12 instead, I strongly urge the Commission to
13 approve the USN Zone to the air rights north
14 of Union Station and I thank you for my time
15 and I look forward to my future walks on H
16 Street.

17 CHAIRMAN HOOD: Okay. Great.
18 Thank you. Mr. Velasco?

19 MR. VELASCO: Good evening,
20 Commissioners. My name is Ryan Velasco. I
21 live at 413 E Street, N.E. And I use Union
22 Station on a daily basis.

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1 And I'm speaking to you this
2 evening as a future end user of what this
3 project will be, whatever form it should
4 ultimately take.

5 I'm not going to get into the
6 nuances of the Zoning Code. I'm looking at
7 this purely as someone who is going to
8 experience the space on a day-to-day basis.

9 As a homeowner in the neighborhood,
10 I believe that we cannot -- and I was very
11 surprised to hear the amount of time that was
12 spent talking about the issue of parking,
13 because I think really if we are thinking
14 sustainably about how we develop as a city, we
15 can't allow the decisions that we make today
16 to hinge on the preservation of ample on-
17 street parking.

18 But at a high level really, I feel
19 that this project presents an opportunity to
20 leverage under-utilized space above one of the
21 most fully integrated transportation hubs on
22 the east coast. I think that this will

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1 strengthen the metropolitan region's
2 transportation network while reducing auto
3 dependence.

4 I want to highlight the fantastic
5 relationship, as a member of the PZE
6 Committee, which I failed to mention in my
7 opening remarks, that we have had with the
8 Office of Planning over the past few months
9 has been phenomenal and exactly what we need
10 to see in a process that is a collaborative
11 effort between the community and Government.

12 We will, by allowing this project
13 to move forward, ensure access to a range of
14 housing options. The development will contain
15 an appreciable residential component, a
16 portion of which will be set aside as
17 affordable. It will encourage residents to
18 shop where they live.

19 As maybe you know, that western end
20 of H Street is not nearly as vital as we would
21 like to see as the eastern end is. And by
22 having this development by the continued

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1 rebirth of this corridor, we are going to get
2 the neighborhood-serving retail that we really
3 want to see, that we, you know, want to be
4 able to walk to restaurants and shops in our
5 neighborhood.

6 And we think that by having this
7 residential component, you are going to have
8 the needed population base to support those
9 types of businesses.

10 So, you know, I'm here just to
11 reiterate that I'm fully supportive of the
12 Amendments and hope that you will move to
13 approve.

14 CHAIRMAN HOOD: Thank you very
15 much. Sorry I don't have your name, but you
16 can --

17 MR. RICHARDSON: Commissioner Tony
18 Richardson.

19 CHAIRMAN HOOD: Commissioner
20 Richardson.

21 MR. RICHARDSON: Good evening,
22 Commissioners. Pretty much I'm here -- I had

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1 all this technical stuff I was going to get
2 into, but you guys heard pretty much all that.

3 So I'm just going to pretty much testify on
4 the community and my aspect in this regard.

5 The Single Member District, which I
6 represent, 605, encompasses the entire 14
7 acres of this project. My home which is
8 actually located on 2nd Street between I and K
9 directly faces this area. And I am one of the
10 handful of residents to actually live in 2nd
11 Street in those single-family homes whose view
12 would directly be impacted by this project.
13 However, I am still in support of this
14 project.

15 Just to give you a quick little
16 thing, maybe about two or three years ago, I
17 went to refinance my home and they sent the
18 appraiser out and they took pictures of the
19 house. And also, as you know, they do
20 surrounding areas. So we get a phone call and
21 they were like no way we are going to give you
22 a refi for that amount of money, because you

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1 live in an industrial area.

2 And I had to tell them, I don't
3 live in an industrial area, that's just the
4 railroad tracks, you know, Union Station, the
5 historic side and we've got development, you
6 know, to the north of me. And it took me a
7 while. I got my refi, but it was just an
8 example of pretty much how this looks from the
9 outside.

10 In addition to that, I have a lot
11 of friends that come to visit me from Virginia
12 and Maryland and as they are -- when they
13 visit me for the first time and they are
14 coming down the street, depending on which way
15 they come, you know, they look, they are like
16 what is that? You know, where do you live?

17 You know, like they like some of
18 the historic houses and they like my house,
19 but they just can't understand why the city
20 has neglected the space. And, you know, I'm
21 like you can't build on railroad tracks.

22 However, when this project came

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1 about, I was like wow, you know, God is like
2 answering, you know, our prayers here.

3 But let me just read on. Many of
4 my constituents have told me that they are
5 excited to see what may be built in this
6 space, this air rights space. Others have
7 told me they have concerns about traffic and
8 parking and some of my constituents may be
9 here today and I encouraged them to come out
10 to express their concerns.

11 But balancing all of what I have
12 heard, whether it is through meetings, the
13 restaurants in the local neighborhood, I still
14 support this development. I think it would be
15 really good for the neighborhood, but more
16 importantly, good for the city.

17 I have seen, you know, drawings of
18 what, you know, the project could look like at
19 our meetings. I am not opposed to seeing
20 taller buildings in our area. I think the
21 City Plan would require several types of
22 reviews in the future that would help

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1 determine, you know, the massing of the
2 buildings and such.

3 With all that, you know, I'm
4 totally supportive of this proposal. And
5 again, I'm pretty much just speaking -- one
6 other thing.

7 I -- you know, we did have heated
8 debates at times with this project. So I had
9 to kind of take my personal view out, even
10 though I gave you a personal story, and I had
11 to listen to my constituents.

12 And, you know, overwhelmingly, you
13 know, I would say the majority of the folks,
14 you know, did approve. However, there were
15 some residents that had some legitimate
16 concerns. You will probably hear some of them
17 tonight and I respect that.

18 But I think overall looking at the
19 mass of this thing, that this will be a good
20 project. And again, I thank you for your
21 time.

22 CHAIRMAN HOOD: Thank you very

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1 much, Commissioner, we appreciate it. Let me
2 just ask, the vote, Commissioner, and I know
3 you are not here representing the ANC, but you
4 are a Commissioner, but let me ask this, the
5 vote, was 5-2. By any change, did one of
6 those 2 votes, were they the Single Member
7 District Commissioner?

8 MR. RICHARDSON: No. Actually,
9 those votes that Mr. Amos spoke on was the
10 Committee votes. We took our own Full ANC
11 vote, which I think the last one, was 8-2 or
12 8-1 and one abstention. I don't know if you
13 have that or not.

14 CHAIRMAN HOOD: Yes, I think it was
15 7 and you had 8.

16 MR. RICHARDSON: Okay, yes.

17 CHAIRMAN HOOD: Okay.

18 MR. RICHARDSON: Yes.

19 CHAIRMAN HOOD: Okay. I remember
20 seeing that. I'm looking at this one. Okay.
21 Thank you.

22 Commissioners, any questions,

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1 comments? Vice Chairman Schlater?

2 VICE CHAIRMAN SCHLATER: Mr.
3 Tuchmann, I think you wanted an opportunity to
4 respond to a few items. Why don't you take a
5 few minutes?

6 MR. TUCHMANN: Thank you very much,
7 Mr. Schlater. The one that I want to talk
8 about was the mix of uses, because that has
9 come up a great deal.

10 One thing I wanted to mention is
11 that from all the studies you have done, we
12 think it's actively in our best interest to
13 mix the uses the best we can. While we don't
14 yet know what the phasing will look like,
15 based on who knows what financing will look
16 like in 2017 for Phase No. X, but what we do
17 know is we are going to be delivering a lot of
18 space at once. And flooding the market with
19 any given use all at one time is not going to
20 be in our best interest to compete against
21 ourselves.

22 So while we have done dozens of

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1 master plans, the vast majority of them have a
2 true mix of uses.

3 Secondly, within that true mix of
4 uses, hotel has figured as something that we
5 are strongly considering. And while I know
6 that technically the zoning does not accept
7 hotel as a residential use, I would argue that
8 a hotel actually provides more on-street 18 to
9 24 hour presence than residential would.

10 Now, we are definitely in favor of
11 including some residential in the project and
12 we plan to do that, but I actually think a
13 hotel, if we can make that work, which as you
14 all know is quite challenging, if we could, I
15 think it would be a terrific impact. And I
16 hope that that would be considered when we
17 come before you as part of the mix of uses
18 review criteria.

19 And lastly, I would also want to
20 point out, and if my zoning attorneys would
21 allow me to pretend for a moment that I'm
22 sitting in their shoes, that the Comp Plan,

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1 the General Land Use Map shows this site, on
2 the southern side, high-density commercial.

3 It is a mixed-use on the northern
4 side, but if you look around at the -- if you
5 look at the existing uses that are there in
6 some of the drawings you have, you will see
7 that from H Street to the south moving east a
8 block, moving west a block in a very large
9 area, there is no residential in that area.

10 We do plan and hope to achieve
11 residential in the south parcel, but it would
12 be not supported by what the Comp Plan asks
13 for on the south side.

14 And the second point I wanted to
15 mention was the issue of FAR. I wanted to
16 confirm what some of the Office of Planning
17 staff had mentioned. Most of our master plan
18 test fits. We have ended up in the range of a
19 5.5 FAR.

20 It could be higher than that. It
21 could be less than that. But the reality is
22 the reason we are not hitting 6.5 is we don't

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1 want to create the boxy buildings and the
2 monolithic buildings that the zone will not
3 allow.

4 And even in our current fits where
5 we try and look at some places that might
6 achieve 130 feet, I think as testified to
7 earlier, we simply can't create these boxy
8 buildings at high heights just the way the
9 math works.

10 So if that's helpful information, I
11 wanted to provide. While we don't yet know
12 what our plans are, that's the discussions we
13 have had so far. Thanks very much.

14 CHAIRMAN HOOD: Okay. Mr. Baranes,
15 I was going to hear from the opposition first
16 before I let you two come up, since you were
17 triggered by my Vice Chairman, we will go
18 ahead.

19 Mr. Baranes, did you have something
20 you wanted to add, also?

21 MR. BARANES: No. I think I
22 addressed most of the issues I was interested

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1 in.

2 CHAIRMAN HOOD: Great. Okay.

3 MR. BARANES: Thank you.

4 CHAIRMAN HOOD: Any other
5 questions, Commissioners? Okay. Thank you
6 all very much. We appreciate it.

7 Let's go to Mr. William Wright, Mr.
8 Drury Tallant, Mr. Edwards, Ms. Gates, Mr.
9 Peterson. Is there anyone else who would like
10 to testify in opposition? Okay, Mr. Crews. I
11 see Mr. Crews raising his hand. And I think
12 that's six. Now, there is one microphone that
13 is not working. Oh, they are all working now?
14 Okay.

15 Okay. Well, let's go with this six
16 and then I'll call everyone else and have you
17 come up. By a show of hands, how many more
18 people do we have that want to testify?
19 You're going to come up all by yourself. You
20 can handle it. Okay.

21 MS. SCHELLIN: There's one more
22 seat.

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1 CHAIRMAN HOOD: Oh, there's one
2 more seat? Okay. Come on up. There is a
3 seat. I didn't see that. Okay. Okay. Okay.

4 Let's start with Mr. Wright. Mr. Wright?

5 MR. WRIGHT: My name is Bill Wright
6 and I live at 2253 12th Place. Mr. Chairman
7 and Commissioners, thank you very much for
8 considering my testimony, which is based on
9 research I did for my dissertation on the
10 history of Union Station.

11 Mr. Smith Goes to Washington
12 features the most common perspective of Union
13 Station. Jimmy Stewart looks from the
14 building towards the Capitol. Yet, the
15 terminals architects, its neighbors, its
16 protectors and millions of others who have
17 taken a broader view, one that recognizes the
18 Station as the heart of the Capitol Complex's
19 vital northern border.

20 I urge you to protect a century of
21 work by measuring the height limits for the
22 air rights buildings from the existing grade.

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1 The proposed policy wisely calls for
2 developments sensitive to the surroundings,
3 but that's not enough.

4 Amorphous language dramatically
5 increases the chances that office blocks will
6 lurk behind the terminal, rather like
7 teenagers fooling around in the back of a
8 family portrait.

9 Please, eliminate any possibility
10 that outside development will permanently
11 deface one of Washington's defining places.

12 Union Station helped make the
13 Capitol, in the words of Harper's magazine,
14 worthy of the nation. Because the railroad
15 dominated 19th Century travel, a terminal
16 highlighted the city's economic, cultural and
17 political prominence.

18 In the late 1800s, Union Station
19 had two inadequate stations, too small to
20 serve large numbers of passengers, they hurt
21 the city's economy. They also depressed
22 travelers with their cramped interiors and

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1 ugly surroundings, billboards, second class
2 hotels and saloons.

3 Dramatic improvements came from the
4 Union Station Act, which balanced the interest
5 of the railroads, Congress and the community.

6 When the terminal opened in 1907,
7 increased capacity meant more jobs and
8 visitors now have the inspiring welcome
9 experienced by Mr. Smith. Planners, railroad
10 engineers and Government officials integrated
11 the Station into the neighborhood by limiting
12 its elevation, so it deferred to the Capitol,
13 protecting residents by controlling commercial
14 expansion into adjacent areas, defining a
15 clear northern boundary through the Post
16 Office and later the Marshall Building and
17 preserving impressive use by establishing
18 Columbus Plaza and extending the Capitol
19 Grounds.

20 Recent changes have restored Union
21 Station's place in Washington. The 1988
22 rehabilitation made it again a glorious

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1 gateway to the Capitol and the center of
2 community life. It fueled the economy by
3 encouraging office and retail activity that
4 does not diminish the terminal.

5 Mr. Smith Goes to Washington ends
6 before Jimmy Stewart heads from the Capitol
7 for his trip back to the midwest, so movie-
8 goers never see how beautiful Union Station
9 closes the area. But millions have and it
10 would be tragic if the proposed Amendment from
11 its out-of-scale commercial construction to
12 damage forever this unparalleled scene. Thank
13 you.

14 CHAIRMAN HOOD: Thank you very
15 much. Great timing. Okay. We are going to
16 do with Mr. Tallant. Now, you have a video?

17 MR. TALLANT: No, sir, I don't have
18 a video. There are some drawings attached to
19 my testimony. My name is Drury Tallant. I
20 reside at 732 3rd Street. There is one row
21 house closer to the H Street Bridge than my
22 residence, so I have an immediate perspective

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1 of this project.

2 My concerns are several with this
3 project. Primarily with the process. I
4 believe the proper process reviewing a project
5 fraught with the complexity and the
6 ambiguities of this would be a PUD process
7 where we can see what the project will look
8 like before the zoning relief is given.

9 I think that's really crucial that
10 we don't see a master plan. We don't see a
11 PUD proposal. We just don't see the kind of
12 bones that make me comfortable approving the
13 kind of zoning relief that is being sought
14 here.

15 Towards that end, we had concerns
16 with the drawings that were prepared by the
17 Office of Planning, because we felt that they
18 misrepresented the bulk of this building and
19 how it will look behind Union Station.

20 I would direct your all's attention
21 to the drawings that are prepared. View 1 is
22 taken near the southeast corner of the Capitol

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1 at the head of Delaware Avenue. This is the
2 axial view of Union Station and you can see
3 how a building of the height proposed would
4 alter the profile of the barrel vault of Union
5 Station.

6 Moving closer down Delaware Avenue
7 about halfway between the first site and Union
8 Station itself, you can see that the buildings
9 still alter the profile of the Union Station
10 barrel vault.

11 Moving a bit to the west on
12 Louisiana Avenue at D Street, this is the
13 principal avenue for vehicular traffic, as
14 well as pedestrians arriving towards Union
15 Station from the mall precinct. And you can
16 see again that the profile of Union Station
17 would be tremendously impacted.

18 View 4 is taken from the Senate
19 Park at the, basically, end of North Capitol
20 Street at the top of the fountain. And once
21 again, you can see that the silhouette and
22 contour would be lost and this is a view of

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1 great significance to many of the visitors.

2 The final drawing is an elevation
3 that depicts with the penthouses, which many
4 of the drawings provided by Office of Planning
5 did not, the height of this project relative
6 to the U.S. Capitol.

7 This project would literally be
8 visible from Reagan National Airport. I mean,
9 that's how high this project is.

10 The Union Station North development
11 site no doubt has great potential to do
12 tremendous good, but it also has the
13 tremendous potential to do harm to the urban
14 fabric.

15 And as such, I believe we need to
16 see more of what this project will actually
17 look like before we grant the zoning relief
18 being sought. Thank you.

19 CHAIRMAN HOOD: Great. Thank you.

20 Mr. Edwards?

21 MR. EDWARDS: Good evening, Members
22 of the Commission. I am here tonight on

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1 behalf of the Capitol Hill Restoration
2 Society. The Restoration Society supports the
3 development of the Union Station Air Rights,
4 but the 14 acre development built on a
5 platform 30 feet above the front of Union
6 Station will not connect the existing street
7 grid at H Street, except at H Street.

8 The result will be the equivalent
9 of a walled city, not unlike a medieval
10 castle. When you go down 1st and 2nd Street,
11 you see the ashlar stone rising up 20 to 25
12 feet to the tracks. When you put 20 or 30
13 feet on top of that and you have a single
14 entrance on H Street to that site, what you
15 have built is the equivalent of a medieval
16 castle accessible only through the main gate
17 of the castle.

18 We oppose the proposal to use the H
19 Street Bridge as the measuring point for the
20 height of the development. That is in direct
21 conflict with CH2-1.7 of the Comprehensive
22 Plan. That Comprehensive Plan has been

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1 amended by the Council and was approved today
2 by NCPC.

3 However, until it undergoes the
4 required Congressional review, the existing
5 CH2-1.7 is in effect and this proposal at
6 which requires that measurement of height be
7 from existing grade of either 1st or 2nd Street
8 and the proposed ' 2907 of USN Zoning is in
9 direct conflict with that provision.

10 Now, even if CH2-1.7 did pass
11 review by Congress, there are other 2905 of
12 the USN Zoning would still be in conflict with
13 other provisions of the Comprehensive Plan,
14 specifically, 707.2, "That the District
15 maintain and enhance the horizontal character
16 of buildings within the District to protect
17 the skyline."

18 ' 708 "To encourage developments
19 which respond to the horizontal skyline of the
20 District so as to maintain its low-scale image
21 and contribute to the enhancement of the
22 District's character."

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1 ' 804.1(k) of the Historic
2 Preservation element that is "To enhance the
3 horizontal skyline to preserve the character
4 of the District."

5 But beyond these Comprehensive Plan
6 provisions, there is also a Congressional
7 interest in preserving the prominence of Union
8 Station.

9 The 1910 Height Act, ' 5, requires
10 buildings erected after June 1 that front or
11 abut on the plaza in front of Union Station to
12 be a height of no greater than 80 feet, 8-0
13 feet.

14 Now, to allow a 130 foot structure
15 on a 30 foot high platform, you end up with a
16 160 feet plus an 18.5 foot penthouse. You are
17 up to 178.5 feet behind Union Station.
18 Whereas, buildings that abut or are in front
19 of Union Station are limited to 80 feet. You
20 have almost 100 foot increase in height over
21 what is allowed in front of Union Station.

22 Now, to the extent that the USN

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1 proposal detracts from the prominence of Union
2 Station that the Height Act sought to
3 preserve, it would be contrary to the 1910
4 Height Act.

5 Additionally, the proposed
6 measuring point conflicts with existing Zoning
7 Regulations that this Commission implemented
8 in Case 02-35. That case involved the
9 proposal, which is now the SEC Building, and
10 their request to measure from the viaduct.

11 And in explaining the need to amend
12 the Zoning Regulations to prevent measurement
13 from the viaduct, this Commission in order --
14 at page 2 and 3 of Order 02-35 stated that
15 allowing construction next to bridges and
16 viaducts to exceed the height of other
17 construction nearby would create anomalies in
18 the skyline and would, therefore, be
19 inconsistent with these policies. And the
20 policies they cited were the Comprehensive
21 Plan policies I just went through.

22 So what we are left with is the

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1 sound urban design and historic preservation
2 elements of the Comprehensive Plan that the
3 Zoning Commission implemented in Case 02-35,
4 they remain valid today.

5 They are not even addressed by the
6 Office of Planning in the context of this USN
7 proposal.

8 Further, provision CH2-1.7 of the
9 Comprehensive Plan remains in effect until and
10 unless the Council-amended version survives
11 review by Congress.

12 The Office of Planning's proposal
13 that this Commission adopt a new ' 2905 and
14 change the measuring point to the top of the H
15 Street Bridge would be contrary to the
16 Commission's actions in Zoning Case 02-35. It
17 would be inconsistent with the Comprehensive
18 Plan. And it would be contrary to the Height
19 Act. Thank you.

20 CHAIRMAN HOOD: Okay. Thank you,
21 Mr. Edwards. Ms. Gates?

22 MS. GATES: Happy New Year, Members

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1 of the Commission.

2 CHAIRMAN HOOD: Same to you.

3 MS. GATES: I am Alma Gates
4 testifying on behalf of the Committee of 100
5 on the Federal City, form in 1923 to act as a
6 force of conscience in the evolution of the
7 nation's capital.

8 Under Case 09-21, the Office of
9 Planning proposes to remap and create a new
10 zoning chapter for 14 acres known as the Union
11 Station North District. This C100 generally
12 supports the purpose of the new zone district
13 to reknit the land over an active railyard and
14 provide a connection between the H Street
15 Commercial Corridor to the east, North Capitol
16 Street to the west, NoMA to the north and west
17 and Union Station to the south.

18 The height of structures atop the
19 platform will be measured from the elevation
20 of the sidewalk at the crown at H Street,
21 rather than from the grade, as would otherwise
22 be required in ' 199. And it is this

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1 measuring point that puts the Office of
2 Planning and C100 at odds in this case.

3 An amended Comprehensive Plan
4 element CH2-1.7 and simultaneous elimination
5 of the measuring point established in 2003
6 were the necessary means OP pursued to permit
7 consideration of this new zone district.

8 In an earlier submission, C100
9 submitted two letters to the Zoning Commission
10 from the National Capital Planning Commission
11 that address ZC 02-35. And I'm going to skip
12 forward now to the October 19th letter.

13 On October 19th, NCPC stated the
14 following:

15 It is our intent that the
16 alternative language agreed upon by DCOP and
17 NCPC staff was meant to cover NCPC's concerns
18 related to design of the project and not to
19 the technical details of the measuring point
20 for the buildings, although we reiterate that
21 measuring from the crown of the H Street
22 Northeast Overpass would be, in our view,

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1 contrary to the Height Act and past Zoning
2 Commission actions related to measuring from
3 elevated roadways or manmade grades.

4 NCPC will take a position on
5 measurement of the project once the design
6 details are known. And I think we have heard
7 a lot tonight about the importance of those
8 details.

9 NCPC submitted a letter on December
10 16th to the Zoning Commission that again
11 addresses the measuring point for the Burnham
12 Place Project. The C100 also finds that using
13 the crown of the H Street Overpass as the
14 measuring point is contrary to the Height Act
15 and past Zoning Commission actions.

16 While this project's goal is to
17 eliminate the horizontal scars created by the
18 railyards, the proposed height of the Union
19 Station North Development may well create
20 prominent vertical scars as heights of up to
21 160 feet would be permitted, plus another 18.5
22 feet if a penthouse is provided, and would

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1 require no side setbacks from the edge of the
2 platform.

3 The C100 and CHRS graphics
4 sponsored by Drury Tallant provide a stark
5 illustration of the lasting impacts to Union
6 Station that will result should this
7 development be approved as proposed.

8 A framework element of the
9 Comprehensive Plan states "The District's
10 communities are connected by a shared heritage
11 of urban design reflecting the legacy of the
12 L'Enfant Plan, the McMillan Plan, the Height
13 Act of 1910 and preservation of much of the
14 historic urban fabric.

15 Urban design in streetscape
16 policies must retain the historic majestic and
17 beautiful qualities that make Washington
18 unique among American cities.

19 The C100 cautions that approval of
20 this proposed Text and Map Amendment will open
21 the way for new heights and ignore two
22 centuries of urban design legacies that have

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1 made Washington's iconic horizontal skyline
2 unique among American cities. Thank you.

3 CHAIRMAN HOOD: Okay. Thank you,
4 Ms. Gates. Mr. Peterson?

5 MR. PETERSON: Thank you, Mr.
6 Chairman. I have come here to defend Mr.
7 Akridge from his own personnel. They would
8 have you believe he was stupid when he bought
9 this property and really didn't know what he
10 was buying and the problems we're getting.

11 But in your files, as Exhibit 33 in
12 Case 02-35, there is a letter from Mr.
13 Akridge's attorney, Mr. Quinn, in which he
14 says that their understanding -- they are
15 negotiating with GSA to purchase the property
16 and their understanding is they can measure
17 the elevation from the height of the tracks,
18 elevation 55.

19 So when they bought this property,
20 Mr. Akridge knew precisely what his problems
21 were and what elevation he was measuring from.

22 This didn't come to -- as a surprise to him

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1 and I assume he thought he could do -- develop
2 this property in an economic fashion.

3 I think Mr. Akridge is very smart,
4 contrary to others' inferences, and he did
5 exactly what he did.

6 What we are really talking about
7 here today is perverting the Height Act in the
8 name of profit. And I think somebody needs to
9 put that on the table. We are talking about
10 money here. And that's all we are really
11 talking about.

12 All the high fluting things about
13 planning, all the high fluting things about
14 heights and all of that, what we are really
15 talking about is perverting the Height Act for
16 profit.

17 You know better than that. You
18 know this isn't right to change the Height
19 Act. You know in the past you have acted
20 differently in other cases and said people
21 can't use this viaduct to measure the height.

22 I call on you to stick to your

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1 principles and ignore the profit. Thank you.

2 CHAIRMAN HOOD: Okay. Thank you.
3 Let me see, the gentleman here to my right and
4 then we will go to Mr. Crews.

5 MR. JONES: Good evening. My name
6 is Daniel Jones. I have lived in the
7 neighborhood. I live in the 200 Block of F
8 Street. I lived in the neighborhood probably
9 longer than anybody that has been living in
10 this room. I have been there 62 years. So I
11 know about this neighborhood.

12 I know how the neighborhood changed
13 over the years and the development of the
14 neighborhood. Where the Thurgood Marshall
15 Building is now, that used to be a park with
16 grass and trees. Where the Ebenezer Building
17 Coffee Shop is, that used to be Diamond K
18 Sightseeing Office.

19 Across from the space where SEC is
20 and their garage, that used to be the mail
21 room locker room for the mail handlers, taking
22 the mail bags off the train.

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1 Where the Italian Restaurant is,
2 that used to be a corner grocery store.

3 Like the gentleman to my left said,
4 yes, it's all about the money. That's number
5 one. The other problem I got is the vehicle
6 traffic and the parking.

7 On Sunday mornings when I leave to
8 go to church at 8:00, I've got to wait to come
9 back home until about 12:00 or 1:00, because
10 Ebenezer, they have church service and their
11 coffee shop. During the week, I leave or move
12 one of my vehicles, you've got people at the
13 Thurgood Marshall Building who are out moving
14 their vehicles around trying to duck and dodge
15 D.C. Parking Meter people putting tickets on
16 them for the residential parking.

17 With this proposed project, there's
18 going to be more vehicle traffic, more
19 vehicles parked in the neighborhood and
20 residents like myself we are going to put the
21 building up not being able to leave and come
22 back home and park our cars.

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1 A lot of people say walk to Union
2 Station and take the subway. Well, I worked
3 for Metro for 26 years. I'm a retired
4 employee now. I started off as a bus
5 operator, retired as Assistant Superintendent
6 of what is Metro for my division, where I was
7 in charge of 326 people daily. So I know
8 about the transit system. I know about the
9 good side and the bad side of it.

10 But this project here for those who
11 really have been in the neighborhood for a
12 long time it's going to inconvenience us even
13 more than what the present development has.
14 Thank you.

15 CHAIRMAN HOOD: Okay. Thank you,
16 Mr. Jones. Mr. Crews?

17 MR. CREWS: Commissioners, I
18 originally -- I'm Bill Crews, excuse me. And
19 I, as of today, am sworn in as a Commissioner
20 for Advisory Neighborhood Commission 6C and
21 Single Member District 6C07.

22 And I really wasn't going to speak

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1 on this, because I really hadn't been
2 involved. I questioned the ability to have
3 dissention, especially as I come onto the
4 Commission, but, you know, my 2000
5 constituents were not represented on the
6 Commission for the last several months,
7 because there was a vacancy. And so I wanted
8 to come and make that point.

9 I wanted to come and make the point
10 that I am a Member of the Board of Trustees of
11 the Committee of 100 and I support their
12 testimony. That my husband and I are Members
13 of the Capitol Hill Restoration Society and I
14 support their statement, the work of my
15 scholar on my left and of Drury and of my new
16 friend from the retired Metro, Anne, my fellow
17 Iowan, Gary Peterson, with that midwestern
18 frankness that this really is what this is
19 about.

20 I look forward, I think you can --
21 easily, there are a lot of good features in
22 this spot zoning proposal and I think you can

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1 make it a lot better just by deleting the
2 measurement of the Height Act and protecting
3 the city, protecting the Capitol of the free
4 world to the unique characteristic that we
5 have come to love.

6 And so I appreciate your effort. I
7 look forward to whatever you do to being
8 backed, to helping you review the design
9 review, that which actually is quite a good
10 effort to get more design review for the city.

11 So again, appreciate all of your
12 service and I appreciate the testimony that my
13 friends and colleagues have given and urge you
14 to make that change in the proposal. Thank
15 you.

16 CHAIRMAN HOOD: Okay.
17 Commissioners, any questions? I think we have
18 got everybody, right? Yes. Any questions of
19 this panel, Commissioners? Commissioner May?

20 COMMISSIONER MAY: Yes. I'll ask
21 Mr. Edwards his question, but if anybody else
22 has an opinion, I would be happy to hear it.

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1 Since you don't support using the
2 viaduct as the measuring point, are you still
3 advocating that it be 1st or 2nd Street or that
4 it be some other measuring point that you work
5 from?

6 MR. EDWARDS: I'm advocating that
7 it be natural grade. And I think that's all
8 the further we need to go, because then you
9 can go into the Zoning Regulations, which
10 defines natural grade to read as an
11 undisturbed level.

12 COMMISSIONER MAY: Yes. I don't
13 need to go over how we have had to define
14 measuring points, because I was here for the
15 case that grew out of Station Place where we
16 went through that whole definition and we have
17 been doing it again with the Zoning Reg
18 Rewrite.

19 I'm more interested now in the
20 particulars of this case in that we have --

21 MR. EDWARDS: The particulars of
22 this case, I would recommend that it be H

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1 Street determined in accordance with this
2 definition, I just referred to, which means
3 it's either 3rd Street or North Capitol Street.

4 What used to be the original grade
5 of H Street before that --

6 COMMISSIONER MAY: Draw a line
7 between those two points and --

8 MR. EDWARDS: That's correct.

9 COMMISSIONER MAY: -- that's
10 roughly it. So it is going to be in the --
11 somewhere between 30 and 55 above sea level.
12 If 30 is 1st and 2nd Street and 55 is the
13 elevated grade of the tracks, so it's got to
14 be somewhere in between there. So say it's --

15 MR. EDWARDS: All right. 25 feet
16 lower than it is now.

17 COMMISSIONER MAY: So it's 45 feet
18 lower?

19 MR. EDWARDS: No, 25 feet lower
20 than the viaduct.

21 COMMISSIONER MAY: Right. Okay.
22 So if it's 25 feet lower than the viaduct, so

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1 then if that were the measuring point, then
2 theoretically they would wind up with
3 something like, I guess, 105, 110.

4 MR. EDWARDS: Probably.

5 COMMISSIONER MAY: Something like
6 that.

7 MR. EDWARDS: You have to take into
8 account the elevation of the Union Station of
9 Columbus Plaza is about 50 some feet, 57 feet
10 I believe.

11 COMMISSIONER MAY: Okay.

12 MR. EDWARDS: So, yes.

13 COMMISSIONER MAY: Okay.

14 MR. EDWARDS: I would agree.

15 COMMISSIONER MAY: All right. Mr.
16 Peterson, did you want to --

17 MR. PETERSON: I just wanted to
18 clarify a couple of things. The original H
19 Street is about 20 to 25 feet below the
20 elevation 55, which is the elevation of the
21 tracks.

22 COMMISSIONER MAY: Right.

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1 MR. PETERSON: However, if you take
2 the current standard, which is either 1st
3 Street or 2nd Street, N.E. --

4 COMMISSIONER MAY: Yes.

5 MR. PETERSON: -- 2nd Street
6 reaches elevation 55. It matches the tracks.
7 So that current --

8 COMMISSIONER MAY: All the way at
9 the north end.

10 MR. PETERSON: No, no, not even all
11 the way to the north end. Just beyond -- just
12 at the point at which you reach the Abdo.

13 COMMISSIONER MAY: Okay.

14 MR. PETERSON: The end of Abdo.

15 COMMISSIONER MAY: But north of H?

16 MR. PETERSON: North of H.

17 COMMISSIONER MAY: Climbing up.

18 MR. PETERSON: But right up about I
19 -- not quite I Street.

20 COMMISSIONER MAY: Yes.

21 MR. PETERSON: Just a block there.
22 It is at the same elevation as the tracks.

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1 So 55 feet would be, under the current
2 definition, using 2nd Street.

3 COMMISSIONER MAY: Yes.

4 MR. PETERSON: Or as was said by
5 Mr. Quinn in his letter to the Commission,
6 elevation 55 based on the elevation of the
7 tracks. And he had a letter from the Zoning
8 Administrator saying that would be the
9 measuring point.

10 So I mean, that was -- the Zoning
11 Administrator, as you know, actually
12 administers the Height Act, the Zoning
13 Commission doesn't.

14 COMMISSIONER MAY: I'm well aware.

15 MR. PETERSON: Okay.

16 COMMISSIONER MAY: Thank you.

17 MR. PETERSON: So the Zoning
18 Administrator, at that time, said elevation 55
19 was --

20 COMMISSIONER MAY: Right.

21 MR. PETERSON: -- the measuring
22 point.

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1 COMMISSIONER MAY: Okay. And 55 is
2 the maximum that 2nd Street actually reaches
3 within the --

4 MR. PETERSON: That's correct.

5 COMMISSIONER MAY: -- confines of
6 this project. Okay. All right. I think
7 that's the only real question I had was trying
8 to get a sense of this in numbers, because --

9 MR. PETERSON: The other thing is
10 the original H Street is only 90 feet.

11 COMMISSIONER MAY: A 90 foot right-
12 of-way.

13 MR. PETERSON: Right.

14 COMMISSIONER MAY: But the right-
15 of-way as it passes through here is 124.

16 MR. PETERSON: Right.

17 COMMISSIONER MAY: Right. And we
18 actually have had cases in the past where when
19 you are dealing with a building that is an
20 entire block, the measuring point is on one
21 side of the development and the street width
22 that you measure off of is on another side.

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1 MR. PETERSON: Right.

2 COMMISSIONER MAY: In fact, that
3 happened in whatever those Union -- it's the
4 one up at 2nd and K, that's what happened
5 there. Okay. That's it for my questions.

6 CHAIRMAN HOOD: Okay. Mr.
7 Peterson, let me -- as you know, in the Grand
8 Central Terminal, it was about profit when
9 they did the air rights. So I kind of
10 resonate and understand what you are saying.

11 But let me ask you this. You
12 mentioned the letter that Mr. Quinn had
13 written to the Zoning Commission. Is there
14 any way you can give us that for our file, to
15 file that into the record? I know we probably
16 have it in one of the files in that case.

17 And also, I don't want to ask you
18 who the Zoning Administrator was, but I also
19 want the zoning --

20 MR. PETERSON: Well, I know who the
21 Zoning Administrator was.

22 CHAIRMAN HOOD: I didn't want to

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1 ask you who it was.

2 MR. PETERSON: Oh, okay.

3 CHAIRMAN HOOD: Because I wasn't
4 sure.

5 MR. PETERSON: I know that.

6 CHAIRMAN HOOD: Right, right.

7 Well, who was it?

8 MR. PETERSON: Huh?

9 CHAIRMAN HOOD: Who was the Zoning
10 Administrator?

11 MR. PETERSON: It was Denzel Noble.

12 CHAIRMAN HOOD: Okay. At that
13 time, okay.

14 MR. EDWARDS: Denzel Noble.

15 CHAIRMAN HOOD: If you could give
16 me those? If you could make sure we have
17 those two things, I would like to have those.

18 MR. PETERSON: Which two things? I
19 have the letter.

20 CHAIRMAN HOOD: You have the
21 letter.

22 MR. PETERSON: Yes.

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1 CHAIRMAN HOOD: And you said the
2 Zoning Administrator ruled on something.

3 MR. PETERSON: Oh, I don't have a
4 copy of that, but I can get a copy of that.

5 CHAIRMAN HOOD: Okay.

6 MR. PETERSON: That's in your files
7 already. I think it would be easier.

8 CHAIRMAN HOOD: Yes, you would need
9 to provide it for me for this case. I
10 couldn't go pull it out and put in. I can't
11 go pull it out and put it in this file.

12 MR. PETERSON: Okay. Well --

13 CHAIRMAN HOOD: Just give me what
14 you've got. Don't -- I don't want you to do
15 any more work. Just give us a copy of what
16 you have got.

17 MR. PETERSON: I will.

18 CHAIRMAN HOOD: Okay. Thank you.
19 Mr. Edwards?

20 MR. EDWARDS: Chairman Hood, at
21 page 4 of my testimony, I cite from the
22 transcript.

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1 CHAIRMAN HOOD: I actually saw
2 that.

3 MR. EDWARDS: On that case.

4 CHAIRMAN HOOD: I actually saw
5 that.

6 MR. EDWARDS: Which is the same
7 statement made by Akridge's attorney, Mr.
8 Quinn.

9 CHAIRMAN HOOD: Right. I did see
10 that and I saw where you had excerpts of the
11 transcript, so I did see that. But I'm
12 interested in that letter and I appreciate it.
13 Okay. Thank you.

14 Any other questions, Commissioners?
15 Commissioner Selfridge?

16 COMMISSIONER SELFREDGE:
17 Commissioner Tallant, I was interested to hear
18 from you as you live right next to this site.
19 I think it is also interesting that you have
20 supported some of these developments on H
21 Street in the past.

22 It sounds like you just don't feel

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1 like there is enough information at this
2 point. Is that correct?

3 MR. TALLANT: That's essentially my
4 point, yes. I felt that the drawings
5 presented within the Office of Planning's
6 presentation with the community were lacking
7 and very selective. The -- in some cases, the
8 drawings, the elevation drawings that were
9 shown of the Burnham Place Project were shown
10 absent their penthouses, while all the
11 adjacent projects, whether existing or
12 proposed, were shown with penthouses to make
13 the apparent difference in height look like
14 less.

15 And I brought that to Mr. Jesick's
16 attention and he said he would correct it. I
17 don't know whether it has been corrected in
18 what you have.

19 We had our drawings prepared by
20 David Bell, Bell Architects, to show the --
21 from a different perspective not quite -- and
22 you could say, I guess, we picked our own

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1 points as well, but rather than using Union
2 Station or other buildings to eclipse the view
3 of this project, we picked them from farther
4 back.

5 And I think it is very consistent
6 to say that the farther away you get from this
7 project, the more the height is going to be
8 apparent relative to the adjacent structures.

9 And I was quite serious when I said
10 that you will see this project from Reagan
11 National Airport Terminal.

12 COMMISSIONER SELFRIDGE: So are you
13 opposed to it or are you just leaving it open,
14 at this point?

15 MR. TALLANT: I want to see more
16 information.

17 COMMISSIONER SELFRIDGE: My
18 colleagues brought up --

19 MR. TALLANT: I would like to see a
20 real proposal that people can evaluate. I
21 think the engineering of the platform, you all
22 brought up, I have grave concerns about that.

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1 Until that platform is engineered and we know
2 whether it is 2 feet in depth or 20 feet in
3 depth, depending on how often they have to
4 space the columns, the depth of that platform
5 is going to vary tremendously.

6 If they are going to sink columns
7 between every railroad track, then they can
8 probably get a pretty thin platform. If they
9 have got to span the whole site, well, I don't
10 know how you could do it.

11 COMMISSIONER SELFRIDGE: Yes.

12 MR. TALLANT: But, you know, there
13 are some real engineering problems. And I
14 will say I support the goal here, which is to
15 knit the city back together and to put a
16 project on top of that site. All in favor of
17 it. No question whatsoever.

18 I just don't think we have enough
19 information to award the zoning relief that is
20 buried within this Text and Map Amendment,
21 because it is significant.

22 COMMISSIONER SELFRIDGE: My

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1 colleagues have brought up the idea of a
2 master plan. Do you think that's a good first
3 step?

4 MR. TALLANT: Absolutely. I think
5 that there needs to be some pins put on a map
6 saying, you know, these are where the roads
7 will be. This is how the curve of the bridge
8 will intersect with this deck. This is where
9 the heights of the buildings will be.

10 Frankly, I think the idea of a
11 hotel there is great. If they want to satisfy
12 their residential requirement with a hotel,
13 that doesn't bother me a bit. I am less
14 concerned with those aspects of the project
15 than I am with what this project will do to
16 the urban skyline.

17 COMMISSIONER SELFRIDGE: Good.
18 Well, I think the idea of a master plan
19 certainly sounds reasonable, regardless if it
20 changes in the future or what, but certainly
21 something to start with today would probably
22 be helpful to everybody.

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1 MR. PETERSON: May I address the
2 master plan, because we have an example of
3 that for a site this large and that's
4 Reservation 13, where we went through first
5 and did -- that has form base code on it.

6 And we went through first and did a
7 community negotiated master plan of that site,
8 which, unlike this site, included parks,
9 public parks which this site doesn't require
10 or provide for and things like that. It is
11 right next to a Metro. It is very similar.
12 It is a large site. And we did that.

13 And I think that would give you a
14 much better result here, because when we got
15 done, the developer knows precisely what he
16 can do with that site, precisely.

17 CHAIRMAN HOOD: Okay. Any other
18 questions? All right. I want to thank this
19 panel. We greatly appreciate all your
20 testimony.

21 Okay. Ms. Schellin, do we have
22 anything else?

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1 MS. SCHELLIN: Just --

2 CHAIRMAN HOOD: Are we expecting
3 anything?

4 MS. SCHELLIN: I think that Mr. May
5 asked for -- I wrote it down somewhere. I
6 thought he asked for an aerial that shows the
7 potential 6.5 FAR massing. Is that something
8 you actually were looking for?

9 COMMISSIONER MAY: Yes.

10 MS. SCHELLIN: Okay.

11 COMMISSIONER MAY: Please. And
12 actually, I wanted to supplement that request,
13 if I could?

14 MS. SCHELLIN: Okay.

15 COMMISSIONER MAY: Because it would
16 be very useful to see that, but it would also
17 be very useful to see what would happen if the
18 measuring point were on 2nd Street and how much
19 -- you know, how blocky and awful that might
20 look. Because you are arguing that that is
21 basically the reason to do this.

22 MS. STEINGASSER: We will be happy

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1 to do that. It then begins to violate other
2 clear sections of the Height Act that require
3 that the buildings be measured at the center
4 of the building. Since the building doesn't
5 actually front on 2nd, I don't know how the
6 building could actually --

7 COMMISSIONER MAY: Just as a --

8 MS. STEINGASSER: I mean, we can--

9 COMMISSIONER MAY: -- theoretical
10 exercise. Yes.

11 MS. STEINGASSER: Theoretical
12 exercises at different heights.

13 COMMISSIONER MAY: Just as a
14 theoretical exercise.

15 MS. STEINGASSER: Yes.

16 COMMISSIONER MAY: Well, I mean --

17 MS. STEINGASSER: There is a lot of
18 moving pieces to how we start to put them.

19 COMMISSIONER MAY: And you are
20 getting around that with your proposal in
21 terms of --

22 MS. STEINGASSER: That's right.

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1 COMMISSIONER MAY: -- the middle of
2 the building issue and so on by --

3 MS. STEINGASSER: Right.

4 COMMISSIONER MAY: -- considering
5 it a single building and so on. I mean, it
6 would just be helpful to understand that.

7 DIRECTOR TREGONING: Can I clarify
8 that is it that you want us to show you what
9 they could do by right with a uniform 90
10 across the site?

11 COMMISSIONER MAY: No, no. I mean,
12 if you want to do that, that would be fine,
13 too, because it's always useful to see, you
14 know, what you get if you don't make the
15 zoning change, because sometimes that's a lot
16 worse.

17 But that's not really what I was
18 looking for. I was just looking for something
19 that shows if we were to try to conform this
20 to the way the last panel had suggested or
21 members of the last panel had suggested, what
22 would you wind up with? That's all.

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1 I did ask for some information
2 about the structure of the platform and how
3 that met the bridge. And I mean, that can be
4 very diagrammatic, but something that
5 demonstrates that, I think, would be helpful.

6 And I was going to make one other
7 suggestion, a piece of information that might
8 be helpful, which is that we have had some
9 discussion in the past of other instances
10 across the city where measuring point is on
11 structure.

12 L'Enfant Plaza is the one prime
13 example that comes to mind. I don't know if
14 there are others that are relevant here. But
15 I think understanding something about those
16 and the circumstances there and the heights of
17 the buildings and things like that, I think it
18 might be useful to give us some context.

19 And if you, you know, know what
20 certain organizations might have opined at the
21 time about the legality of those things, that
22 might be helpful, too. But that might be a

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1 step farther than you need to go, at this
2 moment.

3 CHAIRMAN HOOD: Okay. Is that it?
4 Ms. Schellin, do we know when we will
5 probably take this up?

6 MS. SCHELLIN: I'm going to look to
7 OP and see how much time they might need. I'm
8 thinking maybe the second meeting in February,
9 but I'm going to look to them to see if that
10 is too much time or not enough.

11 MS. STEINGASSER: The second
12 meeting in February is good.

13 DIRECTOR TREGONING: I think it
14 will work for the second meeting.

15 And, Commissioner Hood, just to
16 confirm, the record is closed except for the
17 submission by OP, correct?

18 CHAIRMAN HOOD: Just the things
19 that were asked for.

20 MS. SCHELLIN: Right. Okay. If OP
21 could provide those things by, giving them the
22 latest possible time, February 18th? Would

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1 that work? And then we could take it up at
2 our February 28th meeting. 3:00 p.m., for the
3 submissions and then 6:30 p.m. on the 28th of
4 February.

5 CHAIRMAN HOOD: Okay. I think we
6 are all on the same page. And with that, I
7 want to thank everyone for their participation
8 tonight. And with that, this hearing is
9 adjourned.

10 (Whereupon, the Public Hearing was
11 concluded at 9:21 p.m.)
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