

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

MR BALLPARK 4 LLC

: Case No.

: 09-22
-----:

Thursday,
January 17, 2013

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

The Public Hearing of Case No.
09-22 by the District of Columbia Zoning
Commission convened at 06:30 p.m. in the
Jerrily R. Kress Memorial Hearing Room at
441 4th Street, N.W., Washington, D.C.,
20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Vice Chair
MICHAEL G. TURNBULL, FAIA,
Commissioner (AOC)

PETER MAY, Commissioner (NPS)
ROBERT MILLER, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

MATT JESICK

**DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:**

ANNA CHAMBERLIN

SAM ZIMBABWE

**The transcript constitutes the
minutes from the Public Hearing held on
January 17, 2013.**

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

ZONING COMMISSION CASE NO. 09-22

- MR Ballpark 4 LLC5

Preliminary Matters7

Presentation by the Applicant

**Dennis Hughes, Esq., Partner, Holland &
Knight, LLP8**

Amy Phillips, Monument Realty12

Jordan Goldstein, Gensler16

Dan VanPelt, Gorove/Slade34

Steven Sher, Holland & Knight40

Adjourn, Chairman Hood.84

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

6:32 p.m.

CHAIRMAN HOOD: Good evening ladies and gentlemen. This is a public hearing of Zoning Commission for the District of Columbia for Thursday, January 17, 2013.

My name is Anthony Hood. Joining me this evening are Vice Chair Cohen, Commissioners Miller, May, and Turnbull. We are also joined by Office of Zoning Staff Ms. Sharon Schellin. Also the Office of Planning staff Mr. Jesick, District Department of Transportation Ms. Chamberlin and Mr. Zimbabwe.

Did I get that right? Okay.
Thank you.

This proceeding is being recorded by a court reporter. It is also webcast live. Accordingly, I must ask you to refrain from any disruptive noises or actions in the hearing room.

The subject of this evening's

1 hearing is Zoning Commission Case No. 09-22.
2 This is a request by MR Ballpark 4 LLC for
3 review and approval of new office building
4 with ground floor retail uses pursuant to the
5 requirements of the Capitol Gateway Overlay
6 District set forth in 11 DCMR 1610 of the
7 Zoning Regulations for property located in
8 Square 700, lots 43 and 866.

9 Notice of today's hearing was
10 published in the D.C. Register on October 19,
11 2012 and copies of that announcement are
12 available to my left on the wall near the
13 door.

14 The hearing will be conducted in
15 accordance with the provisions of 11 DCMR 3022
16 as follows; preliminary matters, Applicant's
17 case, report of the Office of Planning, report
18 of other government agencies, report of the
19 ANC, in this case 6D, organizations and
20 persons in support, organizations and persons
21 in opposition, rebuttal and closing by the
22 Applicant.

1 The following time constraints
2 will be maintained in this meeting; the
3 Applicant has requested 35 minutes,
4 organizations five minutes, individuals three
5 minutes. The Commission intends to adhere to
6 the time limits as strictly as possible in
7 order to hear the case in a reasonable period
8 of time.

9 All persons appearing before the
10 Commission are to fill out two witness cards.
11 These cards are located to my left on the
12 table near the door.

13 When presenting information to the
14 Commission please turn on and speak into the
15 microphone first stating your name and your
16 home address. When you are finished speaking
17 please turn your microphone off so that your
18 microphone is no longer picking up sound or
19 background noise.

20 The decision of the Commission in
21 this case must be based exclusively on the
22 public record. Please turn off all beepers

1 and cell phones at this time so not to disrupt
2 these proceedings.

3 Will all individuals wishing to
4 testify please rise and take the oath.

5 Ms. Schellin, would you please
6 administer the oath.

7 MS. SCHELLIN: Please raise your
8 right hand.

9 (The witnesses were sworn.)

10 CHAIRMAN HOOD: Let the record
11 also reflect we've been joined by Mr. Lawson
12 from the Office of Planning.

13 Mr. Hughes, are we ready? Do you
14 have any witnesses, experts?

15 Oh, first of all, Ms. Schellin, do
16 we have any preliminary matters?

17 MS. SCHELLIN: We do have the
18 experts. We have received the affidavit of
19 maintenance which is in order. That's all I
20 have, just to go straight to the experts since
21 we have received the affidavit of maintenance.

22 CHAIRMAN HOOD: Okay. Thank you.

1 Mr. Hughes, I think the only
2 expert that we have not seen, at least I don't
3 remember, is Mr. Goldstein.

4 COMMISSIONER MAY: I think we have
5 seen him before.

6 CHAIRMAN HOOD: Okay.

7 MR. HUGHES: I have.

8 CHAIRMAN HOOD: Okay. Have we
9 proffered him before as an expert?

10 COMMISSIONER MAY: Yes.

11 CHAIRMAN HOOD: We have? Okay.
12 We're not going to go back on our word.

13 Do we have anyone other than the
14 three expert witnesses?

15 MR. HUGHES: No, sir.

16 CHAIRMAN HOOD: Okay. We can go
17 with all three then.

18 Thank you, Commissioner May.

19 CHAIRMAN HOOD: Mr. Goldstein, I
20 apologize for not remembering you.

21 Mr. Hughes.

22 MR. HUGHES: Good evening, Mr.

1 Chair. Thank you.

2 For the record, my name is Dennis
3 Hughes with the law firm of Holland & Knight
4 here on behalf of MR Ballpark 4, LLC, the
5 property owner.

6 Joining me tonight on behalf of
7 the owner to my immediate right is Ms. Amy
8 Phillips. To her right is Jordan Goldstein
9 with Gensler. To his right is Andrew Kobalka,
10 also of Gensler, the project architects. To
11 my left Mr. Dan VanPelt of Gorove/Slade,
12 traffic engineer. In the audience is Mr.
13 Steve Sher who will be speaking as well.

14 We appear before you this evening
15 for review of proposed new construction in the
16 Capitol Gateway Overlay pursuant to Chapter 16
17 of the Zoning Regulations. The property that
18 is the subject of this application is located
19 at the southeast corner of South Capitol
20 Street and M Streets intersection in Square
21 700.

22 Square 700 is also bounded to its

1 east by Van Street and to its south by N
2 Street. The property is rectangular in shape
3 and it measures approximately 35,000 square
4 feet. It's zoned CR and is in the Capitol
5 Gateway Overlay.

6 The Applicant proposes a 12-story
7 office building with ground floor retail
8 including double-height retail along N Street
9 consistent with the regulations. Four levels
10 of below-grade parking are proposed with
11 loading and parking access from Van Street as
12 required by the CG Regulations.

13 As will be explained in greater
14 detail as part of tonight's presentation, the
15 architecture of the building provides an
16 innovative and we believe appropriate design
17 response to this pivotal location. We'll also
18 discuss the sustainability initiatives of the
19 project which include an equivalent of LEED
20 Silver certification.

21 Before proceeding further I would
22 like to confirm that the Commission is in

1 receipt of our December 28th prehearing
2 statement which sets forth the Applicant's
3 position in terms of compliance with the
4 Section 1610, as well as the variance relief
5 that we are requesting tonight which is
6 variance from one of the required loading
7 berths, and a street wall requirement along
8 South Capitol Street.

9 We are pleased to note that the
10 project is supported by the Office of
11 Planning. We have met and discussed the
12 application with that office on a number of
13 occasions since the application was initially
14 filed and have refined the design of the
15 project to respond to input we've received as
16 part of this process.

17 We understand from the Office of
18 Planning Report that was filed last week that
19 clarifications are requested on a few issues.
20 We'll deal with those tonight as part of the
21 presentation, and additional information on
22 design elements has been requested. We plan

1 to continue our dialogue with OP to address
2 any outstanding issues and we thank them for
3 their input to date.

4 We've also had a number of
5 productive discussions and correspondence with
6 the Department of Transportation and we
7 appreciate their input in terms of parking and
8 loading access to the project in particular.

9 As Mr. VanPelt will elaborate, as
10 well as, I'm sure, Ms. Chamberlin, we believe
11 we've reached a workable solution to balance
12 DDOT's larger concerns with traffic patterns
13 in the immediate area with the Applicant's
14 operational needs and limitations given the
15 site's location and configuration.

16 With that, I would like to proceed
17 with testimony from our witnesses.

18 Ms. Phillips, if you would
19 introduce yourself.

20 MS. PHILLIPS: Good evening. My
21 name is Amy Phillips. I reside at 1117 10th
22 Street, N.W., No 703 in Washington, D.C.

1 Thank you for hearing us this evening.

2 As Dennis mentioned, I am with
3 Monument Realty and represent the owner and
4 developer at 1 M Street site. Monument has
5 been a Washington D.C. based developer since
6 1999. Our offices are located at 1700 K
7 Street.

8 Our portfolio of completed
9 projects in the District includes Columbia
10 Center on 15th Street, N.W.; Potomac Place
11 Condominiums at 4th and I Street, S.W.; the
12 conversion of the former Congressional
13 Quarterly building in the Dupont Circle
14 Neighborhood from office to residential which
15 is now known as the Dumbarton; Franklin Square
16 North, an office at 13th and L Street, N.W.;
17 and 55 M. Street in the Capitol Riverfront
18 District. It's a LEED Gold building just a
19 few blocks away from the 1 M Street site.

20 Monument began investing in the
21 Capitol Riverfront neighborhood nearly 10
22 years ago and is excited to be part of the

1 extraordinary changes in the area. We worked
2 with Gensler to develop what we believe is an
3 elegant and sophisticated building, a building
4 that could easily serve as the Flagship
5 Headquarter site, potentially bringing or
6 retaining a large tenant to and for the
7 District, and a building that will accommodate
8 destination retail to serve the neighborhood
9 and visitors alike.

10 The materials and massing were
11 carefully thought out with an eye to the
12 Capitol a few blocks to our north, the planned
13 improvements for South Capitol Street, and to
14 incorporate market tenant preferences as
15 demonstrated by the market. To that end we
16 have maximized the amount of glass to allow s
17 much daylight as possible to reach the core
18 and to allow optimal views of the Capitol.

19 The glass facade along M Street
20 will also serve as a beautiful foil for the
21 reflection of the historic St. Vincent de Paul
22 Church across the street. We have two-story

1 retail with great expansive and ground floor
2 transparency on M and South Capitol Street.
3 Among other sustainable features, the project
4 will have a green roof.

5 Monument and Gensler first began
6 visiting the site in 2009 and have worked
7 together with feedback from government
8 agencies including the Office of Planning and
9 DDOT to refine the design to what you will see
10 this evening.

11 Although we do not have a tenant
12 for the site today, we are seeking design
13 approval so that we will have the most
14 flexibility moving forward quickly when that
15 day comes.

16 We believe that this building and
17 this site at the intersection of South Capitol
18 and M Streets will create a stately presence
19 and will mark the entrance to the bid, draw
20 the eye to the Capitol, and complement the
21 important view corridor without detracting.

22 At this point I will turn it over

1 to Jordan Goldstein of Gensler to more fully
2 present the detailed design.

3 MR. GOLDSTEIN: Thanks, Amy. I
4 inherited the firm.

5 Good evening and thank you for the
6 opportunity to share this project with you
7 tonight. My name is Jordan Goldstein. I'm
8 with Gensler. I lead the Washington, D.C.
9 office of the firm. We're located at 2020 K
10 Street in D.C.

11 I've been before the Commission
12 several times before for projects like the
13 adaptive reuse of some of the buildings near
14 the Navy Yard and the initial designs for F
15 Street with Monument some years ago.

16 Every site has its unique
17 characteristics and that is certainly true
18 here with our site at the intersection of
19 South Cap and M. I would like to click
20 through a few slides to give some site
21 orientation and talk a little bit about how
22 design strategy and our massing solutions.

1 So we are Square 700. We are at
2 the corner of South Cap and M. We are about
3 400 feet door-to-door to the Navy Yard Metro
4 Station. Just from some of the existing
5 context photos, obviously we have a strong
6 presence on South Cap. Image 4, I think, is
7 somewhat telltale in that the long frontage of
8 our western face of our site is a along South
9 Cap immediately north of an existing warehouse
10 building.

11 The shorter M Street frontage that
12 Amy mentioned is visible in image 2 which is
13 to the top right. That is immediately
14 opposite the church, a beautiful and elegant
15 little church that is across our M Street
16 frontage which is seen at image 1 on the top
17 left.

18 We also have Van Street presence
19 and we recognize this is an opportunity to
20 take our building around and express the three
21 facades and the accessibility on all three
22 faces, Van to the north on M Street and South

1 Cap to our west.

2 Just for some of the context, we
3 added some photos of existing buildings that
4 are in and around our site. We have basically
5 the 55 M building, which is image 2 at the
6 center, which is right above the Navy Yard
7 Metro Station.

8 Images 1 and 3 represent flanking
9 buildings that are immediately adjacent to our
10 -- basically catty corner to our site and, as
11 mentioned, the church which is image 5
12 immediately across M Street to our north.

13 So one of the other unique
14 scenarios that we were dealing with on this
15 particular site is that southern edge which is
16 to our right. That immediately abuts the
17 existing warehouse building so that our lot
18 line is right on theirs as well.

19 That is why I was mentioning that
20 we really have three facades that truly
21 embrace and have an opportunity to access the
22 street both from a pedestrian standpoint and

1 also from vehicular view corridors.

2 This is a site plan of the
3 building M Street being to our left so north
4 is to the left. A couple of things that we've
5 looked at is with the activity and engagement
6 that is already starting to happen around the
7 Ballpark district that there is really an
8 opportunity, as I mentioned, to have a
9 pedestrian experience on three of the facades.

10 We are showing a paving pattern
11 that addresses the South Cap Street frontage
12 with a multiple tree -- basically a tree line
13 against the street and then a tree line set
14 back from that to create an alley that moves
15 east to west -- sorry, north to south along
16 South Cap and then continuing that tree line
17 along M Street with a paving pattern that
18 becomes a specialty pattern immediately
19 adjacent to our building frontage and around.

20 Architectural character and
21 massing. The envelope that we are dealing
22 with is 130-foot height limit, 110 foot edge

1 on South Cap, with a one-to-one setback on
2 South Cap side and a 15-foot setback at the
3 face of the our building along South Cap.

4 The other piece that was mentioned
5 earlier is the M Street retail frontage.
6 Thirty-seven percent of our M Street facing
7 retail has to be a minimum of 14-foot clear so
8 we have taken that as a double height
9 opportunity. This building overall is 328,802
10 square feet.

11 When we looked at this opportunity
12 we recognized that there is an opportunity for
13 massing here to really break down the
14 conventional box and create a shape that
15 really starts to recognize the multiple faces
16 that we have both the M Street side, the South
17 Cap side, and Van Street.

18 One of the things that we looked
19 at was the opportunity to break down that long
20 South Cap frontage and also do something
21 special along M Street so we've taken our
22 massing and we've defined -- we have a slimmer

1 element that has a glass wall frontage on M
2 Street that has a slight cant outwards to it
3 that both reflects the church that is across
4 the street to the north and provides a gesture
5 towards the Half Street and Ballpark Court.

6 Towards the bottom edge you will
7 notice that with the retail opportunity we
8 recognized that there was an opportunity as
9 well to lift this architectural element up and
10 reveal the retail that is immediately behind
11 it.

12 What we have done is created an
13 angled facade that you see at the bottom left
14 of the rendering that angles up towards Half
15 Street and towards the Navy Yard Metro Station
16 and then mirrored that came line at the top of
17 our building to provide a marker, a taller
18 portion, to the corner of South Cap and M.
19 Our 130-foot height limit is to the roof of
20 the building and then we've taken that skin on
21 the north side up 10 feet as an embellishment
22 to provide a marker towards that corner and

1 address it appropriately for the massing.

2 On South Cap we recognize that
3 there is an opportunity to really play with
4 not only the massing, but also the view
5 opportunities both to the building and also
6 from the building. Deliberately we angled
7 back the first portion of this northern part
8 of the western facade. It angles back with
9 views towards the river.

10 Then similarly we pulled back the
11 edge of this zone right here to reveal this
12 vertical element here. When we step back at
13 this portion here we have the opportunity to
14 provide view corridors to the Capitol up South
15 Cap Street.

16 This view is basically from our
17 northeast looking back towards the building.
18 As I mentioned, on the retail level that is a
19 double-height retail space that starts on
20 South Cap, wraps itself around M, and
21 continues down Van with access to that retail
22 on all three sides.

1 One of the things that we looked
2 at was the opportunity to really allow Van
3 Street to have some level of engagement beyond
4 just a typical side street because the traffic
5 that typically happens in the Ballpark
6 district certainly around game days so we've
7 continued that retail frontage down Van
8 Street, not just for our corner area but also
9 for adjacent retail within our building.

10 From the South Cap view one of the
11 things that we wanted to do is provide a more
12 sophisticated, simple, and clean frontage
13 along South Cap respecting the view corridor
14 that we have using some linear horizontal
15 reinforcement as an overlay on this facade,
16 which you can see here, and then being able to
17 in a sense, as I mentioned, pull that glass
18 slightly canted outward to the northwest
19 corner so that we mark the corner from this
20 view corridor and then also provide sun
21 shading and views back towards the water.

22 Walking through our elevations one

1 of the things that we wanted to do with this,
2 as I mentioned on this north side, was have a
3 glass wall to the north with a slight
4 reflectivity to it to recognize the church
5 from the street and to not create a busy
6 architecture deliberately on that north side
7 to give some respect to what's across the
8 street, and also to the fact that there is a
9 lot happening as you move east on Half Street
10 certainly towards the Navy Yard Metro Station.

11 What we are thinking there is too
12 glass types that move up the facade creating
13 some vertical articulation as you go up
14 strengthening the read of height. As I
15 mentioned, you have the diagonal line that is
16 towards the bottom and then mirrored at the
17 top.

18 We recognize that as an
19 opportunity to in a sense frame this element
20 and further the idea that this mass is really
21 lifted up off of the corner so we are wrapping
22 that in a metal panel that really acts as a

1 thin frame that wraps itself up and then
2 around the top of this element.

3 From our South Cap side we looked
4 at really having a strong lobby presence and
5 I'll touch on it when we get to the floor
6 plans, but our lobby starts at the corner of
7 South Cap and M and works its way back and in
8 to a centralized core.

9 We wanted that to be a double-
10 height experience, glass, transparent along
11 the way, but the opportunities for us to study
12 the materiality of the lobby and consider
13 finishes and experiences that would be able to
14 transfer outside the building as well.

15 Some things that we've looked at
16 include potentially a vegetated wall. We've
17 looked at the idea of using water in some way
18 as an effect to also kind of connect to the
19 larger riverfront presence further to our
20 south.

21 The other element that we've done
22 here is with the layering of the front element

1 basically, that 110-foot portion, is create
2 that horizontal banding which is expressed
3 through the edge condition that I showed with
4 the fins in the perspective, horizontal fins,
5 as well as a spandrel panel that would have a
6 slight texture to it.

7 We imagine that to be a metal
8 panel that has a texture to it or potentially
9 a cast stone product that could have texture
10 to it as well and that is the banding that you
11 see here. That is anchored by this glass
12 element to our south that comes up and then
13 wraps over at the setback point.

14 On the Van Street side, as I
15 mentioned, we had that opportunity to continue
16 the retail around. Because it was a double-
17 height area we wanted to take that glass up
18 and also designate that retail with a separate
19 spandrel treatment.

20 We are using a transparent red
21 glass, kind of hint at the Nationals' color,
22 but also designate that retail area. That

1 continues around to Van Street and we have
2 multiple points of retail entry, as well as a
3 loading entry, and then our parking entry.

4 One thing I should point out is
5 that when we were fortunate to work on the
6 master planning of the Half Street area, we
7 looked at a cross-street which is now part of
8 that master plan, basically Monument Place,
9 which is immediately south of 55 M that comes
10 across and would have a terminus at this
11 retail area right here. We deliberately moved
12 our garage entry off of that so there would be
13 retail visibility from Half Street if you were
14 looking towards this project.

15 The south facade basically is
16 largely covered by the existing building in
17 the foreground and because of its lot line
18 presence has the ability that there would be
19 a building or scenario where there would be a
20 building that would be built up immediately
21 adjacent, likely an in-fill building.

22 What we have done is treated the

1 facade with a solid surface coming in with a
2 textured pattern that is reminiscent of the
3 horizontal weave that we've taken around the
4 building.

5 Then at the top two floors we've
6 carried glass around the corner at risk
7 because, again, a building could be built
8 there but being able to turn that corner with
9 a little bit more presence. Same is true on
10 our southeastern corner which has visibility
11 towards the ballpark area.

12 Just to briefly touch on how we've
13 looked at our treatment. As I mentioned, we
14 have an opportunity on, you see on the bottom
15 left zone here, to further that kind of
16 horizontal push in the view corridor towards
17 the Capitol, basically north on South Cap. We
18 are expressing that with some rib elements
19 that come out that also act as sun shades for
20 that western sun to the building occupants.

21 The northern facade that I
22 mentioned, and a portion of that turns onto

1 South Cap, is that taller glass presence which
2 is shown here with a very clean glass wall
3 which we imagine would have very minimal
4 presence and presence kind of a clean glass
5 billboard to reflect what's happening on the
6 street around it.

7 The other ones I mentioned to the
8 right allow a little bit more of a condition
9 of a sill treatment that would be opaque with
10 glass windows coming in from sill to ceiling
11 height. The same is true for the one on the
12 right which would be the Van Street piece.

13 From a sectional standpoint, as I
14 mentioned, we have 110 feet on South Cap which
15 is set 15 feet back and then we go one-to-one
16 which then puts us at 130 feet to the top of
17 our building.

18 We have a mechanical penthouse
19 which we set back and we are imagining
20 cladding that in probably more of a gray-tone
21 material, kind of have that disappear a little
22 bit against the sky but, again, not having the

1 visibility off of South Cap or further to the
2 east. Our retail has presence on South Cap,
3 as I mentioned, as well as it wraps around and
4 goes to Van.

5 The double-height retail really
6 occupies the northern chunk of our building,
7 so the second floor of our building, because
8 that is less of an office occupancy.

9 Just to quickly touch on the entry
10 experience, as I mentioned, the lobby starts
11 here on the corner of South Cap and M. We
12 have a glazed vestibule scenario so the retail
13 presence literally is along M Street here,
14 turns the corner in so potentially would have
15 its own entrance inside as well, and then
16 continues along a little bit more actually
17 than half of the Van Street presence.

18 This is double height retail so
19 basically two levels all the way through. The
20 lobby begins at that corner, carries down a
21 walkway that has a glass facade towards South
22 Cap, turns in to the main centralized core.

1 On the south side of this we have retail or
2 additional office opportunity immediately
3 fronting South Cap, as well as to Van Street.

4 I'll click through real quick.
5 Because of that retail presence and our belief
6 that a strong lobby presence is something that
7 really should be done here of double height
8 experience, the office is really pulled down
9 to just south on that second floor plate.

10 Part of this is also creating a
11 building that is leasable that will have
12 market presence. For us that was being able
13 to create a floor plate that with the moves
14 that we did in massing create some really
15 interesting view corridor and corner and edge
16 conditions.

17 As I mentioned, that northern
18 facade has that slight kick to it out with
19 kind of an opening up towards east on M
20 Street. Then similarly we pulled in, as I
21 mentioned, earlier towards our South Cap
22 facade here to create some variation and

1 nodulation to that edge rather than just have
2 a blank wall towards South Cap.

3 When we step back from the top two
4 levels we have the opportunity then to pull it
5 in, pull our glass in, but keep those lines
6 that I've shown on the previous plan working
7 on this level as well.

8 Lastly on the roof terrace from a
9 planning standpoint, I'm looking at two
10 opportunities. One, to create a view terrace
11 to the north, a roof terrace to the north. It
12 has a green roof presence within but this is
13 what I mentioned where the glass skin
14 continues up at least to our northwestern
15 corner allowing kind of a screened view
16 towards the north portions of South Cap and
17 the view corridor towards the Capitol.

18 Similarly, a roof terrace
19 opportunity towards our southeast corner with
20 view opportunities towards the ballpark and
21 then surrounding itself with green roof and an
22 enclosed mechanical penthouse pulled in from

1 all sides.

2 I'm not going to get into the
3 details on parking but, as mentioned, we've
4 had a lot of conversation with DDOT so we
5 basically have multi-level parking below with
6 that entry that I mentioned off of Van Street.

7 Lastly, just to zoom in, and
8 hopefully that's visible -- it's a little bit
9 darker on the screen over there -- that
10 treatment for us was to really have the glass
11 really being a two-level span at our lobby and
12 then really opening up the retail presence as
13 well. Our feeling is strong retail is visible
14 retail and creating as much transparency as
15 possible for what is happening inside and
16 bringing that experience out.

17 Then a zoomed-in view from our
18 South Cap scenario where the church is
19 mentioned to the north and the corner gesture
20 that I mentioned through the articulation of
21 the massing up above the retail.

22 Then the corner of M Street and

1 Van taking that and turning those materials
2 around and, again, pulling them up so the
3 retail really opens itself up towards the Half
4 Street corridor and towards the Van and M
5 Street facade.

6 I'm going to go through this line
7 by line -- I'm kidding. I'm not. This is our
8 LEED scorecard. As mentioned, we have a
9 strong focus on the LEED presence on this
10 project. That concludes my comments.

11 MR. HUGHES: Thank you, Mr.
12 Goldstein.

13 I'll turn now to Mr. Dan VanPelt
14 for his testimony.

15 MR. VANPELT: Good evening,
16 Chairman Hood, Commissioners. For the record,
17 my name is Dan VanPelt. I'm a principle with
18 Gorove/Slade Associates, Transportation
19 Planners and Engineers. We performed the
20 transportation study that supported this
21 application. I'm going to just quickly
22 highlight our efforts and focus on the items

1 in the DDOT staff report and the Applicant's
2 response.

3 We started our work by engaging
4 DDOT last November to discuss the scope of the
5 transportation study and also set sight design
6 elements such as parking, loading
7 accommodations, and public space. Our report
8 was submitted to DDOT on December 3rd.

9 We've interacted with DDOT on
10 multiple occasions since that time in an
11 attempt to address their questions and issues
12 including a supplementary meeting with DDOT on
13 January 2nd. We reviewed the DDOT staff
14 report dated January 10th.

15 We are pleased that DDOT concurs
16 with the analysis methodologies and
17 conclusions of our transportation study.
18 Based on our interpretation of the staff
19 report and interactions with DDOT, they really
20 are two main DDOT concerns.

21 One is the amount of parking and
22 the associated traffic generated by it, the

1 treatment of Van Street as a typical street in
2 the DDOT system instead of more of like an
3 alley as its character and role in supporting
4 major commercial buildings as envisioned and
5 as the Capital Gateway District would suggest.

6 We worked with DDOT since they
7 submitted the report and up until actually
8 earlier today and we believe we've mitigated
9 their concerns through the development of a
10 parking monitoring plan and a loading
11 management plan. We provided DDOT such plans
12 that were finalized today and we believe that
13 we have DDOT's concurrence.

14 As it relates to the parking, the
15 submission contains more parking than DDOT
16 would like to see, a fourth level instead of
17 three. Monument does not want to build the
18 fourth-level parking as it comes to great cost
19 due to ground water and soil conditions.
20 However, the project needs to maintain
21 flexibility if it would attract a major tenant
22 to this site in this redeveloping

1 neighborhood.

2 DDOT understood this concern and
3 suggested that the modern plan be implemented
4 with the goal ensuring that the parking garage
5 would not generate more trips during peak
6 hours with four floors than it would have with
7 three.

8 If the trip goal is not met, the
9 Applicant would add TDM measures consulting
10 with DDOT. This would target shifting the
11 trips away from the peak hour. No monitoring
12 is required if only three levels of parking
13 are constructed. The Applicant agreed with
14 DDOT's suggested approach given that it
15 provides the flexibility that was desired.

16 As to Van Street, it is a narrow
17 25-foot roadway that serves as an alley for
18 the block but at some point in time was
19 converted to a street. We're unsure why it
20 became a street and didn't remain an alley
21 such as Cushing Place just to the east of Half
22 Street. We believe it's a leftover from the

1 time when the fabric of the neighborhood
2 served dramatically different land uses and
3 the square had different transportation needs.

4 The Capitol Gateway Overlay
5 envisioned Van Street serving the parking and
6 loading access to the properties on either
7 side of it. None of the buildings will have
8 front doors on Van Street or a Van Street
9 address. It will functionally serve as an
10 alley.

11 However, since the District's
12 transportation system classifies it as a
13 street, DDOT is charged with applying their
14 complete street policies and has expressed
15 concerns about truck-backing maneuvers
16 impacting public space.

17 We've worked with DDOT to mitigate
18 this concern by developing a loading
19 management plan as I mentioned earlier. One
20 of the main provisions is the prohibition of
21 delivery activities during ballpark events
22 when there is the potential for heavier-than-

1 normal pedestrian traffic.

2 I should also mention the proposed
3 development will provide two 30-foot-deep
4 berths, loading berths, one 20-foot-deep
5 service delivery space and two 100-foot square
6 foot loading platforms.

7 This will be adequate to serve the
8 office and the retail space in the project.
9 The office will have limited delivery and the
10 retail tenants contemplated would not have
11 intensive delivery needs and DDOT has
12 concurred with this in their report.

13 Again, we believe we've been
14 working in good faith with DDOT to address
15 their concerns. You'll be hearing further
16 from them on this but I believe we've reached
17 a workable solution as I have just reviewed
18 with you.

19 I appreciate you listening to my
20 testimony. I would be happy to answer any of
21 your questions.

22 MR. HUGHES: Mr. Chairman, I would

1 turn it over to Mr. Sher. Before I do that,
2 Mr. VanPelt referenced a memorandum setting
3 forth the terms that had been discussed with
4 DDOT. Would you like us to submit that to the
5 record?

6 CHAIRMAN HOOD: Yes, we would.
7 Thank you.

8 MR. HUGHES: With no further
9 delay, here is Mr. Sher.

10 MR. SHER: Mr. Chairman, members
11 of the Commission, for the record my name is
12 Steven E. Sher, Director of Zoning and Land
13 Use Services with the law firm of Holland &
14 Knight. I'm going to be quick here.

15 We are before the Commission for
16 three reasons. No. 1, we need approval of the
17 design of the building in accordance with the
18 Capitol Gateway Overlay District. I think
19 you've heard enough from Mr. Goldstein that
20 you don't need to hear anymore from me about
21 the design of the building and what the goals
22 were and how it relates to the requirements of

1 the CG Overlay.

2 There are some very specific
3 technical requirements in terms of setbacks
4 and distances from curb lines and no driveways
5 from M Street or South Capitol Street. We
6 have met all those technical requirements.
7 There are more normative discussions about
8 being consistent with the purposes of the
9 overlay.

10 I think in the presentation that
11 you've seen and the information we had in our
12 September submission and in our December
13 submission and in the outline that I've
14 submitted to you, we have gone through line-
15 by-line, point-by-point and addressed those
16 issues.

17 Second and third things we've
18 asked for are two variances. As part of a
19 Capitol Gateway Overlay review this Commission
20 has determined that it will consider requests
21 to vary what would ordinarily be a case that
22 would go to the BZA.

1 Two things are happening here.
2 No. 1, the normal requirement for an office
3 building with more than 200,000 square feet is
4 to provide three 30-foot-deep loading berths.
5 We have two. The second thing is we are short
6 one and we need a variance on the one.

7 Second thing is that in accordance
8 with the terms of the overlay it's a little
9 complicated because of the ground floor
10 requirements and the top floor setbacks on
11 South Capital Street we're required to have 60
12 percent of the street frontage along South
13 Capital Street built not to the property line,
14 because we're not allowed to build to the
15 property line, but to the setback line which
16 is 15 feet back from the property line.

17 As Mr. Goldstein went through in
18 his discussion of the design, we go up, we
19 cant in, we go up, we set back one-to-one
20 above 107 feet to get to the 130-foot height.
21 All of those things result in 47 percent of
22 the frontage on South Capitol Street being on

1 that 15-foot setback rather than 60 percent so
2 we need a variance of 13 percent on that.

3 The issue really comes down to two
4 things. This is a site that is a rectangular
5 site. Ordinarily we would say what is
6 exceptional or extraordinary about a
7 rectangular site. It's flat and there it is.
8 But it's affected by a couple of things.

9 It's a site that fronts on three
10 streets and it's a site that is subject to
11 demands of the overlay for things like retail
12 on the ground floor where we have to have a
13 certain percentage of the space devoted to
14 retail for the fact that we can't have loading
15 berths or parking access from either South
16 Capitol or M, thereby forcing all the
17 vehicular access for both parking and loading
18 to be back around on Van Street.

19 If we had to have three 30-foot-
20 wide loading berths, that creates a curb cut
21 that nobody would be happy with so we
22 basically said we'll do two 30-foot curb cuts.

1 There is a piece of retail and then there's
2 the driveway access going down into the
3 building.

4 I think everyone is satisfied that
5 two loading berths is sufficient to serve the
6 needs of the building. It also allows us to
7 meet the retail requirements on the ground
8 floor which we might not be able to do if we
9 had to have another loading berth.

10 Again, if you look at that first
11 floor plan, you can see the two loading berths
12 that are there are just south of the core. If
13 we had to put another loading berth in there,
14 it messes up the placement of the elevator
15 bank through the building so we came in with
16 two instead of three.

17 The rationale for the design along
18 South Capitol Street has been extensively
19 discussed by Mr. Goldstein. I don't think I
20 need to get into that. The result of that is
21 we've got a slightly reduced piece of that
22 frontage along the 15-foot setback line and we

1 think that's a reasonable solution to a fairly
2 complicated design exercise that Gensler went
3 through.

4 For all of those reasons and
5 without going through and restating everything
6 else that I've written, I believe we've met
7 the test required under both the overlay and
8 the variance provisions and I think the
9 Commission can and should approve the
10 application.

11 MR. HUGHES: Thank you, Mr. Sher.
12 Mr. Chair, that concludes the
13 Applicant's presentation.

14 CHAIRMAN HOOD: Okay. I want to
15 thank you very much for your presentation.
16 When you rehearsed it, did you do it in 34
17 minutes or so? That's a standard question for
18 me.

19 I usually want to know did the
20 time that you finished here match the time
21 when you rehearsed it. That's all right if
22 you don't know at this time. The next time

1 you come down on another case, that's a
2 standard question that I ask. I'm just
3 curious how close we get.

4 Okay. Commissioners, any
5 questions?

6 VICE CHAIR COHEN: I think it
7 depends upon Mr. Sher's RPM when he presents.

8 CHAIRMAN HOOD: Okay.
9 Commissioners, any questions? Who would like
10 to start us off? Commissioner May.

11 COMMISSIONER MAY: Okay. So I
12 understand completely the need for the
13 variance with regard to the loading because
14 you're bounded on three sides by streets
15 essentially. That is really what it boils
16 down to. Van Street is a street inside an
17 alley where ordinarily it might be an alley.

18 MR. SHER: We're bounded on three
19 sides by streets and we're not allowed to take
20 the access off two of those streets.

21 COMMISSIONER MAY: Right. The
22 fact that it's a street means you won't have

1 street-fronting retail. You don't have a big
2 enough floor plate to have a drive-through
3 loading facility. That's easy enough to get
4 to. The lack of the third loading berth
5 doesn't bother me.

6 There are some aspects of the
7 design that really I have to question. The
8 big one for me is the treatment of the M
9 Street facade and the desire to just sort of
10 extend the facade up higher to create an
11 embellishment.

12 I understand what's driving it
13 from a design perspective but I think when you
14 look holistically at the Zoning Regulations
15 and some of the things that influence it,
16 there is a very strong desire to minimize the
17 perceived height of buildings. Essentially
18 what you're doing is maximizing the perceived
19 height.

20 Granted you're not going up and
21 adding that architectural embellishment, as
22 you call it, all the way up to whatever the

1 peak height is all the way across. I
2 understand it's got some angle to it and so
3 on.

4 It's really emphasizing the height
5 of the building and this is something that we
6 have regularly rejected. I am really not
7 convinced of that. I just can't see my way
8 through to being in favor of something like
9 that.

10 I do have some questions about the
11 drawings that are a little bit unclear. First
12 of all, on that M Street facade, as I
13 understand it, you've got a bit of a
14 cantilever to the facade. Right? Above the
15 ground floor.

16 MR. GOLDSTEIN: Correct.

17 COMMISSIONER MAY: And it starts
18 at a relatively low height close to the
19 entrance. At that point how tall is the --
20 I'm now looking at the closeup on page 25.
21 It's probably a better view. Immediately to
22 the left of the entry how tall is that?

1 MR. GOLDSTEIN: If you're standing
2 under here?

3 COMMISSIONER MAY: If you're
4 standing under there.

5 MR. GOLDSTEIN: Actually, the
6 cantilever is that floor slot cantilevering
7 out. If you're under that area, you're
8 looking up to the underside of that floor slab
9 so the skin is coming down screening in front
10 of it.

11 COMMISSIONER MAY: But there is no
12 -- I mean, there --

13 MR. GOLDSTEIN: There is no
14 ceiling.

15 COMMISSIONER MAY: As I understand
16 it, the floor slab -- I don't get the floor
17 slab reference because that cantilever seems
18 to be formed by that angled piece. Is that
19 not correct?

20 MR. GOLDSTEIN: This piece right
21 here?

22 COMMISSIONER MAY: No, below that.

1 That. That's angled, right?

2 MR. GOLDSTEIN: Angled in
3 elevation.

4 COMMISSIONER MAY: Right. So
5 that's not floor slab.

6 MR. GOLDSTEIN: No.

7 COMMISSIONER MAY: I'm sorry.
8 What's the clearance there?

9 MR. GOLDSTEIN: Ten-and-a-half
10 feet.

11 COMMISSIONER MAY: Ten-and-a-half
12 feet. Then at the other end it goes up to 17
13 or 18, something like that.

14 MR. GOLDSTEIN: Correct.

15 COMMISSIONER MAY: Okay. I don't
16 think that's doing wonders for your retail
17 space. I think you're kind of undermining
18 what we try to achieve in the Capitol Gateway
19 which is broad expansive retail. This image
20 kind of captures why because you look at that
21 corner and you see this beautiful entry.

22 You're probably going to be doing

1 something very interesting in that lobby that
2 is going to enliven it and give it some
3 presence on the street. Then next to it
4 you're just sort of covering over the retail.
5 I think, you know, it's just so crystal clear
6 to me that the emphasis is on the office. I
7 think you need to have that same sort of
8 presence for the retail.

9 I have a technical question about
10 that, too, which is that there's a difference
11 -- where was it? -- 18 and 19. Look at 18 and
12 19. There we go. That's 18?

13 MR. GOLDSTEIN: Yes.

14 COMMISSIONER MAY: Okay. Look
15 very carefully at the line of the cantilever
16 all the way on the left. That line there. In
17 fact, leave the pointer right there in the
18 middle of it. Now flip to 19. Hold on. Go
19 back to 18 again. Put the pointer on that
20 line, that slope line.

21 Move farther down there. Put it
22 on the column line right there. Not on the

1 column but on the diagonal line. Perfect.
2 Leave it right there. I didn't say switch
3 yet. You see the distance there between there
4 and the column line immediately to the right.

5 Go to the next page. You see it's
6 a lot bigger distance. What should be the
7 same distance from the face of the building to
8 the column is longer. It appears -- unless
9 that facade is canting outward toward the
10 street, there seems to be a mistake between
11 one of the two drawings.

12 I didn't see any other evidence of
13 that. I looked at the elevations. There's
14 something wrong between the two drawings. It
15 would be helpful to know which one is correct
16 because it does bear on the setback.

17 MR. GOLDSTEIN: Right.

18 COMMISSIONER MAY: I view that as
19 a technical thing. You can tell us what the
20 right thing is and presumably it will be in
21 compliance with the setback requirement.

22 Let's see. The 47 percent

1 calculation on the South Capitol Street
2 facade, on the ground floor you have a lot of
3 different angles right there. I'm not sure
4 what's exactly on the line there and how the
5 47 percent was calculated. Or was it
6 calculated on an upper floor?

7 MR. GOLDSTEIN: Forty-seven
8 percent is calculated basically if you took a
9 plane along that setback 15 feet back.

10 COMMISSIONER MAY: Okay. But it's
11 47 percent of the linear frontage. Is it
12 measured at the ground level or is it measured
13 on the third level?

14 MR. SHER: I think it's measured
15 at all levels if you took the whole vertical
16 facade.

17 COMMISSIONER MAY: Right. So it's
18 a percentage of the entire facade. It's an
19 area calculation

20 MR. GOLDSTEIN: Yes.

21 MR. SHER: Yes.

22 COMMISSIONER MAY: Okay. That's

1 what I wanted to understand. I honestly never
2 faced a building like this trying to meet that
3 calculation in that way.

4 When you do that, I'm not sure
5 exactly if that's the right way to do it
6 because I thought what we had in mind was
7 presence on the street. I almost expected you
8 to argue that if that was the case that you
9 would get more credit for those fins that are
10 across the triangular recess because since
11 they follow the face of the building, it gives
12 you that same presence on the street.

13 If it was -- if the entire facade
14 were pushed back there, it wouldn't. I think
15 47 percent is probably kind of an
16 understatement of the way it would really be
17 perceived. I don't know. I'm not sure
18 exactly what the right interpretation is. I
19 was like trying to figure out why you don't
20 meet the 60 percent requirement because it
21 looks like you're really right on the street.

22 I also think -- this is a minor

1 point, too, but I think that the coloration of
2 the glass -- back on the retail level, the
3 coloration of the glass on the upper level
4 obscures it too much.

5 Maybe it's just because it shows
6 very dark in the rendering that we have. I
7 think it obscures too much. I think
8 particularly since you have higher than 14
9 feet even, you have a really grand amount of
10 space there and so much of it is obscured by
11 the cantilever and then the coloration of the
12 glass. Those are my comments.

13 CHAIRMAN HOOD: All right. Any
14 other --

15 Vice Chair.

16 VICE CHAIR COHEN: Yes. I think
17 that -- I hope I'm not overstepping into my
18 PUD role but I just wanted to comment on the
19 building elevation east, the view from the
20 intersection of Van and M Street. For a while
21 I thought this looks like two separate
22 buildings.

1 It seemed like a very abrupt
2 change in composition. Maybe that's a little
3 bit out of my bounds tonight but I just wanted
4 to say that it just didn't flow well to me.
5 I mean, I see the horizontal but, in general,
6 I thought that the use of the materials was
7 actually pretty abrupt.

8 The loading entry would want to
9 minimize it but it stands out on the building.
10 I think the coloration again may be what
11 you'll be looking at and maybe making that
12 loading entry more of a gray tone so that it
13 isn't white and standing out on that side of
14 the building. That bothers me.

15 I think that, again, the retail
16 space on the second floor is just going to be
17 an unused space. It's going to be part of the
18 gross space but not net rental. Is that
19 correct? It's just open to the bottom floor?

20 MR. GOLDSTEIN: Yes. The retail
21 on the north side is double height so it's all
22 one contiguous retail volume.

1 VICE CHAIR COHEN: So will you be
2 looking for specialized tenants or is it just
3 going to be open?

4 MR. GOLDSTEIN: Well, actually I
5 think it presents a pretty attractive retail
6 space. I mean, when we've done retail in this
7 area and around town, you can get certainly
8 higher than 14 feet. It affords you a lot of
9 opportunity to do something.VICE CHAIR COHEN:

10 VICE CHAIR COHEN: Okay. So it's
11 not open. It's going to be part of each
12 individual retail space. Okay. I was a
13 little confused about that. I'm going to look
14 forward to hearing DDOT's report because I was
15 very concerned about the traffic patterns
16 certainly in that neighborhood. Thank you.

17 CHAIRMAN HOOD: Any other
18 comments?

19 Commissioner Turnbull.

20 COMMISSIONER TURNBULL: I can
21 yield to Commissioner Miller.

22 COMMISSIONER MILLER: Thank you,

1 Commissioner Turnbull, Mr. Chairman.

2 I had some transportation
3 questions as well. You said that you want the
4 forth level in order to have the flexibility
5 to attract a tenant. Is that the reason?

6 MS. PHILLIPS: Yes. I think
7 adding a fourth level to the garage allows us
8 greater flexibility in our parking ratios to
9 potentially attract a tenant who may otherwise
10 look at the suburbs. It keeps us in play for
11 larger RFPs where if we had only three levels
12 of parking, the ratios that we would be able
13 to afford would not necessarily qualify us for
14 it.

15 COMMISSIONER MILLER: You're
16 saying -- are you saying that GSA or someone
17 has higher requirements for parking?

18 MS. PHILLIPS: What we are trying
19 to do is keep the playing field open for this
20 building. Where we are today with the fourth
21 level is one per 1,000. Without that I think
22 we get closer to one per 1,500 square feet of

1 rentable space. The market in that area today
2 on average is probably about one per 1,200.

3 We tried to reach that previously.
4 We can't do that in three levels. As Dan
5 mentioned, we prefer not to actually have to
6 build that. It would be very, very expensive
7 but we would like to be able to keep ourselves
8 in the running for potential RFP's that may
9 come out in the future be they GSA, be they
10 large headquarters for private sector tenants.

11 For example, monument is currently
12 building the headquarters for Boeing in
13 Crystal City in Arlington and the parking
14 ratio there is 1.8 per 1,000 square feet.

15 COMMISSIONER MILLER: So you say
16 you're at 310 spaces with the four levels. If
17 you eliminated the fourth level you would be
18 100 less, 90 less?

19 MS. PHILLIPS: About 218.

20 COMMISSIONER MILLER: And what's
21 your -- is there an assumption, Mr. VanPelt,
22 on what percentage of the occupants would be

1 not using automobile, or using automobile with
2 the 310?

3 MR. VANPELT: Yes. I think to be
4 clear about it there were some assumptions
5 that were a little bit -- the 310 is probably
6 closer to what we would think of a 35 percent
7 auto occupancy. The traffic study from the
8 standpoint of looking at traffic impacts
9 actually assumed a 40 percent auto occupancy
10 so it took a conservative assumption.

11 DDOT has requested and what our
12 target is is more in line with what would have
13 been a 25 percent auto occupancy. That's our
14 goal if that fourth level is built is to aim
15 for that 25 percent auto occupancy.

16 COMMISSIONER MILLER: And how
17 would you get there without reducing the
18 parking itself?

19 MR. VANPELT: I think we'll have
20 to look at parking pricing strategies so early
21 bird type pricing, working with tenants to
22 look at flex hours. What we are trying to do

1 -- what DDOT's goal was is to lessen the
2 demand on the peak hours, the peak a.m. and
3 the peak p.m., to try to push the traffic
4 loads out and that would be the goal of the
5 monitoring.

6 COMMISSIONER MILLER: What is the
7 existing number of spaces on the surface
8 parking lot that is on the site currently?

9 MS. PHILLIPS: I'd have to look
10 that up and get back to you. I wish I could
11 tell you off the top of my head. We can
12 submit that.

13 COMMISSIONER MILLER: I mean, were
14 you hoping to at night time be able to put the
15 ballpark -- some of the ballpark patrons who
16 come by auto in there and replace --

17 MS. PHILLIPS: That's not the
18 intention of the fourth level but at some
19 point we would work -- we would be happy to
20 work with the team to provide baseball
21 parking.

22 COMMISSIONER MILLER: Okay.

1 That's all I have right now, Mr. Chairman.

2 Thank you very much.

3 CHAIRMAN HOOD: Mr. Turnbull.

4 COMMISSIONER TURNBULL: Thank you,
5 Mr. Chair.

6 I would agree with Commissioner's
7 May comment. I think extending the curtain
8 wall 10 feet up that high is really not an
9 embellishment. It goes beyond I think what
10 anybody would expect as an embellishment.

11 I also have a question. You had a
12 lot of different goals and philosophies and
13 agendas you are trying to achieve and design
14 process on this. I think some of them seem to
15 be contradictory when I look at the building.

16 I would agree with Commissioner
17 May that if I look at where this is decreasing
18 to 10 feet we're talking about a prominent
19 corner. This is a prominent site. This is a
20 gateway. It's a very important site. I don't
21 think doing that creates a big stark wall.
22 If that is suppose to be a gesture to the

1 Capitol, you've missed your mark. You've
2 missed your mark tremendously.

3 I'm not sure what materials. You
4 mentioned about materials relating to the
5 Capitol. I mean, I don't think there's
6 anything. I think Ms. Phillips mentioned
7 something in the beginning about gesture of
8 materials to the Capitol.

9 MS. PHILLIPS: Primarily in the
10 glass allowing the views back and forth and
11 reflection for the neighborhood.

12 COMMISSIONER TURNBULL: Oh. Well,
13 okay. But this gesture here is more of a
14 sinking feeling. This corner is sinking into
15 the ground. I would agree with Commissioner
16 May you're not doing much for retail on that
17 corner. I really don't think that does really
18 an awful lot.

19 My other -- you set up a language,
20 architectural geometry, of this angled wall
21 going back in. Maybe executive directors of
22 departments get a view, get these windows here

1 to look at the Capitol. You set up a definite
2 pedestrian movement back into this corner.

3 You've set up this whole
4 pedestrian area which leads me to believe that
5 this is where people want to go back into this
6 corner. This lobby, this 100 feet of lobby on
7 South Capitol by 20 feet wide, I don't know
8 how monument can react to that but that's like
9 -- you've got like 1,500 square feet of space.

10 You don't need a big lobby. The
11 focal point of the entry for the office is
12 really right here. This is where the
13 elevators are. This is to me is if I owned
14 this building, I would want a restaurant. I
15 would want something right at this corner that
16 would be a lead-in.

17 I mean, you are talking valuable
18 space right on the corner of this. And to
19 have it as a lobby? I haven't seen lobbies
20 used so much since we had federal buildings in
21 the '60s with just gigantic lobby spaces that
22 don't get used.

1 This is prime real estate that is
2 being -- it's up to Monument but I just think
3 -- I mean, if I'm going to my office, do I
4 really care about going through 100 feet of
5 marble or glass and looking up at this? I
6 would rather have -- to me this would be more
7 productive.

8 I mean, this whole angle thing
9 here diminishes the site. This lobby here is
10 just lost. It has nothing to attract itself.
11 To me this whole architectural element here is
12 just a mish-mosh that doesn't work.

13 I think there is something lost.
14 I think if you had -- if you want an
15 embellishment, I would have done something in
16 this area to highlight the entrance that
17 you've got going back that leads people in.

18 You set up a geometry, an angle
19 going back to say, "Come in. I want you to
20 come back into this part of the building."
21 Then you end with the FCC. You've got that
22 FCC in the corner. Why do you have to have

1 that there? To me that's like a lost little
2 corner.

3 To me there's a lot of ideas you
4 want and I congratulate you on but I think
5 somehow your ideas and what you're trying to
6 do here just fall apart. This is a lost
7 opportunity. This whole corner is a lost
8 opportunity that just doesn't work.

9 I saw an elevation looking back at
10 South Capitol that showed umbrellas up here.
11 Yeah. What's going on? Aren't these offices?
12 What have you got up here? What's going on
13 with the umbrellas up there? Are you really
14 going to have a restaurant up there? What the
15 hell is this?

16 MS. PHILLIPS: It's tenant space.
17 It's a patio or terrace.

18 COMMISSIONER TURNBULL: Well,
19 maybe the Capitol Police will be interested in
20 what goes on up there. I don't know. I just
21 think that you've set up a language and I
22 think you've fallen down on what you really

1 want to do. I think there's opportunities
2 that are missed that are just not being
3 reached with this corner.

4 I think it's such a valuable and
5 prominent corner you really need to rethink
6 how you want to sell this building. I mean,
7 it's a spec building. You don't have a client
8 yet. I just think it's too -- you've missed
9 an opportunity and you're really not trying to
10 achieve -- I can't buy it. To me it just
11 falls apart.

12 MS. PHILLIPS: Respectfully we
13 will look at that again. I do want to convey
14 that we thought -- we put a lot of thought
15 into the location of the entrance. We also
16 wanted to capture and not neglect the M Street
17 side which has been the typical office
18 backbone for the Capitol Riverfront so we
19 wanted it to also to make sense in the context
20 of the rest of the neighborhood, not just
21 South Capitol Street.

22 We recognize that it is a loss of

1 a lot of square footage potentially which
2 would be economically better to be rented. We
3 really wanted to be able to capture a presence
4 and an entry on both sides.

5 COMMISSIONER TURNBULL: That's
6 your choice but I go back to with that
7 elevation, with that curtain wall going down
8 to 10 foot, you're not highlighting much of
9 that corner. It's like there's been an
10 earthquake and part of the building has sunk.
11 You are not achieving what you really want to
12 do. To me you are diminishing that whole
13 wall.

14 I mean, you can see as you go down
15 M Street how bright it gets. I mean, if you
16 go back to that slide 7, you know, you've got
17 this where it's starting to get bright and
18 then you've got this thing which kind of
19 diminishes. Then you've got this big
20 bright -- now, it's my understanding that the
21 ceiling heights over here are only 12 feet?

22 MR. GOLDSTEIN: The second retail

1 space --

2 COMMISSIONER TURNBULL: Is only 12
3 feet?

4 MR. GOLDSTEIN: Yeah.

5 COMMISSIONER TURNBULL: At night
6 you've got a lively thing here and a lively
7 thing there and then you've got this sort of
8 bleak grayish dull lobby that just sort of
9 sits there. Are you going to have a Starbucks
10 in there maybe or nothing?

11 It's just going to be marble and
12 glass, maybe a water feature? It's up to you
13 but I think you need to really rethink how you
14 want to have this facade, how you want to
15 interact with this whole -- to me this does
16 not work and this going up doesn't work. I
17 can't agree with this.

18 My other question is what is the
19 height of your penthouse? I see 18 foot 6
20 from top of parapet of the roof to the top of
21 the parapet of the penthouse on your drawings.
22 So from the roof the parapet is, what, three

1 feet high?

2 MR. GOLDSTEIN: Max, yeah.

3 COMMISSIONER TURNBULL: So the
4 penthouse is actually 21 foot 6 high? Is that
5 what you're telling me?

6 MR. GOLDSTEIN: No. The roof top
7 is 18.6.

8 COMMISSIONER TURNBULL: That's not
9 what you say in your drawing. Your drawing
10 says top of parapet and then you've got top of
11 -- then you've got 18.6 to the top of the
12 penthouse roof which implies to me that the
13 penthouse is 21 foot 6.

14 MR. GOLDSTEIN: That is meant to
15 be 18.6.

16 COMMISSIONER TURNBULL: Can you
17 correct that for us then?

18 MR. GOLDSTEIN: Yeah.

19 COMMISSIONER TURNBULL: Can you
20 send corrected drawings to show that the
21 penthouse from the roof to the top of the
22 penthouse is 18 foot 6?

1 MR. GOLDSTEIN: Sure.

2 COMMISSIONER TURNBULL: Why is the
3 FCC on the ground floor in that corner?

4 MR. GOLDSTEIN: Fire command
5 center.

6 COMMISSIONER TURNBULL: It has to
7 be there? I don't think I've ever seen one so
8 prominent in a lobby like that.

9 MR. GOLDSTEIN: We can look at
10 another location for that but it needs to be
11 relatively adjacent to the building entry.

12 COMMISSIONER TURNBULL: I would
13 agree but, to me, I just think you've ruined
14 that whole corner. I mean, it's up to you.
15 I mean, space is space. Space is money. I
16 mean, if Monument wants to agree with it,
17 that's up to them but I think you're trying to
18 sell this building. You're trying to sell us
19 that you've got an excellent prime building
20 ready to go. To me I think there's issues
21 that have to be worked out on this.

22 Mr. Chair, I will relinquish my

1 time.

2 CHAIRMAN HOOD: Okay. I'm going
3 to try to do this correctly. Let me just say
4 this. I would, first of all, recommend to my
5 colleagues and -- I'm actually not satisfied.

6 This is a design case. I normally
7 don't get into this but I'm not satisfied with
8 the design at all. I don't want to get into
9 the point of making one look bad or anything
10 so what I will do is just say I associate
11 myself with the comments of ANC-6D.

12 What I'm prepared to do, and I'm
13 going to ask my colleagues, due to the design
14 that I see, I think it needs to go back to the
15 drawing board because, again, as I look at the
16 comments from ANC-6D we really need to take --
17 I think they have a lot of validity in their
18 comments.

19 I am prepared to give this
20 Applicant a chance to go back and revisit some
21 of the comments you've heard instead of me
22 giving you my comments. I think Mr. Turnbull

1 has really spoke very well and I agree with
2 him wholeheartedly. I also agree with some of
3 the other comments I've heard.

4 As opposed to continuing this
5 hearing and going on with the Office of
6 Planning's report and DDOT which some issues
7 may not be necessary, Capitol Gateway issues,
8 I would suggest to my colleagues that we maybe
9 give this Applicant time to go back and
10 revisit, take in the comments that they've
11 heard, as well as ANC-6D letter, because I
12 associate myself with that letter, and maybe
13 try to find another date that we can move
14 forward.

15 As opposed to hearing DDOT and
16 Office of Planning, give them a chance to go
17 back and revisit and give the Office of
18 Planning and DDOT a chance to see before they
19 come back. Or even if we give them that time
20 and they come back with the same design as we
21 have here, then the Applicant will run the
22 risk. I'll just leave it at that.

1 Let me open it up to my colleagues
2 to see what your thought pattern is. Anyone?

3 COMMISSIONER MAY: Mr. Chairman,
4 even based on the concerns that I have putting
5 aside at the moment some of the other issues
6 that were raised, I was a little perplexed
7 about how we could proceed anyway. I want to
8 see some fairly significant modification of
9 the design. I think it makes good sense to
10 defer. I think our schedule coming up is
11 lighter than usual.

12 No, it's not, Ms. Schellin?

13 Anyway, I'm just thinking that we
14 may have an opportunity coming up in two or
15 three weeks to take another look at this and
16 maybe in that time they could make some
17 revisions and meet again with the ANC and the
18 Office of Planning to try to address some of
19 this. I agree with you. A long way of saying
20 I agree with you.

21 CHAIRMAN HOOD: Okay. Anyone
22 else? Anyone disagree? I'm just trying to

1 save us some time to go through all of this
2 and then we're end right back up here. That
3 way we can have a dialogue with something that
4 is more suitable to this Commission as well as
5 the community.

6 VICE CHAIR COHEN: Mr. Chairman, I
7 have no objection.

8 CHAIRMAN HOOD: Okay.

9 Commissioner Miller.

10 COMMISSIONER MILLER: I have no
11 objection either to your proposed deferral.
12 Since I didn't comment on the design, and so
13 as not to seem that it's necessarily unanimous
14 in terms of everybody's vision of it, I think
15 there are some elements and aspects of it
16 including the attempt to break up what is a
17 very large -- three large facades.

18 I think that is an important thing
19 to do in any future design. I think the
20 angling on South Capitol Street from a design
21 perspective I like that. I like the red
22 striping if others didn't like the red

1 stripes. Go red.

2 I heard all the discussion about
3 the two cantilevers, one on the bottom and one
4 on the top. There may be a way to continue
5 that in an improved fashion if there was
6 somehow kind of a transparent kind of
7 cantilever and if the architectural
8 embellishment on the top was gone.

9 Maybe if it was just the
10 cantilever without the extra glazing and you
11 could see through to the sky. I think there
12 are ways you could probably address the
13 concerns. There are a number of ways,
14 alternative ways, you could. I just wanted to
15 say that, Mr. Chairman.

16 CHAIRMAN HOOD: Thank you,
17 Commissioner Miller.

18 Mr. Hughes, you wanted to say
19 something?

20 MR. HUGHES: Yes, Mr. Chair. We
21 appreciate very much the comments from the
22 Commission. We appreciate the opportunity to

1 revisit the design to address those items and,
2 as you noted, the report of the Advisory
3 Neighborhood Commission.

4 Unfortunately, I'm not the
5 designer, of course. I don't think that this
6 is a two or three-week design revision. We
7 would ask -- this is a project that's been --
8 we've been studying for awhile so I don't want
9 to speak for the architects but I believe we
10 would need more time than that. If it
11 required reposting or renoticing, we are
12 certainly amenable to that.

13 CHAIRMAN HOOD: Why don't --

14 MS. SCHELLIN: We do have some
15 dates open in March.

16 CHAIRMAN HOOD: Why don't we do
17 this. Why don't you work out those dates and
18 take as much time as you need. I think the
19 Commission was being accommodating when they
20 said two or three weeks. This is a very
21 accommodating Commission.

22 Even accommodating to the point

1 that we could stop here and revisit this whole
2 thing later as opposed to giving you a four to
3 one vote. I'm just talking off the top of my
4 head. I don't know what the vote would be but
5 I think we do have some dates, as Ms. Schellin
6 said, in March, or if you need more time than
7 that. At least when you come, we will
8 hopefully have some changes.

9 Ms. Schellin, can you work out all
10 that?

11 MS. SCHELLIN: If they think that
12 -- it's just that once you're ready, you're
13 going to be in the hopper to get a date.
14 We'll have to advertise. If you think you
15 already know you might be ready in April, I
16 can give you a date.

17 I've already got dates that are
18 already scheduled in April so if you already
19 know and you want to go ahead and schedule
20 something in April or May, we can go ahead and
21 put you on the calendar, announce it tonight.

22 Then there is no re-advertising.

1 I'm just telling you because I'm already
2 scheduling people. If not, then you're going
3 to take that risk of what is available at the
4 time and we'll have to go through the
5 advertising process. It's up to you.

6 CHAIRMAN HOOD: What if we give
7 you two dates?

8 MS. SCHELLIN: That's a problem.

9 CHAIRMAN HOOD: Three months and
10 one for five months.

11 MR. HUGHES: Mr. Chairman, we
12 certainly appreciate the efforts that everyone
13 is making to direct the Applicant. We would
14 prefer not to set a date today. We would like
15 to get the design right and --

16 MS. SCHELLIN: That's fine.

17 MR. HUGHES: -- address all the
18 comments we've received.

19 MS. SCHELLIN: Okay. You will
20 take whatever is available then. Okay.
21 That's fine.

22 CHAIRMAN HOOD: Okay. So you

1 understand it goes back in the hopper as far
2 as the date goes. Okay

3 COMMISSIONER TURNBULL: Mr. Chair,
4 I wonder if I could add something.

5 CHAIRMAN HOOD: Mr. Turnbull.

6 COMMISSIONER TURNBULL: I just
7 would agree with Commissioner Miller's one
8 comment about that there are aspects of the
9 design that are okay, that are fine. There
10 are some issues that I have with certain
11 things. The setbacks, the angle, some of that
12 is fine.

13 The one thing I think you also
14 need to look at are some of the OP comments.
15 One of OP's comments was the setback on the
16 roof being measured from the tip of the breeze
17 soleil should be measured from the face of the
18 building. I think there are some things that
19 the Applicant has got to go back and meet with
20 OP on in their comments.

21 COMMISSIONER MAY: Mr. Chairman,
22 if I could also add, I agree. I don't think

1 this is a matter of starting over completely.
2 I think there are certainly elements of the
3 design that are quite nice and can remain in
4 the design but I think there does need to be
5 a fair amount of work to try to address some
6 of these comments.

7 Again, when it comes to dealing
8 with architectural embellishments, I would
9 just want to repeat what I started with which
10 is that much of the zoning code is focused on
11 reducing the feeling of height when you are
12 right at the street with the building.

13 Elements that extend entire
14 facades tend not to do that. Classically
15 speaking an architectural embellishment is a
16 spire or a dome or a turret or something like
17 that. Those are the sorts of things that were
18 really intended to be accepted.

19 I'm not saying you need to put a
20 spire on this but it's the momentary event.
21 It's not the continuous treatment that I think
22 is where you will get the most successful

1 embellishments. A clocktower could be nice.
2 That's an old joke.

3 CHAIRMAN HOOD: Okay. We are not
4 going to set this for any dates. You all will
5 file again at the appropriate time. I just
6 don't any reason for going on with the
7 comments we've heard. My comments and the
8 comments from everyone.

9 Again, I want to apologize for not
10 being able to go forward. Hopefully you will
11 revisit and come back and we can all hold
12 hands leaving out here the next time you all
13 come back. Looking forward to seeing you.

14 Ms. Schellin, do you have anything
15 else?

16 MS. SCHELLIN: No, sir.

17 CHAIRMAN HOOD: Okay. With that
18 this hearing --

19 COMMISSIONER TURNBULL: Mr. Chair,
20 I just want to continue on with what
21 Commissioner -- we are not picking on your for
22 embellishments.

1 CHAIRMAN HOOD: Let's don't
2 apologize.

3 COMMISSIONER TURNBULL: No. All
4 I'm saying is you're not the only one. We
5 went through the same issue on the Southwest
6 Waterfront. We had an issue with a curtain
7 wall and the Commission of Fine Arts agreed.
8 We are not alone on how we look at this. I
9 just wanted to go on the record for that.

10 CHAIRMAN HOOD: Everybody wants to
11 apologize.

12 Commissioner Miller.

13 COMMISSIONER MILLER: I don't want
14 to apologize but I wanted to say as part of
15 your revisiting it's obvious, and I'm sure you
16 will do it anyway, but if you could work with
17 the ANC to try to create this signature type
18 of building that they are looking to see
19 there.

20 CHAIRMAN HOOD: And the comments
21 a lot of times I've seen in the past the
22 comments that we've said actually have come up

1 with a much better -- not that we're the best
2 thing up here but we have always had a pretty
3 good -- well, we've always had a pretty good
4 resolution because I've been around long
5 enough to see some of what has been built. I
6 can tell you when you say things and do things
7 up here that doesn't look right, you're like,
8 "Peter must have voted on that."

9 So, anyway, any other comments?
10 Do we have any other comments? Okay. With
11 that we will wait to hear back. With that
12 this hearing is adjourned.

13 (Whereupon, at 7:48 p.m. the
14 hearing was adjourned.)
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ability 27:18 able 23:16 25:13 28:8 31:12 44:8 58:12 59:7 61:14 68:3 82:10 abrupt 56:1,7 abuts 18:16 accepted 81:18 access 10:11 12:8 18:21 22:21 38:6 43:15,17 44:2 46:20 accessibility 17:21 accommodate 14:7 accommodating 77:19,21,22 accommodations 35:7 achieve 50:18 62:13 67:10 achieving 68:11 act 28:19 actions 4:20 activities 38:21 activity 19:5 acts 24:22 adaptive 16:13 add 37:9 80:4,22 added 18:3 adding 47:21 58:7 additional 11:21 31:2 address 6:16 12:1 22:1 35:11 38:9 39:14 74:18 76:12 77:1 79:17 81:5 addressed 41:15 addresses 19:11 adequate 39:7 adhere 6:5 adjacent 18:9 19:19 23:9 27:21 71:11 Adjourn 3:22 adjourned 84:12 84:14	administer 7:6 advertise 78:14 advertising 79:5 Advisory 77:2 affidavit 7:18,21 afford 58:13 affords 57:8 agencies 5:18 15:8 agendas 62:13 ago 13:22 16:15 agree 62:6,16 63:15 69:17 71:13,16 73:1,2 74:19,20 80:7,22 agreed 37:13 83:7 ahead 78:19,20 aim 60:14 alike 14:9 alley 19:14 36:3 37:17,20 38:10 46:17,17 allow 14:16,18 23:2 29:8 allowed 42:14 46:19 allowing 32:15 63:10 allows 44:6 58:7 alternative 76:14 amenable 77:12 amount 14:16 35:21 55:9 81:5 Amy 3:16 9:7 12:21 16:3 17:12 analysis 35:16 ANC 5:19 74:17 83:17 anchored 26:11 ANC-6D 72:11,16 73:11 Andrew 9:9 angle 48:2 65:8,18 80:11 angled 21:13 22:6 49:18 50:1,2 63:20 angles 21:14 22:8	53:3 angling 75:20 ANNA 2:17 announce 78:21 announcement 5:11 answer 39:20 Anthony 1:19,22 4:7 anybody 62:10 anymore 40:20 anyway 74:7,13 83:16 84:9 AOC 1:23 apart 66:6 67:11 apologize 8:20 82:9 83:2,11,14 appear 9:14 appearing 6:9 appears 52:8 Applicant 3:12 5:22 6:3 10:6 37:9,13 72:20 73:9,21 79:13 80:19 Applicant's 5:16 11:2 12:13 35:1 45:13 application 9:18 11:12,13 34:21 45:10 applying 38:13 appreciate 12:7 39:19 76:21,22 79:12 approach 37:14 appropriate 10:16 82:5 appropriately 22:1 approval 5:3 15:13 40:16 approve 45:9 approximately 10:3 April 78:15,18,20 architects 9:10 77:9	architectural 19:20 21:9 47:21 63:20 65:11 76:7 81:8 81:15 architecture 10:15 24:6 area 12:13 14:1 23:8 26:17,22 27:6,11 28:11 49:7 53:19 57:7 59:1 64:4 65:16 argue 54:8 Arlington 59:13 articulation 24:13 33:20 Arts 83:7 aside 74:5 asked 41:18 aspects 47:6 75:15 80:8 associate 72:10 73:12 associated 35:22 Associates 34:18 assumed 60:9 assumption 59:21 60:10 assumptions 60:4 attempt 35:11 75:16 attract 36:21 58:5 58:9 65:10 attractive 57:5 audience 9:12 auto 60:7,9,13,15 61:16 automobile 60:1,1 available 5:12 79:3 79:20 average 59:2 awful 63:18 awhile 77:8 a.m 61:2	23:21 25:7 29:15 29:19 32:3 42:16 42:19 43:18 51:19 53:9 54:14 55:2 61:10 63:10,21 64:2,5 65:17,19 65:20 66:9 68:6 68:16 72:14,20 73:9,17,19,20 75:2 80:1,19 82:11,13 84:11 backbone 67:18 background 6:19 bad 72:9 balance 12:11 ballpark 1:10 3:7 5:2 9:4 19:7 21:5 23:5 28:11 32:20 38:21 61:15,15 banding 26:2,10 bank 44:15 baseball 61:20 based 6:21 13:5 35:18 74:4 basically 18:4,10 19:12 22:16 26:1 27:8,15 28:17 30:19 33:5 43:22 53:8 bear 52:16 beautiful 14:20 17:14 50:21 beepers 6:22 began 13:20 15:5 beginning 63:7 begins 30:20 behalf 9:4,6 belief 31:5 believe 10:16 12:10 14:2 15:16 36:8 36:12 37:22 39:13 39:16 45:6 64:4 77:9 below-grade 10:10 berth 44:9,13 47:4 berths 11:7 39:4,4 42:4 43:15,20

44:5,11 best 84:1 better 48:21 68:2 84:1 beyond 23:3 62:9 bid 15:19 big 47:1,8 62:21 64:10 68:19 bigger 52:6 billboard 29:5 bird 60:21 bit 16:21 28:9 29:8 29:22 30:16 33:8 48:11,13 56:3 60:5 blank 32:2 bleak 69:8 block 37:18 blocks 13:19 14:12 board 72:15 Boeing 59:12 boils 46:15 bother 47:5 bothers 56:14 bottom 21:6,13 24:16 28:14 56:19 76:3 bounded 9:22 46:14,18 bounds 56:3 box 20:14 break 20:13,19 75:16 breeze 80:16 briefly 28:12 bright 68:15,17,20 bringing 14:5 33:16 broad 50:19 build 36:17 42:14 59:6 building 5:3 10:7 10:15 13:13,18 14:3,3,7 15:16 17:10,20 18:5,17 19:3,19 20:3,9 21:17,20 22:5,6	22:17 23:9 25:14 27:16,19,20,21 28:4,7,20 29:17 30:6,7 31:11 40:17,21 42:3 44:3,6,15 48:5 52:7 54:2,11 55:19 56:9,14 58:20 59:12 62:15 64:14 65:20 67:6 67:7 68:10 71:11 71:18,19 80:18 81:12 83:18 buildings 16:13 18:3,9 36:4 38:7 47:17 55:22 64:20 built 27:20 28:7 42:13 60:14 84:5 busy 24:5 buy 67:10 by-line 41:15 BZA 41:22 C calculated 53:5,6,8 calculation 53:1,19 54:3 calendar 78:21 call 47:22 cant 21:2 42:19 canted 23:18 cantilever 48:14 49:6,17 51:15 55:11 76:7,10 cantilevering 49:6 cantilevers 76:3 canting 52:9 Cap 16:19 17:2,6,9 18:1 19:11,16 20:1,2,3,17,20 21:18 22:2,15,20 23:10,13 25:3,7 28:17 29:1,14 30:1,2,11,22 31:3 31:21 32:2,16 33:18 Capital 36:5 42:11	42:13 Capitol 5:5 9:16,19 10:4 11:8 13:17 13:21 14:12,13,18 15:2,17,20 22:14 28:17 32:17 38:4 40:18 41:5,19 42:22 43:16 44:18 50:18 53:1 63:1,5 63:8 64:1,7 66:10 66:19 67:18,21 73:7 75:20 capture 67:16 68:3 captures 50:20 cards 6:10,11 care 65:4 carefully 14:11 51:15 carried 28:6 carries 30:20 case 1:10,17 3:6 5:1 5:17,19 6:7,21 41:21 46:1 54:8 72:6 cast 26:9 catty 18:10 ceiling 29:10 49:14 68:21 cell 7:1 center 13:10 18:6 71:5 centralized 25:8 30:22 certain 43:13 80:10 certainly 16:17 23:6 24:10 57:7 57:16 77:12 79:12 81:2 certification 10:20 CG 10:12 41:1 Chair 1:22 4:8 9:1 45:12 46:6 55:15 55:16 57:1,9,10 62:5 71:22 75:6 76:20 80:3 82:19 Chairman 1:19,22 3:22 4:3 7:10,22	8:6,8,11,16,19 34:16 39:22 40:6 40:10 45:14 46:8 55:13 57:17 58:1 62:1,3 72:2 74:3 74:21 75:6,8 76:15,16 77:13,16 79:6,9,11,22 80:5 80:21 82:3,17 83:1,10,20 Chamberlin 2:17 4:13 12:10 chance 72:20 73:16 73:18 change 56:2 changes 14:1 78:8 Chapter 9:16 character 19:20 36:3 characteristics 16:17 charged 38:13 choice 68:6 chunk 30:6 church 14:22 17:14 17:15 18:11 21:3 24:4 33:18 Circle 13:13 City 59:13 cladding 29:20 clarifications 11:19 Classically 81:14 classifies 38:12 clean 23:12 29:2,4 clear 20:7 51:5 60:4 clearance 50:8 click 16:19 31:4 client 67:7 clocktower 82:1 close 46:3 48:18 closer 58:22 60:6 closeup 48:20 closing 5:21 code 81:10 Cohen 1:22 4:8 46:6 55:16 57:1,9	57:10 75:6 colleagues 72:5,13 73:8 74:1 color 26:21 coloration 55:1,3 55:11 56:10 Columbia 1:2,17 4:6 13:9 column 51:22 52:1 52:4,8 come 28:19 46:1 59:9 61:16 65:19 65:20 73:19,20 78:7 82:11,13 83:22 comes 15:15 26:12 27:9 36:18 43:3 81:7 coming 28:1 29:10 49:9 74:10,14 command 71:4 comment 55:18 62:7 75:12 80:8 comments 34:10 55:12 57:18 72:11 72:16,18,21,22 73:3,10 76:21 79:18 80:14,15,20 81:6 82:7,7,8 83:20,22 84:9,10 commercial 36:4 Commission 1:4,18 1:21 3:6 4:5 5:1 6:5,10,14,20 10:22 16:11 40:11 40:15 41:19 45:9 75:4 76:22 77:3 77:19,21 83:7 Commissioner 1:23,24,25 8:4,10 8:18 46:10,11,21 48:17 49:3,11,15 49:22 50:4,7,11 50:15 51:14 52:18 53:10,17,22 57:19 57:20,21,22 58:1 58:15 59:15,20
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60:16 61:6,13,22 62:4,16 63:12,15 66:18 68:5 69:2,5 70:3,8,16,19 71:2 71:6,12 74:3 75:9 75:10 76:17 80:3 80:6,7,21 82:19 82:21 83:3,12,13 Commissioners 4:9 34:16 46:4,9 Commissioner's 62:6 community 75:5 complement 15:20 complete 38:14 completed 13:8 completely 46:12 81:1 compliance 11:3 52:21 complicated 42:9 45:2 composition 56:2 concern 37:2 38:18 concerned 57:15 concerns 12:12 35:20 36:9 38:15 39:15 74:4 76:13 concludes 34:10 45:12 conclusions 35:17 concurred 39:12 concurrence 36:13 concur 35:15 condition 26:3 29:8 conditions 31:16 36:19 Condominiums 13:11 conducted 5:14 configuration 12:15 confirm 10:22 confused 57:13 congratulate 66:4 Congressional 13:12	connect 25:18 conservative 60:10 consider 25:12 41:20 consistent 10:9 41:8 constitutes 2:20 constraints 6:1 constructed 37:13 construction 9:15 consulting 37:9 contains 36:15 contemplated 39:10 context 17:5 18:2 67:19 contiguous 56:22 continue 12:1 26:15 76:4 82:20 continued 23:7 continues 22:21 27:1 30:16 32:14 continuing 19:16 73:4 continuous 81:21 contradictory 62:15 convened 1:18 conventional 20:14 conversation 33:4 conversion 13:12 converted 37:19 convey 67:13 convinced 48:7 copies 5:11 core 14:17 25:8 30:22 44:12 corner 9:19 17:2 18:10 21:18,22 23:8,19,19 24:21 25:6 28:6,8,10 30:11,14,20 31:15 32:15,19 33:19,22 50:21 62:19 63:14 63:17 64:2,6,15 64:18 65:22 66:2 66:7 67:3,5 68:9	71:3,14 correct 48:16 49:19 50:14 52:15 56:19 70:17 corrected 70:20 correctly 72:3 correspondence 12:5 corridor 15:21 23:13,20 28:16 31:15 32:17 34:4 corridors 19:1 22:14 cost 36:18 couple 19:4 43:8 course 77:5 court 4:18 21:5 covered 27:16 covering 51:4 CR 10:4 create 15:18 19:14 20:14 24:5 26:1 31:13,14,22 32:10 47:10 83:17 created 21:12 creates 43:20 62:21 creating 24:12 31:10 33:14 credit 54:9 cross-street 27:7 crystal 51:5 59:13 curb 41:4 43:20,22 curious 46:3 currently 59:11 61:8 curtain 62:7 68:7 83:6 Cushing 37:21 cut 43:20 cuts 43:22 C-O-N-T-E-N-T-S 3:4 D Dan 3:19 9:11 34:13,17 59:4 dark 55:6	darker 33:9 date 12:3 73:13 78:13,16 79:14 80:2 dated 35:14 dates 77:15,17 78:5 78:17 79:7 82:4 day 15:15 daylight 14:17 days 23:6 DCMR 5:6,15 DDOT 15:9 33:4 35:1,4,8,9,12,13 35:15,19,20 36:2 36:6,11,15 37:2 37:10 38:13,17 39:11,14 40:4 60:11 73:6,15,18 DDOT's 12:12 36:13 37:14 57:14 61:1 de 14:21 deal 11:20 dealing 18:14 19:21 81:7 December 11:1 35:8 41:12 decision 6:20 decreasing 62:17 defer 74:10 deferral 75:11 defined 20:22 definite 64:1 delay 40:9 deliberately 22:6 24:6 27:11 delivery 38:21 39:5 39:9,11 demand 61:2 demands 43:11 demonstrated 14:15 Dennis 3:14 9:2 13:2 Department 2:13 4:12 12:6 departments 63:22	depends 46:7 design 10:16 11:14 11:22 15:9,12 16:2,22 35:5 40:17,21 42:18 44:17 45:2 47:7 47:13 62:13 72:6 72:8,13 73:20 74:9 75:12,19,20 77:1,6 79:15 80:9 81:3,4 designate 26:18,22 designer 77:5 designs 16:14 desire 47:9,16 desired 37:15 destination 14:8 detail 10:14 detailed 16:2 details 33:3 determined 41:20 detraction 15:21 develop 14:2 developer 13:4,5 developing 38:18 development 36:9 39:3 devoted 43:13 diagonal 24:15 52:1 dialogue 12:1 75:3 difference 51:10 different 38:2,3 53:3 62:12 diminishes 65:9 68:19 diminishing 68:12 direct 79:13 Director 40:12 directors 63:21 disagree 74:22 disappear 29:21 discuss 10:18 35:4 discussed 11:11 40:3 44:19 discussion 42:18 76:2
---	---	---	--	---

discussions 12:5 41:7 disrupt 7:1 disruptive 4:20 distance 52:3,6,7 distances 41:4 district 1:2,17 2:13 4:5,12 5:6 13:9,18 14:7 19:7 23:6 36:5 40:18 District's 38:11 doing 47:18 50:16 50:22 62:21 63:16 dome 81:16 door 5:13 6:12 doors 38:8 door-to-door 17:3 double 20:8 25:9 26:16 30:18 31:7 56:21 double-height 10:8 22:19 30:5 dramatically 38:2 draw 15:19 drawing 70:9,9 72:15 drawings 48:11 52:11,14 69:21 70:20 driveway 44:2 driveways 41:4 drive-through 47:2 driving 47:12 due 36:19 72:13 dull 69:8 Dumbarton 13:15 Dupont 13:13 D.C 1:15,19 5:10 12:22 13:5 16:8 16:10 E E 40:12 earlier 20:5 31:21 36:8 38:19 early 60:20 earthquake 68:10	easily 14:4 east 10:1 19:15 24:9 30:2 31:19 37:21 55:19 easy 47:3 economically 68:2 edge 18:15 19:22 21:6 22:11 26:3 31:15 32:1 effect 25:18 efforts 34:22 79:12 either 38:6 43:15 75:11 elaborate 12:9 elegant 14:3 17:14 element 21:1,9 22:12 24:19 25:2 25:21,22 26:12 65:11 elements 11:22 28:18 35:6 75:15 81:2,13 elevation 50:3 55:19 66:9 68:7 elevations 23:22 52:13 elevator 44:14 elevators 64:13 eliminated 59:17 embellishment 21:21 47:11,21 62:9,10 65:15 76:8 81:15 embellishments 81:8 82:1,22 embrace 18:21 emphasis 51:6 emphasizing 48:4 enclosed 32:22 engagement 19:5 23:3 engaging 35:3 engineer 9:12 Engineers 34:19 enliven 51:2 ensuring 37:4 entire 53:18 54:13	81:13 entrance 15:19 30:15 48:19 65:16 67:15 entry 27:2,3,3,12 30:9 33:6 48:22 50:21 56:8,12 64:11 68:4 71:11 envelope 19:21 envisioned 36:4 38:5 equivalent 10:19 Esq 3:14 essentially 46:15 47:17 estate 65:1 evening 4:3,8 8:22 9:14 12:20 13:1 15:10 16:5 34:15 evening's 4:22 event 81:20 events 38:21 Everybody 83:10 everybody's 75:14 evidence 52:12 exactly 53:4 54:5 54:18 example 59:11 excellent 71:19 exceptional 43:6 excited 13:22 exclusively 6:21 executive 63:21 exercise 45:2 existing 17:4,9 18:3 18:17 27:16 61:7 expansive 15:1 50:19 expect 62:10 expected 54:7 expensive 59:6 experience 19:9 25:10 30:10 31:8 33:16 experiences 25:13 expert 8:2,9,14 experts 7:14,18,20	explained 10:13 express 17:20 expressed 26:2 38:14 expressing 28:18 extend 47:10 81:13 extending 62:7 extensively 44:18 extra 76:10 extraordinary 14:1 43:6 eye 14:11 15:20 F F 16:14 fabric 38:1 facade 14:19 21:13 22:8 23:15 24:12 27:15 28:1,21 30:21 31:18,22 34:5 47:9,10 48:12,14 52:9 53:2,16,18 54:13 69:14 facades 17:21 18:20 19:9 75:17 81:14 face 17:8 20:3 52:7 54:11 80:17 faced 54:2 faces 17:22 20:15 facility 47:3 facing 20:6 fact 24:8 43:14 46:22 51:17 FAIA 1:23 fair 81:5 fairly 45:1 74:8 faith 39:14 fall 66:6 fallen 66:22 falls 67:11 far 80:1 farther 51:21 fashion 76:5 favor 48:8 FCC 65:21,22 71:3	feature 69:12 features 15:3 federal 64:20 feedback 15:7 feeling 33:13 63:14 81:11 feet 10:4 17:3 20:10 21:21 29:14,15,16 42:3,16,20 50:10 50:12 53:9 55:9 57:8 58:22 59:14 62:8,18 64:6,7,9 65:4 68:21 69:3 70:1 field 58:19 figure 54:19 file 82:5 filed 11:14,18 fill 6:10 finalized 36:12 find 73:13 fine 79:16,21 80:9 80:12 83:7 finished 6:16 45:20 finishes 25:13 fins 26:4,4 54:9 Fire 71:4 firm 9:3 16:4,9 40:13 first 6:15 7:15 15:5 22:7 44:10 48:11 72:4 five 6:4 79:10 Flagship 14:4 flanking 18:8 flat 43:7 flex 60:22 flexibility 15:14 36:21 37:15 58:4 58:8 flip 51:18 floor 5:4 10:7 15:1 25:5 30:7 31:9,13 42:9,10 43:12 44:8,11 47:2 48:15 49:6,8,16 49:16 50:5 53:2,6
---	--	--	---	--

56:16,19 71:3 floors 28:5 37:6 flow 56:4 focal 64:11 focus 34:9,22 focused 81:10 foil 14:20 follow 54:11 following 6:1 follows 5:16 foot 19:22 39:6 68:8 69:19 70:4 70:13,22 footage 68:1 forcing 43:16 foreground 27:17 formed 49:18 former 13:12 forth 5:6 11:2 40:3 58:4 63:10 fortunate 27:5 Forty-seven 53:7 forward 15:14 57:14 73:14 82:10 82:13 four 10:9 37:6 59:16 78:2 fourth 36:16 58:7 58:20 59:17 60:14 61:18 fourth-level 36:18 frame 24:19 25:1 Franklin 13:15 front 25:22 38:8 49:9 frontage 17:7,11,16 19:11,19 20:5,20 21:1 23:7,12 42:12,22 44:22 53:11 fronting 31:3 fronts 43:9 fully 16:1 functionally 38:9 further 10:21 24:20 25:19 28:15 30:1 39:15 40:8	future 59:9 75:19 G G 1:23 game 23:6 garage 27:12 37:4 58:7 gateway 5:5 9:16 10:5 36:5 38:4 40:18 41:19 50:18 62:20 73:7 general 56:5 generate 37:5 generated 35:22 Gensler 3:18 9:9,10 14:2 15:5 16:1,8 45:2 gentlemen 4:4 geometry 63:20 65:18 gesture 21:4 33:19 62:22 63:7,13 gigantic 64:21 give 16:20 24:7 51:2 72:19 73:9 73:16,17,19 78:16 79:6 given 12:14 37:14 gives 54:11 giving 72:22 78:2 glass 14:16,19 21:1 23:17 24:3,12 25:10 26:11,17,21 28:6 29:1,2,4,10 30:21 32:5,13 33:10 55:2,3,12 63:10 65:5 69:12 glazed 30:12 glazing 76:10 go 7:20 8:12,16 24:13 29:15 34:6 41:22 42:18,19 51:12,18 52:5 64:5 68:6,14,16 71:20 72:14,20 73:9,16 75:1 76:1 78:19,20 79:4	80:19 82:10 83:9 goal 37:4,8 60:14 61:1,4 goals 40:21 62:12 goes 30:4 50:12 62:9 66:20 80:1,2 going 8:12 33:2 34:6,21 40:14 44:2 45:5 47:20 50:22 51:2 56:16 56:17 57:3,11,13 63:21 65:3,4,17 65:19 66:11,12,14 68:7 69:9,11,16 72:2,13 73:5 78:13 79:2 82:4,6 Gold 13:18 Goldstein 3:18 8:3 8:19 9:8 16:1,3,7 34:12 40:19 42:17 44:19 48:16 49:1 49:5,13,20 50:2,6 50:9,14 51:13 52:17 53:7,20 56:20 57:4 68:22 69:4 70:2,6,14,18 71:1,4,9 good 4:3 8:22 12:20 16:5 34:15 39:14 74:9 84:3,3 Gorove/Slade 3:19 9:11 34:18 government 1:1 5:18 15:7 grand 55:9 Granted 47:20 gray 56:12 grayish 69:8 gray-tone 29:20 great 15:1 36:18 greater 10:13 58:8 green 15:4 32:12 32:21 gross 56:18 ground 5:4 10:7 15:1 36:19 42:9 43:12 44:7 48:15	53:2,12 63:15 71:3 GSA 58:16 59:9 H half 21:5,14 24:9 27:6,13 30:17 34:3 37:21 hand 7:8 hands 82:12 happen 19:6 happening 24:9 29:5 33:15 42:1 happens 23:5 happy 39:20 43:21 61:19 head 61:11 78:4 Headquarter 14:5 headquarters 59:10,12 hear 6:7 40:20 84:11 heard 40:19 72:21 73:3,11 76:2 82:7 hearing 1:6,14,17 1:18 2:21 4:5,21 5:1,9,14 13:1 39:15 57:14 73:5 73:15 82:18 84:12 84:14 heavier-than 38:22 height 19:22 20:8 21:19 24:14 25:10 26:17 29:11 30:18 31:7 42:20 47:17 47:19 48:1,4,18 56:21 69:19 81:11 heights 68:21 held 2:21 hell 66:15 helpful 52:15 high 62:8 70:1,4 higher 47:10 55:8 57:8 58:17 highlight 34:22 65:16 highlighting 68:8	hint 26:21 historic 14:21 hold 51:18 82:11 holistically 47:14 Holland 3:14,20 9:3 40:13 home 6:16 honestly 54:1 Hood 1:19,22 3:22 4:3,7 7:10,22 8:6 8:8,11,16,19 34:16 40:6 45:14 46:8 55:13 57:17 62:3 72:2 74:21 75:8 76:16 77:13 77:16 79:6,9,22 80:5 82:3,17 83:1 83:10,20 hope 55:17 hopefully 33:8 78:8 82:10 hoping 61:14 hopper 78:13 80:1 horizontal 23:14 26:2,4 28:3,16 56:5 hour 37:11 hours 37:6 60:22 61:2 Hughes 3:14 7:13 8:1,7,15,21,22 9:3 34:11 39:22 40:8 45:11 76:18,20 79:11,17 I idea 24:20 25:17 ideas 66:3,5 image 17:6,12,16 18:5,11 50:19 Images 18:8 imagine 26:7 29:3 imagining 29:19 immediate 9:7 12:13 immediately 17:9 17:13 18:9,12,16
---	--	--	--	--

19:18 21:10 27:9 27:20 31:2 48:21 52:4 impacting 38:16 impacts 60:8 implemented 37:3 implies 70:12 important 15:21 62:20 75:18 improved 76:5 improvements 14:13 include 10:19 25:16 includes 13:9 including 10:8 15:8 35:12 75:16 incorporate 14:14 individual 57:12 individuals 6:4 7:3 influence 47:15 information 6:13 11:21 41:11 inherited 16:4 initial 16:14 initially 11:13 initiatives 10:18 innovative 10:16 input 11:15 12:3,7 inside 30:15 33:15 46:16 intended 81:18 intends 6:5 intensive 39:11 intention 61:18 interact 69:15 interacted 35:9 interactions 35:19 interested 66:19 interesting 31:15 51:1 interpretation 35:18 54:18 intersection 9:20 15:17 16:18 55:20 introduce 12:19 investing 13:20	in-fill 27:21 issue 43:3 83:5,6 issues 11:19 12:2 35:11 41:16 71:20 73:6,7 74:5 80:10 items 34:22 77:1 J J 1:19,22 January 1:13 2:22 4:6 35:13,14 Jerrily 1:18 Jesick 2:11 4:12 JOEL 2:10 joined 4:10 7:11 Joining 4:7 9:6 joke 82:2 Jordan 3:18 9:8 16:1,7 K K 13:6 16:9 keep 32:5 58:19 59:7 keeps 58:10 kick 31:18 kidding 34:7 kind 25:18 26:21 28:15 29:4,21 31:19 32:15 50:17 50:20 54:15 68:18 76:6,6 Knight 3:15,20 9:3 40:14 know 45:19,22 51:5 52:15 54:17 64:7 66:20 68:16 78:4 78:15,19 known 13:15 Kobalka 9:9 Kress 1:18 L L 13:16 lack 47:4 ladies 4:4 land 38:2 40:12 language 63:19	66:21 large 14:6 59:10 75:17,17 largely 27:16 larger 12:12 25:19 58:11 Lastly 32:8 33:7 law 9:3 40:13 Lawson 2:10 7:11 layering 25:22 lead 16:8 leads 64:4 65:17 lead-in 64:16 leasable 31:11 leave 51:17 52:2 73:22 leaving 82:12 LEED 10:19 13:18 34:8,9 left 5:12 6:11 9:11 17:17 19:3,4 21:13 28:15 48:22 51:16 leftover 37:22 lessen 61:1 letter 73:11,12 Let's 52:22 83:1 level 22:18 23:3 32:7 36:16 53:12 53:13 55:2,3 58:4 58:7,21 59:17 60:14 61:18 levels 10:9 30:19 32:4 37:12 53:15 58:11 59:4,16 lift 21:9 lifted 24:21 lighter 74:11 limit 19:22 21:19 limitations 12:14 limited 39:9 limits 6:6 line 18:18 19:12,13 19:16 21:16 24:15 27:17 34:6,7 41:14 42:13,15,15 42:16 44:22 51:15	51:16,20,20,22 52:1,4 53:4 60:12 linear 23:14 53:11 lines 32:5 41:4 listening 39:19 literally 30:13 little 16:21 17:15 28:9 29:8,21 30:16 33:8 42:8 48:11 56:2 57:13 60:5 66:1 74:6 live 4:18 lively 69:6,6 LLC 1:10 3:7 5:2 9:4 LLP 3:15 loading 10:11 11:6 12:8 27:3 35:6 36:10 38:6,18 39:4,6 42:4 43:14 43:17,20 44:5,9 44:11,13 46:13 47:3,4 56:8,12 loads 61:4 lobbies 64:19 lobby 25:4,6,12 30:10,20 31:6 33:11 51:1 64:6,6 64:10,19,21 65:9 69:8 71:8 located 5:7 6:11 9:18 13:6 16:9 location 10:17 12:15 67:15 71:10 long 17:7 20:19 74:19 84:4 longer 6:18 52:8 look 44:10 47:14 50:20 51:11,14 57:13 58:10 60:20 60:22 61:9 62:15 62:17 64:1 67:13 71:9 72:9,15 74:15 80:14 83:8 84:7 looked 19:5 20:11 20:18 23:1 25:3	25:15,17 27:7 28:13 52:13 looking 22:17 27:14 32:9 48:20 49:8 56:11 57:2 60:8 65:5 66:9 82:13 83:18 looks 54:21 55:21 loss 67:22 lost 65:10,13 66:1,6 66:7 lot 18:17 24:9 27:17 33:4 52:6 53:2 57:8 61:8 62:12 63:18 66:3 67:14 68:1 72:17 83:21 lots 5:8 low 48:18 M M 9:20 13:4,17,19 14:19 15:2,18 16:19 17:2,11,15 17:22 18:5,12 19:3,17 20:5,6,16 20:21 21:1,18 22:20 25:7 27:9 30:11,13 31:19 33:22 34:4 41:5 43:16 47:8 48:12 55:20 67:16 68:15 main 30:22 35:20 38:20 maintain 36:20 maintained 6:2 maintenance 7:19 7:21 major 36:4,21 making 56:11 72:9 79:13 management 36:11 38:19 maneuvers 38:15 marble 65:5 69:11 March 77:15 78:6 MARCIE 1:22
--	--	---	--	--

mark 15:19 23:19 63:1,2 marker 21:17,22 market 14:14,15 31:12 59:1 mass 24:20 massing 14:10 16:22 19:21 20:13 20:22 22:1,4 31:14 33:21 master 27:6,8 match 45:20 material 29:21 materiality 25:12 materials 14:10 34:1 56:6 63:3,4,8 MATT 2:11 matter 1:9 81:1 matters 3:10 5:16 7:16 Max 70:2 maximized 14:16 maximizing 47:18 mean 49:12 56:5 57:6 61:13 63:5 64:17 65:3,8 67:6 68:14,15 71:14,15 71:16 means 46:22 meant 70:14 measured 53:12,12 53:14 80:16,17 measures 10:3 37:9 mechanical 29:18 32:22 meet 44:7 54:2,20 74:17 80:19 meeting 6:2 35:12 members 1:21 40:10 memorandum 40:2 Memorial 1:18 mention 39:2 mentioned 13:2 17:12 18:11 19:8 20:4 22:18 23:17 24:2,15 26:15	28:13,22 29:7,14 30:3,10 31:17,21 32:13 33:3,6,19 33:20 34:8 38:19 59:5 63:4,6 mentioning 18:19 messes 44:14 met 11:11 37:8 41:6 45:6 metal 24:22 26:7 methodologies 35:16 Metro 17:3 18:7 21:15 24:10 MICHAEL 1:23 microphone 6:15 6:17,18 middle 51:18 Miller 1:25 4:9 57:21,22 58:15 59:15,20 60:16 61:6,13,22 75:9 75:10 76:17 83:12 83:13 Miller's 80:7 mind 54:6 minimal 29:3 minimize 47:16 56:9 minimum 20:7 minor 54:22 minutes 2:21 6:3,4 6:5 45:17 mirrored 21:16 24:16 mish-mosh 65:12 missed 63:1,2 67:2 67:8 mistake 52:10 mitigate 38:17 mitigated 36:8 modern 37:3 modification 74:8 moment 74:5 momentary 81:20 money 71:15 monitoring 36:10	37:11 61:5 months 79:9,10 monument 3:16 13:3,4,20 15:5 16:15 27:8 36:17 59:11 64:8 65:2 71:16 move 24:9,12 51:21 73:13 moved 27:11 movement 64:2 moves 19:14 31:13 moving 15:14 multiple 19:12 20:15 27:2 35:10 multi-level 33:5	never 54:1 new 5:3 9:15 nice 81:3 82:1 night 61:14 69:5 nodulation 32:1 noise 6:19 noises 4:20 normal 39:1 42:2 normally 72:6 normative 41:7 north 13:16 14:12 17:9,22 18:12 19:3,15 21:4,21 24:2,3,6 28:17 32:11,11,16 33:19 56:21 northeast 22:17 northern 22:7 28:21 30:6 31:17 northwest 23:18 northwestern 32:14 note 11:9 noted 77:2 notice 5:9 21:7 November 35:4 NPS 1:24 number 11:12 12:4 61:7 76:13 N.W 1:15,19 12:22 13:10,16	office 2:3,7 4:10,11 5:3,17 7:12 10:7 11:10,12,17 13:14 13:16 15:8 16:9 30:8 31:2,8 39:8,9 42:2 51:6 64:11 65:3 67:17 73:5 73:16,17 74:18 offices 13:6 66:11 Oh 7:15 63:12 okay 4:15 7:22 8:6 8:8,11,16 45:14 46:4,8,11 50:15 51:14 53:10,22 57:10,12 61:22 63:13 72:2 74:21 75:8 79:19,20,22 80:2,9 82:3,17 84:10 old 82:2 once 78:12 ones 29:7 one-to-one 20:1 29:15 42:19 OP 12:1 80:14,20 opaque 29:9 open 56:19 57:3,11 58:19 74:1 77:15 opening 31:19 33:12 opens 34:3 operational 12:14 opportunities 22:5 25:11 32:10,20 67:1 opportunity 16:6 17:19 18:21 19:8 20:9,11,12,19 21:7,8 22:3,13 23:2 24:19 26:15 28:14 31:2 32:4 32:19 57:9 66:7,8 67:9 74:14 76:22 opposed 73:4,15 78:2 opposite 17:14 opposition 5:21
--	--	--	---	---

optimal 14:18 OP's 80:15 order 6:7 7:19 58:4 ordinarily 41:21 43:5 46:17 organizations 5:19 5:20 6:4 orientation 16:21 outline 41:13 outside 25:14 outstanding 12:2 outward 23:18 52:9 outwards 21:2 overall 20:9 overlay 5:5 9:16 10:5 23:15 38:4 40:18 41:1,9,19 42:8 43:11 45:7 overstepping 55:17 owned 64:13 owner 9:5,7 13:3 O-F 3:4	19:18 28:2 74:2 patterns 12:12 57:15 Paul 14:21 paving 19:10,17 peak 37:5,11 48:1 61:2,2,3 pedestrian 18:22 19:9 39:1 64:2,4 penthouse 29:18 32:22 69:19,21 70:4,12,13,21,22 people 64:5 65:17 79:2 perceived 47:17,18 54:17 percent 20:6 42:12 42:21 43:1,2 52:22 53:5,8,11 54:15,20 60:6,9 60:13,15 percentage 43:13 53:18 59:22 Perfect 52:1 performed 34:19 period 6:7 perplexed 74:6 persons 5:20,20 6:9 perspective 26:4 47:13 75:21 Peter 1:24 84:8 Phillips 3:16 9:8 12:18,20,21 58:6 58:18 59:19 61:9 61:17 63:6,9 66:16 67:12 philosophies 62:12 phones 7:1 photos 17:5 18:3 picking 6:18 82:21 piece 20:4 29:12 44:1,21 49:18,20 pivotal 10:17 Place 13:10 27:8 37:21 placement 44:14 plan 11:22 19:2	27:8 32:6 36:10 36:11 37:3 38:19 44:11 plane 53:9 planned 14:12 Planners 34:19 planning 2:7 4:11 5:17 7:12 11:11 11:18 15:8 27:6 32:9 73:16,18 74:18 Planning's 73:6 plans 25:6 36:11 plate 31:9,13 47:2 platforms 39:6 play 22:3 58:10 playing 58:19 please 6:14,17,22 7:4,5,7 pleased 11:9 35:15 point 15:22 26:13 27:4 37:18 48:19 55:1 61:19 64:11 72:9 77:22 pointer 51:17,19 points 27:2 point-by-point 41:15 Police 66:19 policies 38:14 portfolio 13:8 portion 21:18 22:7 22:13 26:1 28:22 portions 32:16 position 11:3 possible 6:6 14:17 33:15 potential 38:22 59:8 potentially 14:5 25:16 26:8 30:14 58:9 68:1 Potomac 13:10 prefer 59:5 79:14 preferences 14:14 prehearing 11:1 preliminary 3:10	5:16 7:16 prepared 72:12,19 presence 15:18 17:6,18 25:4,19 27:18 28:9 29:1,4 29:4 30:2,13,17 31:5,6,12 32:12 33:12 34:9 51:3,8 54:7,12 68:3 present 1:21 2:3,7 2:14 16:2 presentation 3:12 10:14 11:21 41:10 45:13,15 presenting 6:13 presents 46:7 57:5 presiding 1:19 presumably 52:20 pretty 56:7 57:5 84:2,3 previous 32:6 previously 59:3 pricing 60:20,21 Primarily 63:9 prime 65:1 71:19 principle 34:17 private 59:10 probably 29:20 48:21 50:22 54:15 59:2 60:5 76:12 problem 79:8 proceed 12:16 74:7 proceeding 4:17 10:21 proceedings 7:2 process 11:16 62:14 79:5 product 26:9 productive 12:5 65:7 proffered 8:9 prohibition 38:20 project 9:10 10:19 11:10,15 12:8 15:3 16:6 27:14 34:10 36:20 39:8 77:7	projects 13:9 16:12 prominent 62:18 62:19 67:5 71:8 properties 38:6 property 5:7 9:5,17 10:2 42:13,15,16 proposed 9:15 10:10 39:2 75:11 proposes 10:6 provide 21:17,22 22:14 23:11,20 39:3 42:4 61:20 provided 36:11 provides 10:15 21:4 37:15 provisions 5:15 38:20 45:8 public 1:6,17 2:21 4:4 6:22 35:7 38:16 published 5:10 PUD 55:18 pull 23:17 32:4,5 pulled 22:10 31:8 31:20 32:22 pulling 34:2 purposes 41:8 pursuant 5:4 9:16 push 28:16 61:3 pushed 54:14 put 44:13 51:19,21 61:14 67:14 78:21 81:19 puts 29:16 putting 74:4 P-R-O-C-E-E-D-... 4:1 p.m 1:18 4:2 61:3 84:13
P				
page 48:20 52:5 panel 24:22 26:5,8 parapet 69:20,21 69:22 70:10 parking 10:10,11 12:7 27:3 33:3,5 35:6,21 36:10,14 36:15,18 37:4,12 38:5 43:15,17 58:8,12,17 59:13 60:18,20 61:8,21 part 10:14 11:16,20 13:22 22:7 27:7 31:10 41:18 56:17 57:11 65:20 68:10 83:14 particular 12:8 18:15 particularly 55:8 Partner 3:14 patio 66:17 patrons 61:15 pattern 19:10,17	19:18 28:2 74:2 patterns 12:12 57:15 Paul 14:21 paving 19:10,17 peak 37:5,11 48:1 61:2,2,3 pedestrian 18:22 19:9 39:1 64:2,4 penthouse 29:18 32:22 69:19,21 70:4,12,13,21,22 people 64:5 65:17 79:2 perceived 47:17,18 54:17 percent 20:6 42:12 42:21 43:1,2 52:22 53:5,8,11 54:15,20 60:6,9 60:13,15 percentage 43:13 53:18 59:22 Perfect 52:1 performed 34:19 period 6:7 perplexed 74:6 persons 5:20,20 6:9 perspective 26:4 47:13 75:21 Peter 1:24 84:8 Phillips 3:16 9:8 12:18,20,21 58:6 58:18 59:19 61:9 61:17 63:6,9 66:16 67:12 philosophies 62:12 phones 7:1 photos 17:5 18:3 picking 6:18 82:21 piece 20:4 29:12 44:1,21 49:18,20 pivotal 10:17 Place 13:10 27:8 37:21 placement 44:14 plan 11:22 19:2	27:8 32:6 36:10 36:11 37:3 38:19 44:11 plane 53:9 planned 14:12 Planners 34:19 planning 2:7 4:11 5:17 7:12 11:11 11:18 15:8 27:6 32:9 73:16,18 74:18 Planning's 73:6 plans 25:6 36:11 plate 31:9,13 47:2 platforms 39:6 play 22:3 58:10 playing 58:19 please 6:14,17,22 7:4,5,7 pleased 11:9 35:15 point 15:22 26:13 27:4 37:18 48:19 55:1 61:19 64:11 72:9 77:22 pointer 51:17,19 points 27:2 point-by-point 41:15 Police 66:19 policies 38:14 portfolio 13:8 portion 21:18 22:7 22:13 26:1 28:22 portions 32:16 position 11:3 possible 6:6 14:17 33:15 potential 38:22 59:8 potentially 14:5 25:16 26:8 30:14 58:9 68:1 Potomac 13:10 prefer 59:5 79:14 preferences 14:14 prehearing 11:1 preliminary 3:10	5:16 7:16 prepared 72:12,19 presence 15:18 17:6,18 25:4,19 27:18 28:9 29:1,4 29:4 30:2,13,17 31:5,6,12 32:12 33:12 34:9 51:3,8 54:7,12 68:3 present 1:21 2:3,7 2:14 16:2 presentation 3:12 10:14 11:21 41:10 45:13,15 presenting 6:13 presents 46:7 57:5 presiding 1:19 presumably 52:20 pretty 56:7 57:5 84:2,3 previous 32:6 previously 59:3 pricing 60:20,21 Primarily 63:9 prime 65:1 71:19 principle 34:17 private 59:10 probably 29:20 48:21 50:22 54:15 59:2 60:5 76:12 problem 79:8 proceed 12:16 74:7 proceeding 4:17 10:21 proceedings 7:2 process 11:16 62:14 79:5 product 26:9 productive 12:5 65:7 proffered 8:9 prohibition 38:20 project 9:10 10:19 11:10,15 12:8 15:3 16:6 27:14 34:10 36:20 39:8 77:7	projects 13:9 16:12 prominent 62:18 62:19 67:5 71:8 properties 38:6 property 5:7 9:5,17 10:2 42:13,15,16 proposed 9:15 10:10 39:2 75:11 proposes 10:6 provide 21:17,22 22:14 23:11,20 39:3 42:4 61:20 provided 36:11 provides 10:15 21:4 37:15 provisions 5:15 38:20 45:8 public 1:6,17 2:21 4:4 6:22 35:7 38:16 published 5:10 PUD 55:18 pull 23:17 32:4,5 pulled 22:10 31:8 31:20 32:22 pulling 34:2 purposes 41:8 pursuant 5:4 9:16 push 28:16 61:3 pushed 54:14 put 44:13 51:19,21 61:14 67:14 78:21 81:19 puts 29:16 putting 74:4 P-R-O-C-E-E-D-... 4:1 p.m 1:18 4:2 61:3 84:13
Q				
qualify 58:13 Quarterly 13:13 question 45:17 46:2 47:7 51:9 62:11 69:18 questions 35:11				

39:21 46:5,9 48:10 58:3 quick 31:4 40:14 quickly 15:14 30:9 34:21 quite 81:3	24:18 67:22 recognized 20:12 21:8 recommend 72:4 record 6:22 7:10 9:2 34:16 40:5,11 83:9 recorded 4:17 rectangular 10:2 43:4,7 red 26:20 75:21,22 76:1 redeveloping 36:22 reduced 44:21 reducing 60:17 81:11 reference 49:17 referenced 40:2 refine 15:9 refined 11:14 reflect 7:11 29:5 reflection 14:21 63:11 reflectivity 24:4 reflects 21:3 refrain 4:19 regard 46:13 Register 5:10 regularly 48:6 regulations 5:7 9:17 10:9,12 47:14 rehearsed 45:16,21 reinforcement 23:15 rejected 48:6 relates 36:14 40:22 relating 63:4 relatively 48:18 71:11 relief 11:4 relinquish 71:22 remain 37:20 81:3 remember 8:3 remembering 8:20 reminiscent 28:2 rendering 21:14	55:6 renoticing 77:11 rentable 59:1 rental 56:18 rented 68:2 repeat 81:9 replace 61:16 report 5:17,17,18 11:18 35:1,7,14 35:19 36:7 39:12 57:14 73:6 77:2 reporter 4:18 reposting 77:11 represent 13:3 18:8 request 5:2 requested 6:3 11:19,22 60:11 requesting 11:5 requests 41:20 required 10:12 11:6 37:12 42:11 45:7 77:11 requirement 11:7 42:2 52:21 54:20 requirements 5:5 40:22 41:3,6 42:10 44:7 58:17 reside 12:21 residential 13:14 resolution 84:4 respect 24:7 Respectfully 67:12 respecting 23:13 respond 11:15 response 10:17 35:2 rest 67:20 restating 45:5 restaurant 64:14 66:14 result 42:21 44:20 retail 5:4 10:7,8 14:8 15:1 20:5,7 21:7,10 22:18,19 22:21 23:7,9 26:16,18,22 27:2 27:11,13 30:2,5	30:12,18 31:1,5 33:12,13,14,21 34:3 39:8,10 43:11,14 44:1,7 47:1 50:16,19 51:4,8 55:2 56:15 56:20,22 57:5,6 57:12 63:16 68:22 retaining 14:6 rethink 67:5 69:13 reuse 16:13 reveal 21:10 22:11 review 5:3 9:15 41:19 reviewed 35:13 39:17 revision 77:6 revisions 74:17 revisit 72:20 73:10 73:17 77:1 78:1 82:11 revisiting 83:15 re-advertising 78:22 RFPs 58:11 RFP's 59:8 rib 28:18 right 4:15 7:8 9:7,8 9:9 17:13 18:6,16 18:18 22:11 27:11 29:8,12 45:21 46:21 48:14 49:20 50:1,4 51:17,22 52:2,4,17,20 53:3 53:17 54:5,18,21 55:13 62:1 64:12 64:15,18 75:2 79:15 81:12 84:7 rise 7:4 risk 28:6 73:22 79:3 river 22:9 riverfront 13:17,21 25:19 67:18 roadway 37:17 ROBERT 1:25 role 36:3 55:18	roof 15:4 21:19 32:8,11,12,18,21 69:20,22 70:6,12 70:21 80:16 room 1:14,18 4:21 RPM 46:7 ruined 71:13 run 73:21 running 59:8
R R 1:18 raise 7:7 raised 74:6 ratio 59:14 rationale 44:17 ratios 58:8,12 reach 14:17 59:3 reached 12:11 39:16 67:3 react 64:8 read 24:14 ready 7:13 71:20 78:12,15 real 31:4 65:1 really 18:20 19:7 20:13,15 22:3 23:2 24:20,22 25:4 30:5 31:7,8 31:14 33:10,11,12 34:3 35:19 43:3 46:15 47:7 48:4,6 54:16,21 55:9 62:8 63:17,17 64:12 65:4 66:13 66:22 67:5,9 68:3 68:11 69:13 72:16 73:1 81:18 Realty 3:16 13:3 reason 58:5 82:6 reasonable 6:7 45:1 reasons 40:16 45:4 rebuttal 5:21 receipt 11:1 received 7:18,21 11:15 79:18 recess 54:10 recognize 17:19 20:15 22:2 24:4	S s 2:5 14:16 SAM 2:18 satisfied 44:4 72:5 72:7 save 75:1 saw 66:9 saying 58:16,16 74:19 81:19 83:4 says 70:10 scenario 27:19 30:12 33:18 scenarios 18:14 schedule 74:10 78:19 scheduled 78:18 scheduling 79:2 Schellin 2:5 4:11 7:5,7,15,17 74:12 77:14 78:5,9,11 79:8,16,19 82:14 82:16 scope 35:4 scorecard 34:8 screen 33:9 screened 32:15 screening 49:9 second 30:7 31:9 41:17 42:5,7 56:16 68:22 Secretary 2:5 Section 11:4 sectional 29:13 sector 59:10 see 15:9 21:13 23:16 26:11 28:14 36:16 44:11 48:7			

50:21 52:3,5,12 52:22 56:5 68:14 69:19 72:14 73:18 74:2,8 76:11 83:18 84:5 seeing 82:13 seeking 15:12 seen 8:2,5 17:16 41:11 64:19 71:7 83:21 sell 67:6 71:18,18 send 70:20 sense 23:17 24:19 67:19 74:9 separate 26:18 55:21 September 41:12 serve 14:4,8,20 38:9 39:7 44:5 served 38:2 serves 37:17 service 39:5 Services 40:13 serving 38:5 set 5:6 19:13 29:15 29:19 35:5 42:19 63:19 64:1,3 65:18 66:21 79:14 82:4 setback 20:1,2 26:13 42:15 43:1 44:22 52:16,21 53:9 80:15 setbacks 41:3 42:10 80:11 sets 11:2 setting 40:2 shades 28:19 shading 23:21 shape 10:2 20:14 share 16:6 Sharon 2:5 4:11 Sher 3:20 9:13 40:1 40:9,10,12 45:11 46:18 53:14,21 Sher's 46:7 shifting 37:10	short 42:5 shorter 17:11 show 70:20 showed 26:3 66:10 showing 19:10 shown 29:2 32:6 shows 55:5 side 20:2,16,17 21:21 23:4 24:2,6 25:3 26:14 31:1 38:7 56:13,21 67:17 sides 22:22 33:1 46:14,19 68:4 sight 35:5 signature 83:17 significant 74:8 sill 29:9,10 Silver 10:20 similarly 22:10 31:20 32:18 simple 23:12 sinking 63:14,14 sir 8:15 82:16 site 13:4,19 14:5 15:6,12,17 16:16 16:18,20 17:8 18:4,10,15 19:2 36:22 43:4,5,7,9 43:10 61:8 62:19 62:20 65:9 site's 12:15 sits 69:9 skin 21:20 32:13 49:9 sky 29:22 76:11 slab 49:8,16,17 50:5 slide 68:16 slides 16:20 slight 21:2 24:3 26:6 31:18 slightly 23:18 44:21 slimmer 20:22 slope 51:20 slot 49:6	soil 36:19 soleil 80:17 solid 28:1 solution 12:11 39:17 45:1 solutions 16:22 something.VICE 57:9 somewhat 17:7 sophisticated 14:3 23:12 sorry 19:15 50:7 sort 47:9 51:4,7 69:7,8 sorts 81:17 sound 6:18 south 1:14 9:19 10:1 11:8 14:13 15:2,17 16:19 17:2,6,8,22 19:11 19:15,16 20:1,2,3 20:16,20 21:18 22:2,14,20 23:10 23:13 25:3,7,20 26:12 27:9,15 28:17 29:1,14 30:1,2,11,21 31:1 31:3,9,21 32:2,16 33:18 41:5 42:11 42:12,22 43:15 44:12,18 53:1 64:7 66:10 67:21 75:20 southeast 9:19 32:19 southeastern 28:10 southern 18:15 Southwest 83:5 space 22:19 35:7 38:16 39:5,8 43:13 50:17 55:10 56:16,17,18 57:6 57:12 59:1 64:9 64:18 66:16 69:1 71:15,15,15 spaces 59:16 61:7 64:21	span 33:11 spandrel 26:5,19 speak 6:14 77:9 speaking 6:16 9:13 81:15 spec 67:7 special 20:21 specialized 57:2 specialty 19:18 specific 41:2 spire 81:16,20 spoke 73:1 square 5:8 9:20,22 10:3 13:15 17:1 20:10 38:3 39:5 42:3 58:22 59:14 64:9 68:1 St 14:21 staff 2:3,7,13 4:10 4:12 35:1,13,18 standard 45:17 46:2 standing 49:1,4 56:13 standpoint 18:22 29:13 32:9 60:8 stands 56:9 Starbucks 69:9 stark 62:21 start 46:10 started 35:3 81:9 starting 19:6 68:17 81:1 starts 20:15 22:19 25:6 30:10 48:17 stately 15:18 statement 11:2 stating 6:15 Station 17:4 18:7 21:15 24:10 step 22:12 32:3 Steve 9:13 Steven 3:20 40:12 stone 26:9 stop 78:1 straight 7:20 strategies 60:20	strategy 16:22 street 1:15,19 9:20 10:1,2,8,11 11:7,8 12:22 13:4,7,10 13:11,16,17,19 14:13,19,22 15:2 16:10,15 17:11,15 17:18,22 18:12,22 19:3,11,13,17 20:5,6,16,17,21 21:2,4,5,15 22:15 23:3,4,8 24:5,8,9 26:14 27:1,6,13 29:6,12 30:13,17 31:3,20 33:6,22 34:4,5 36:1,1 37:16,19,20,22 38:5,8,8,13,14 41:5,5 42:11,12 42:13,22 43:18 44:18 46:16,16,22 47:9 48:12 51:3 52:10 53:1 54:7 54:12,21 55:20 67:16,21 68:15 75:20 81:12 streets 9:20 15:18 43:10 46:14,19,20 street-fronting 47:1 strengthening 24:14 strictly 6:6 stripes 76:1 striping 75:22 strong 17:5 25:4 31:6 33:13 34:9 47:16 study 25:11 34:20 35:5,17 60:7 studying 77:8 subject 4:22 9:18 43:10 submission 36:15 41:12,13 submit 40:4 61:12 submitted 35:8
---	---	---	---	--

36:7 41:14 suburbs 58:10 successful 81:22 sufficient 44:5 suggest 36:5 73:8 suggested 37:3,14 suitable 75:4 sun 23:20 28:19,20 sunk 68:10 supplementary 35:12 support 5:20 supported 11:10 34:20 supporting 36:3 suppose 62:22 sure 12:10 53:3 54:4,17 63:3 71:1 83:15 surface 28:1 61:7 surrounding 32:21 sustainability 10:18 sustainable 15:3 switch 52:2 sworn 7:9 system 36:2 38:12 S.W 13:11	tell 52:19 61:11 84:6 telling 70:5 79:1 telltale 17:7 tenant 14:6,14 15:11 36:21 58:5 58:9 66:16 tenants 39:10 57:2 59:10 60:21 tend 81:14 Ten-and-a-half 50:9,11 terminus 27:10 terms 11:3 12:7 40:3 41:3 42:8 75:14 terrace 32:8,10,11 32:18 66:17 test 45:7 testify 7:4 testimony 12:17 34:14 39:20 texture 26:6,8,9 textured 28:2 thank 4:16 7:22 8:18 9:1 12:2 13:1 16:5 34:11 40:7 45:11,15 57:16,22 62:2,4 76:16 Thanks 16:3 theirs 18:18 thin 25:1 thing 27:4 42:5,7 52:19,20 65:8 68:18 69:6,7 75:18 78:2 80:13 84:2 things 19:4 20:18 23:1,11 24:1 25:15 41:17 42:1 42:21 43:4,8,11 47:15 80:11,18 81:17 84:6,6 think 8:1,4 17:6 40:18 41:10 44:4 44:19 45:1,8 46:6	47:13 50:16,17 51:5,7 53:14 54:14,22 55:1,7,7 55:16 56:10,15 57:5 58:6,21 60:3 60:6,19 62:7,9,14 62:21 63:5,6,17 65:2,13,14 66:4 66:21,22 67:1,4,8 69:13 71:7,13,17 71:20 72:14,17,22 74:9,10 75:14,18 75:19 76:11 77:5 77:18 78:5,11,14 80:13,18,22 81:2 81:4,21 thinking 24:11 74:13 third 41:17 47:4 53:13 Thirty-seven 20:6 thought 14:11 54:6 55:21 56:6 67:14 67:14 74:2 three 6:4 8:14,17 17:20,21 18:20 19:9 22:22 36:17 37:7,12 40:16 42:4 43:9,19 44:16 46:14,18 58:11 59:4 69:22 74:15 75:17 77:20 79:9 three-week 77:6 Thursday 1:13 4:6 time 6:1,6,8 7:1 35:10 37:18 38:1 45:20,20,22,22 61:14 72:1 73:9 73:19 74:16 75:1 77:10,18 78:6 79:4 82:5,12 times 16:12 83:21 tip 80:16 today 15:12 36:8 36:12 58:20 59:1 79:14	today's 5:9 tone 56:12 tonight 9:6 11:5,20 16:7 56:3 78:21 tonight's 10:14 top 17:13,16 21:16 24:17 25:2 28:5 29:16 32:3 42:10 61:11 69:20,20 70:6,10,10,11,21 76:4,8 78:3 touch 25:5 28:12 30:9 town 57:7 traffic 9:12 12:12 23:4 35:22 39:1 57:15 60:7,8 61:3 transcript 2:20 transfer 25:14 transparency 15:2 33:14 transparent 25:10 26:20 76:6 transportation 2:13 4:13 12:6 34:18,20 35:5,17 38:3,12 58:2 treated 27:22 treatment 26:19 28:13 29:9 33:10 36:1 47:8 81:21 tree 19:12,12,13,16 tremendously 63:2 triangular 54:10 tried 59:3 trip 37:8 trips 37:5,11 truck-backing 38:15 true 16:17 28:9 29:11 truly 18:20 try 50:18 61:3 72:3 73:13 74:18 81:5 83:17 trying 54:2,19 58:18 60:22 62:13	66:5 67:9 71:17 71:18 74:22 turn 6:14,17,22 15:22 28:8 34:13 40:1 Turnbull 1:23 4:9 57:19,20 58:1 62:3,4 63:12 66:18 68:5 69:2,5 70:3,8,16,19 71:2 71:6,12 72:22 80:3,5,6 82:19 83:3 turning 34:1 turns 28:22 30:14 30:22 turret 81:16 two 6:10 28:5 30:19 32:3,9 35:20 39:3 39:5 41:18 42:1,5 43:3,22 44:5,11 44:16 46:20 52:11 52:14 55:21 74:14 76:3 77:6,20 79:7 two-level 33:11 two-story 14:22 type 60:21 83:17 types 24:12 typical 23:4 36:1 67:17 typically 23:5 T-A-B-L-E 3:4
T				U
table 6:12 take 7:4 17:20 26:17 46:19 72:16 73:10 74:15 77:18 79:3,20 taken 20:8,21 21:20 28:3 talk 16:21 talking 62:18 64:17 78:3 tall 48:19,22 taller 21:17 29:1 target 37:10 60:12 TDM 37:9 team 61:20 technical 41:3,6 51:9 52:19				umbrellas 66:10,13 unanimous 75:13 unclear 48:11 undermining 50:17 underside 49:8 understand 11:17 46:12 47:12 48:2 48:13 49:15 54:1 80:1 understanding 68:20 understatement 54:16

understood 37:2	52:18 55:19 63:22	30:19 47:22 48:1	66:8 69:16,16	1.8 59:14
Unfortunately 77:4	views 14:18 22:9	48:7 51:16 54:3,5	77:17 78:9 81:5	10 13:21 21:21 62:8
unique 16:16 18:13	23:21 63:10	54:16 74:19 75:3	83:16	62:18 68:8
unsure 37:19	Vincent 14:21	76:4	workable 12:11	10th 12:21 35:14
unused 56:17	visibility 27:13	ways 76:12,13,14	39:17	100 59:18 64:6 65:4
upper 53:6 55:3	28:10 30:1	weave 28:3	worked 14:1 15:6	100-foot 39:5
use 40:13 56:6	visible 17:12 33:8	webcast 4:18	36:6 38:17 71:21	107 42:20
uses 5:4 38:2	33:13	week 11:18	working 32:6 39:14	11 5:6,15
usual 74:11	vision 75:14	weeks 74:15 77:20	60:21	110 19:22 29:14
usually 45:19	visiting 15:6	went 42:17 45:2	works 25:7	110-foot 26:1
		83:5	wouldn't 54:14	1117 12:21
V		west 18:1 19:15	wrapping 24:21	12 3:16 68:21 69:2
validity 72:17	visitors 14:9	western 17:8 22:8	wraps 22:20 25:1	12-story 10:6
valuable 64:17	volume 56:22	28:20	26:13 30:3	13 43:2
67:4	vote 78:3,4	we'll 10:17 11:20	written 45:6	13th 13:16
Van 10:1,11 17:18	voted 84:8	43:22 60:19 78:14	wrong 52:14	130 29:16
17:22 20:17 22:21				
23:2,7 26:14 27:1	W		Y	
29:12 30:4,17	wait 84:11	we're 8:12 16:9	Yard 16:14 17:3	21:19 42:20
31:3 33:6 34:1,4	Walking 23:22	37:19 42:11,14	18:6 21:15 24:10	14 55:8 57:8
36:1 37:16 38:5,8	walkway 30:21	46:18,19 62:18	yeah 66:11 69:4	14-foot 20:7
38:8 43:18 46:16	wall 5:12 11:7 21:1	75:2 84:1	70:2,18	15 29:15 42:16 53:9
55:20	24:3 25:16 29:2	we've 7:11 11:15	years 13:22 16:15	15th 13:10
VanPelt 3:19 9:11	32:2 62:8,21	12:4,11 19:4	yield 57:21	15-foot 20:2 43:1
12:9 34:13,15,17	63:20 68:7,13	20:21,22 21:20		
40:2 59:21 60:3	83:7	23:6 25:15,16,21	Z	
60:19	want 36:17 45:14	28:3,5,12 33:3	Zimbabwe 2:18	16 3:18 9:16
variance 11:4,6	45:19 56:8 58:3	35:9 36:8 38:17	4:14	1610 5:6 11:4
42:6 43:2 45:8	64:5,14,15 65:14	39:13,16 41:17	zone 22:11 28:15	17 1:13 2:22 4:6
46:13	65:19 66:4 67:1,6	44:21 45:6 57:6	zoned 10:4	50:12
variances 41:18	67:13 68:11 69:14	77:8 79:18 82:7	zoning 1:4,17,21	1700 13:6
variation 31:22	69:14 72:8 74:7	83:22 84:3	2:3 3:6 4:5,10 5:1	18 50:13 51:11,11
vary 41:21	77:8 78:19 81:9	white 56:13	5:7 9:17 40:12	51:12,19 69:19
vegetated 25:16	82:9,20 83:13	wholeheartedly	47:14 81:10	70:22
vehicular 19:1	wanted 23:11 24:1	73:2	zoom 33:7	18.6 70:7,11,15
43:17	25:9 26:17 54:1	wide 43:20 64:7	zoomed-in 33:17	19 5:10 51:11,12,18
vertical 22:12	55:18 56:3 67:16	windows 29:10		
24:13 53:15	67:19 68:3 76:14	63:22	0	
vestibule 30:12	76:18 83:9,14	wish 61:10	06:30 1:18	2 17:12 18:5
Vice 1:22 4:8 46:6	wants 71:16 83:10	wishing 7:3	09-22 1:11,17 3:6	2nd 35:13
55:15,16 57:1,10	warehouse 17:9	witness 6:10	5:1	20 64:7
75:6	18:17	witnesses 7:9,14		
view 15:21 19:1	Washington 1:15	8:14 12:17	1	
22:4,14,16 23:10	1:19 12:22 13:5	wonder 80:4	1 13:4,19 17:16	20-foot-deep 39:4
23:13,20 28:16	16:8	wonders 50:16	18:8 40:16 42:2	200,000 42:3
31:15 32:10,15,17	water 23:21 25:17	word 8:12	1,000 58:21 59:14	20001 1:19
32:20 33:17 48:21	36:19 69:12	work 27:5 35:3	1,200 59:2	2009 15:6
	Waterfront 83:6	61:19,20 65:12	1,500 58:22 64:9	2012 5:11
	way 25:7,11,17			2013 1:13 2:22 4:6
				2020 16:9

21 70:4,13	8			
218 59:19	8 3:15			
220 1:14	84 3:22			
25 48:20 60:13,15	866 5:8			
25-foot 37:17				
28th 11:1	9			
3	90 59:18			
3 18:8				
3rd 35:8				
30-foot 43:19,22				
30-foot-deep 39:3				
42:4				
3022 5:15				
310 59:16 60:2,5				
328,802 20:9				
34 3:19 45:16				
35 6:3 60:6				
35,000 10:3				
4				
4 1:10 3:7 5:2 9:4				
17:6				
4th 1:15,19 13:11				
40 3:20 60:9				
400 17:3				
43 5:8				
441 1:15,19				
47 42:21 52:22 53:5				
53:11 54:15				
5				
5 3:7 18:11				
55 13:17 18:5 27:9				
6				
6 69:19 70:4,13,22				
6D 5:19				
6:32 4:2				
60 42:11 43:1 54:20				
60s 64:21				
7				
7 3:10 68:16				
7:48 84:13				
700 5:8 9:21,22				
17:1				
703 12:22				

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In the matter of: Public Hearing

Before: DCZC

Date: 01-17-13

Place: Washington, DC

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