

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

3rd and H Streets, N.E.- Case No. 05-37  
Capitol Place, Station  
Holdings, LLC

Monday,  
October 1, 2007

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

The Public Hearing of Case No.  
05-37 by the District of Columbia Zoning  
Commission convened at 6:30 p.m. in the  
Office of Zoning Hearing Room at 441 4th  
Street, N.W., Washington, D.C., 20001,  
Anthony Hood, Chair, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chair
GREGORY JEFFRIES	Vice Chair
MICHAEL G. TURNBULL	Commissioner, FAIA,
AOC	
JOHN PARSONS	Commissioner, NPS

## OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN

Secretary

DONNA HANOUSEK

Zoning Specialist

## OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

TRAVIS PARKER

The transcript constitutes the  
minutes from the Public Hearing held on  
October 1, 2007.

## TABLE OF CONTENTS

Opening - Chair Hood . . . . .	4
Preliminary Matters . . . . .	7
Vote to Deny Party Status Seven Individuals	9
Vote to Approve Party Status Residents of Square 752 . . . . .	11
Vote to Deny Party Status Lamil Jamison .	12
Vote to Deny Party Status ANC 6A . . . .	13
Vote to Approve Party Status Stanton Park Neighborhood Association . . . . .	15
Vote to Accept Applicant's Late Filing .	20
Applicant's Case	
Mr. Quin . . . . .	25
Mr. Braunohler . . . . .	30
Mr. Cook . . . . .	38
Mr. Sher . . . . .	70
Traffic Study - Mr. Kabatt . . . . .	83
Office of Planning Report - Mr. Parker	151
Mediator - Mr. Quill . . . . .	157
Report of ANC 6C	
Commissioner Kimber . . . . .	182
Commissioner Wirt . . . . .	193
Organizations and Persons in Support	
Mr. Edwards . . . . .	199
Mr. Saleem . . . . .	217
Mr. Peterson . . . . .	219
Ms. Kung . . . . .	223
ANC 6A - Mr. Ronneberg . . . . .	226
Mr. Boykins . . . . .	233
Mr. Hernandez . . . . .	234
Organizations and Persons in Opposition	
Mr. Tallant . . . . .	240
Ms. Morrison . . . . .	266
Mr. Stamas . . . . .	270
Ms. Jamison . . . . .	273
Mr. Jamison . . . . .	276
Closing Comments	
Mr. Quin . . . . .	279
Mr. Edwards . . . . .	293
Closing - Chair Hood . . . . .	294

**NEAL R. GROSS**

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

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

2 6:47 p.m.

3 CHAIR HOOD: Good evening ladies  
4 and gentlemen. This is the public hearing of  
5 the Zoning Commission for the District of  
6 Columbia on Thursday, October 1st, 2007.

7 First, let me apologize for our  
8 late start. We usually like to start at 6:30,  
9 but traffic.

10 Anyway, my name is Anthony J.  
11 Hood. Joining me this evening are  
12 Commissioners Jeffries, Parsons and Turnbull.  
13 We are also joined by the Office of Zoning,  
14 Ms. Sharon Schellin and Ms. Donna Hanousek and  
15 to my right is the Office of Planning and they  
16 will introduce themselves at the appropriate  
17 time.

18 The subject of this evening's  
19 hearing the Zoning Commission Case 05-37.  
20 This is a request by Station Holdings LLC for  
21 approval of a consolidated planned unit  
22 development and related map amendment for  
23 property located at 3rd and H Streets, N.E.

1 and known as various lots in square 752.

2 Notice of today's hearing was  
3 published in the D.C. Register on August 10th,  
4 2007. Copies of today's hearing announcement  
5 are available to you and are located to my  
6 left in the wall bin near the door.

7 This hearing will be conducted in  
8 accordance with provisions of 11 DCMR 3022.

9 The order of procedure will be as  
10 follows: preliminary matters, applicant's  
11 case, report of the Office of Planning, report  
12 of other government agencies, report of ANC  
13 6C, organizations and persons in support,  
14 organizations and persons in opposition.

15 The following time constraints  
16 will be maintained in this meeting: the  
17 applicant 60 minutes, organizations 5 minutes,  
18 individuals 3 minutes.

19 The Commission reserves the right  
20 to change the time limits for presentations if  
21 necessary and notes that no time shall be  
22 ceded.

23 Accordingly, we must ask you to

1       refrain from any disruptive noises and actions  
2       in the hearing room.

3               When presenting information to the  
4       Commission, please turn on and speak into the  
5       microphone first stating your name and home  
6       address. When you are finished speaking,  
7       please turn your microphone off.

8               The decision of the Commission in  
9       this case must be based exclusively on the  
10       public record. To avoid any appearance to the  
11       contrary, the Commission requests that persons  
12       present not engage the members of the  
13       Commission in any conversation during any  
14       recess or at any other time.

15              The staff will be available  
16       throughout the hearing to discuss procedural  
17       questions.

18              Please turn off all beepers and  
19       cell phones or place on vibrate at this time  
20       so as not to disrupt these proceedings.

21              Would all individuals wishing to  
22       testify please rise to take the oath?

23              Ms. Schellin, will you administer

1 the oath?

2 MS. SCHELLIN: Please raise your  
3 right hand. Do you solemnly swear or affirm  
4 the testimony you will give in this evening's  
5 proceeding will be the truth, the whole truth  
6 and nothing but the truth? Thank you.

7 CHAIR HOOD: Okay. Does the staff  
8 have any preliminary matters?

9 MS. SCHELLIN: You have before you  
10 several requests for party status and two  
11 motions.

12 CHAIR HOOD: Okay.

13 MS. SCHELLIN: And also, the  
14 Applicant's request for their late filings of  
15 their plans. They were two days late.

16 CHAIR HOOD: Okay. Let's go  
17 through -- I think we've all read the  
18 submissions of the party status request.  
19 Let's deal with that accordingly and then  
20 we'll deal with the motions and then the  
21 requests for the revised plans.

22 My recommendation, colleagues, in  
23 looking at the request, we had seven

1 individuals to apply for party status. Unless  
2 someone feels differently -- I don't know if  
3 we need a motion. I think we do. We need a  
4 motion. I would deny those seven individuals  
5 who have asked for party status individually.  
6 I would move and ask for a second.

7 COMMISSIONER PARSONS: I would  
8 second that with the understanding that they  
9 are represented by the larger group that  
10 includes them. Right?

11 CHAIR HOOD: Right. And my next  
12 order of procedure, what I'll do, I guess I  
13 need to caveat, is I think that they have also  
14 applied as a group in square 752 --

15 COMMISSIONER PARSONS: Yes.

16 CHAIR HOOD: -- of those residents  
17 who reside in square 752 and --

18 COMMISSIONER PARSONS: Right.

19 CHAIR HOOD: Let's carry this  
20 motion first and then we'll move on to the  
21 next one.

22 COMMISSIONER PARSONS: Sure.

23 CHAIR HOOD: Thank you, Mr.



1 Parsons. Okay. It's been moved and properly  
2 seconded. All those in favor?

3 (Ayes.)

4 CHAIR HOOD: Any opposition? So,  
5 ordered.

6 Staff, would you record the vote.

7 MS. SCHELLIN: Yes, staff will  
8 record the vote 4-0-1 to deny party status to  
9 the seven individuals who will be included in  
10 the residents of square 752. Commissioner  
11 Hood moving. Commissioner Jeffries seconding.  
12 Commissioners Parsons and Turnbull in favor.  
13 Commission Mitten not present, not voting.

14 CHAIR HOOD: Okay. Next --

15 VICE CHAIR JEFFRIES: Oh, excuse  
16 me. I did not second that. That was  
17 Commissioner Parsons.

18 MS. SCHELLIN: Okay.

19 CHAIR HOOD: Okay. Next we have a  
20 request as a group of residents of square 752  
21 which will be represented by Mr. Tallant and  
22 I believe -- normally when we do this, we have  
23 one person who speaks for the whole group and

1 we can talk to Mr. Tallant at the appropriate  
2 time, but right now, I would be in favor of --  
3 let me do this first. I'm in favor of making  
4 the whole -- the residents of square 752 a  
5 party and I will ask, Mr. Quin, do you have  
6 any -- see any issues?

7 MR. QUIN: No, we have no  
8 objections. In fact, that's what we were  
9 going to suggest.

10 CHAIR HOOD: Oh, okay. Thank you.  
11 Okay. I would move that we grant party status  
12 to the residents of square 752 with the caveat  
13 of knowing that Mr. Tallant, unless otherwise  
14 requested, will be the sole person who will be  
15 speaking on behalf of that particular group  
16 and we will call them residents of square 752  
17 and ask for a second.

18 VICE CHAIR JEFFRIES: Second.

19 CHAIR HOOD: Moved and properly  
20 seconded. Any questions? Any comments?

21 All those in favor?

22 (Ayes.)

23 CHAIR HOOD: Any opposition? So

1 ordered.

2 Staff would you record the vote?

3 MS. SCHELLIN: Staff records the  
4 votes 4-0-1 to approve party status to the  
5 residents of square 752. Commissioner Hood  
6 moving. Commissioner Jeffries seconding.  
7 Commissioners Turnbull and Parsons in favor.  
8 Commission Mitten not present, not voting.

9 CHAIR HOOD: Okay. We had one  
10 request from someone who did not live in  
11 square 752, Mr. Jamison, 714 H Street and he  
12 had requested party status and I think he  
13 lives a distance.

14 Mr. Jamison, I would be inclined  
15 unless my colleagues feel different to make  
16 sure that there's an appropriate time for  
17 persons in opposition or persons in support to  
18 speak and I think you can satisfy your request  
19 within that time frame and that's the way I'm  
20 going to rule on that.

21 I would move that we deny Mr.  
22 Lamil Jamison party status and ask for a  
23 second.

1 COMMISSIONER PARSONS: It's been  
2 moved and properly seconded.

3 All those in favor?

4 (Ayes.)

5 CHAIR HOOD: Any opposition? So  
6 ordered.

7 Staff, would you record the vote.

8 MS. SCHELLIN: Staff records the  
9 vote to 4-0-1 to deny party status to Mr.  
10 Jamison. Commissioner Hood moving.  
11 Commissioner Parsons seconding. Commissioner  
12 Jeffries and Turnbull in favor. Commissioner  
13 Mitten not present, not voting.

14 CHAIR HOOD: I'm going to do --  
15 this project -- thank you, Ms. Schellin. This  
16 project is in the boundaries of ANC 6C and ANC  
17 6A has requested party status and I am  
18 inclined to oppose ANC 6A for granting party  
19 status. Again, there's an appropriate time  
20 which ANC 6A would be able to come and express  
21 their opposition to the Commission.

22 Now, if it was right across the  
23 street, I would be thinking a little

1 differently. The precedent we have done in  
2 the past we granted ANCs both party status  
3 when it abutted or was within close nature.  
4 I think when you're a few blocks away, you  
5 also can address that at the appropriate time.

6 So, I would move that we deny ANC  
7 6A party status and ask for a second.

8 COMMISSIONER PARSONS: Second.

9 CHAIR HOOD: It's moved and  
10 properly seconded. All those in favor?

11 (Ayes.)

12 CHAIR HOOD: Any opposition? So  
13 ordered.

14 Staff would you record the vote?

15 MS. SCHELLIN: Staff records the  
16 vote 4-0-1 to deny party status to ANC 6A.  
17 Commissioner Hood moving. Commissioner  
18 Parsons seconding. Commissioners Jeffries and  
19 Turnbull in favor. Commissioner Mitten not  
20 present, not voting.

21 CHAIR HOOD: Okay. I think we've  
22 dealt with all the party status.

23 VICE CHAIR JEFFRIES: Well, what

1 about Stanton?

2 MS. SCHELLIN: There's one more.

3 VICE CHAIR JEFFRIES: I think  
4 there's Stanton. Yes.

5 CHAIR HOOD: Thank you very much.  
6 Okay. We also had a request for Stanton Park  
7 Neighborhood Association. I would be inclined  
8 to support that. Mr. Quin?

9 MR. QUIN: No objection.

10 CHAIR HOOD: Okay. Mr. Quin was  
11 not on the microphone when he said he had no  
12 objection. I would be so inclined. Okay. I  
13 would be inclined to support the Stanton  
14 Neighborhood -- the Stanton Park Neighborhood  
15 Association request for party status. I  
16 believe they're in opposition in this case and  
17 ask for a second.

18 COMMISSIONER PARSONS: Second.

19 CHAIR HOOD: It's moved and  
20 properly seconded and the reason -- my  
21 rationale for doing it is because this  
22 encompasses an organized neighborhood group  
23 which encompasses this particular project.

1                   Okay. It's been moved and  
2 seconded. All those in favor?

3                   (Ayes.)

4                   CHAIR HOOD: Any opposition? So  
5 ordered.

6                   Staff, would you record the vote?

7                   MS. SCHELLIN: Staff records the  
8 vote 4-0-1 to approve party status to the  
9 Stanton Park Neighborhood Association.  
10 Commissioner Hood moving. Commissioner  
11 Turnbull seconding. Commissioners Jeffries  
12 and Parsons in favor. Commissioner Mitten not  
13 present not voting.

14                  CHAIR HOOD: Now, is that all the  
15 requests? I think it is. Okay.

16                  Thank you again, Commissioner  
17 Jeffries.

18                  Okay. We had a rule on a motion  
19 to require Applicant to address 1305.1. My  
20 colleagues, we have read that. They are  
21 asking -- you know, 1305.1 I think I would be  
22 more inclined right now probably to ask -- and  
23 I can throw this out. I will ask my

1 colleagues. Let's ask both -- let's ask the  
2 parties to brief us on that. We have parties  
3 established now and when I say brief us, I  
4 would like for it to be brief. Brief.  
5 Because we have a lot to read. A voluminous  
6 report as it is. So, I would ask that the  
7 parties brief us on that particular issue.

8 Because we're going to defer  
9 action. We're not going to even take action  
10 on that tonight.

11  
12 Is it pertaining to that? I've  
13 already ruled on it.

14 Turn your microphone on.

15 COMMISSIONER KIMBER: I was going  
16 to offer to withdraw the motion as far as  
17 Stanton Park is concerned to try to simplify  
18 the proceeding, Mr. Hood.

19 CHAIR HOOD: Okay. But, you  
20 weren't -- didn't 6A also combine with you.

21 COMMISSIONER KIMBER: That's  
22 correct.

23 CHAIR HOOD: Are you speaking for



1 both or just one?

2 COMMISSIONER KIMBER: I'm speaking  
3 only for Stanton Park. We will withdraw that  
4 motion and the second motion requesting a two-  
5 part proceeding.

6 We do, however, point out that  
7 certain materials we've only received this  
8 evening. We do ask that an opportunity to  
9 provided for a further hearing is necessary  
10 after we have reviewed those materials and if  
11 we get that procedural arrangement, we will  
12 withdraw -- Stanton Park would withdraw both  
13 motions to try to expedite the proceeding  
14 tonight.

15 CHAIR HOOD: Okay. That's good  
16 and remember some of this we just got this  
17 evening. So, we will make sure there's ample  
18 time for all of us, all parties involved to be  
19 able to digest the information provided.

20 So, let me make sure I understand.  
21 6A did not get party status. So, they can't  
22 do the motion. You all weren't granted party  
23 status and now, you're going to withdraw the

1 request for 1305.1.

2 COMMISSIONER KIMBER: That's  
3 correct.

4 CHAIR HOOD: Okay.

5 COMMISSIONER KIMBER: And we will  
6 also withdraw the second motion for two --

7 CHAIR HOOD: Oh, about the two.  
8 There's a little more to it and that's  
9 actually our procedure. I'm glad you're  
10 withdrawing. That will make it easier, but  
11 for future references, that's our procedure.  
12 We're the ones who request whether it be one  
13 stage or two stage. That's -- it has to come  
14 from us.

15 COMMISSIONER KIMBER: All right.

16 CHAIR HOOD: Okay. So, good.

17 COMMISSIONER KIMBER: Thank you,  
18 Mr. --

19 CHAIR HOOD: All right. Thank  
20 you. All right. That was easy I guess.

21 All right. Do we have anything  
22 else that's preliminary?

23 MS. SCHELLIN: Yes.

1 CHAIR HOOD: We do?

2 MS. SCHELLIN: Delayed filing.

3 CHAIR HOOD: Oh, delayed filing.

4 Ms. Schellin, is that what we got  
5 this evening?

6 MS. SCHELLIN: No, sir, it was a  
7 filing that was made -- there's a regulation  
8 that requires the plans that were submitted to  
9 come in 20 days prior to the hearing and they  
10 came in 18 days.

11 CHAIR HOOD: Okay. I remember it.

12 Colleagues, I would think two days  
13 I think it's been going on for a couple of  
14 years and I know that there have been  
15 mediation and ongoing process with community  
16 concerns and issues. I don't see any problem  
17 with us waiving our rule from 20 to 18 days  
18 and I would ask that we -- I would move that  
19 we waive our, what is it 20-day rule, 20-day  
20 rule to 18 days and accept the late filing.

21 VICE CHAIR JEFFRIES: Second.

22 CHAIR HOOD: It's been moved and  
23 properly seconded. All those in favor?

1 (Ayes.)

2 CHAIR HOOD: Any opposition? So  
3 ordered.

4 Staff, would you record the vote.

5 MS. SCHELLIN: Staff records that  
6 4-0-1 to accept the Applicant's late filing  
7 that came in 18 days instead of 20.  
8 Commissioner Hood moving. Commissioner  
9 Jeffries seconding. Commissioners Turnbull  
10 and Parsons in favor. Commissioner Mitten not  
11 present not voting.

12 CHAIR HOOD: Let me do something  
13 right quick. I am going to ask who is going  
14 to represent SPNA and I will refer to -- refer  
15 to you as SPNA. If you can just come forward.  
16 I want to make sure I get this right this  
17 time. Another case I messed up.

18 MR. EDWARDS: Monte Edwards, Co-  
19 Chair of the Land Use Committee of Stanton  
20 Park Neighborhood Association.

21 CHAIR HOOD: Okay. Thank you, Mr.  
22 Edwards.

23 Now, who is going to represent ANC

1 6C and I know it was in the submittal, but I  
2 would like for you to come forward and give me  
3 your name.

4 COMMISSIONER KIMBER: Chairman  
5 Hood, my name is Alan Kimber. I'm authorized  
6 by 6C to represent them.

7 I will also be assisted, if it's  
8 okay, by Karen Wirt who is our chair. She was  
9 the direct participant in the mediation. So,  
10 she may have some valuable information that I  
11 don't have first hand.

12

13 CHAIR HOOD: Can you spell your  
14 last name for me please?

15 COMMISSIONER KIMBER: Sure. K-I-  
16 M-B-E-R. First name is A-L-A-N.

17 CHAIR HOOD: Mr. Kimber and the  
18 young lady who's going to be --

19 COMMISSIONER KIMBER: Karen Wirt  
20 W-I-R-T.

21 CHAIR HOOD: Okay. We have one  
22 more SPNA.

23 Residents of square 752, who's

1 going to -- I think Mr. Tallant is going to be  
2 the representative. Okay. I got you. I got  
3 you.

4 Okay. Mr. Quin, you want to  
5 begin?

6 MR. QUIN: Yes, sir.

7 CHAIR HOOD: We can get started.  
8 We have proffers of witnesses. Colleagues, we  
9 have, I think, a different version that's  
10 dated September 25th in front of us. Let me  
11 just dispense with Mr. Wells, Mr. Smart and  
12 Mr. Sher. I don't think anyone has a problem  
13 with that. They've been proffered in front  
14 of us before.

15 I'm not sure if Mr. Cook and Mr.  
16 Braunohler -- we have their resumés in front  
17 of us if everybody remembers them.

18 MR. QUIN: Mr. Braunohler has been  
19 qualified here before as a real estate expert.

20 CHAIR HOOD: Oh, he has? Okay.  
21 And I'm sure Mr. Cook -- has Mr. Cook been  
22 here before?

23 MR. QUIN: No, Mr. Cook and Mr.

1 Rusitzky have not been here before, but they  
2 -- their resumés are submitted to you and  
3 their vast experience as you will hear.

4 CHAIR HOOD: Okay.

5 MR. QUIN: So, we submit them as  
6 experts in the field of architecture.

7 CHAIR HOOD: Okay. Mr. Braunohler  
8 and Mr. Cook, Mr. Smart and Mr. Sher, I don't  
9 have a problem. Colleagues, I guess they've  
10 been here before. I'm sure we don't have any  
11 concern.

12 Mr. Wells, Mr. Kabatt.

13 MR. QUIN: Mr. Kabatt works with  
14 Mr. Wells and will be speaking on his behalf.

15 CHAIR HOOD: Does anybody have any  
16 issues with the proffer witnesses? Okay.

17 Hearing no objection, your  
18 witnesses are expert witnesses.

19 MR. QUIN: Thank you. We did have  
20 also Mr. Eric Smart who will be here for --  
21 just for questions on the economic benefits  
22 and he's qualified numerous times before this  
23 Commission.

1 CHAIR HOOD: I had mentioned him.  
2 Did I leave him out the last time? I had  
3 mentioned him in my initial statements.

4 MR. QUIN: Oh, I'm sorry.

5 CHAIR HOOD: Okay.

6 MR. QUIN: I thought --

7 CHAIR HOOD: But, yet, all you --  
8 everything that's dated September 25th that  
9 you've given us --

10 MR. QUIN: Correct.

11 CHAIR HOOD: -- Tab A, B, C, D, E.

12 MR. QUIN: Thank you.

13 CHAIR HOOD: All the prior, I  
14 think we covered it.

15 MR. QUIN: Thank you. Yes, sir.

16 CHAIR HOOD: Okay. Good.

17 MR. QUIN: Thank you.

18 Mr. Chairman and members of the  
19 Commission, my name is Whayne Quin with  
20 Christy Shiker of Holland & Knight. We  
21 represent the Applicant here.

22 We're really glad to be here  
23 tonight and to present this important and



1 unusual PUD case. It's important because it  
2 will provide the missing development and you  
3 can look at the slide that's up now to show  
4 the location. It will provide the missing  
5 development of the H Street entrance way in  
6 terms of architectural form, mixed used  
7 excitement that are so vastly needed in this  
8 area and it would help create the western  
9 gateway to the H Street corridor and you know  
10 this very well I'm sure because as you come  
11 across H Street above the tracks just north of  
12 the garage for Union Station you have a view  
13 straight down H Street corridor.

14 It's unusual, that's the second  
15 qualifier that I've mentioned in that the  
16 project has been molded and shaped with  
17 community active participation for over a 2½  
18 year period in use, density, height,  
19 configuration and architectural color and  
20 texture all to fit both the context of the  
21 square and its existing residential component  
22 on the eastern side. So, on both of those two  
23 areas.

1           As our filings show and our  
2 pleadings will show and have shown and the  
3 testimony will show tonight, there really is  
4 no other site like this one with higher  
5 densities to the west, Station Place to the  
6 north -- to the northeast. These were PUDs  
7 approved by the Commission and the  
8 relationship of this property to the overpass  
9 is something that's completely unique as well  
10 as the relationship to the H Street corridor  
11 and the split zoning of the square. This will  
12 be explained by our witnesses.

13           A major achievement in this case  
14 has been the successful in-depth work with the  
15 ANCs and other parties in the community  
16 leading to the unanimous support by ANC 6C for  
17 this project and that will be described  
18 tonight.

19           OP has played a critical role and  
20 a very helpful role in moving this case along.  
21 We obviously would have liked it to have gone  
22 faster, but nevertheless, it's gone very well  
23 and the mediation sessions have been helpful

1 in further defining this project. They've  
2 been frequent, tedious and some of us might  
3 even say that it's excruciating, but  
4 nevertheless, it's been very positive and the  
5 project that we have tonight to show you is --  
6 really has improved drastically and for the  
7 better by virtue of all of these comments.

8 Lee Quill of Cunningham and Quill  
9 has been outstanding in his job as mediator.

10 So, the plans that we file with  
11 you tonight are really the same plans that we  
12 filed earlier, but they have slight defining  
13 supplemental details. Everything else is the  
14 same, but we wanted to complete the record as  
15 they will be described tonight.

16 Before calling the witnesses, I'd  
17 like to make two more points. Our public  
18 benefits and amenities package which we filed  
19 tonight in summary in each one of the  
20 benefits, you have a tab and they're detailed  
21 in their benefits. Really, this package is  
22 second to none. From the provision of  
23 additional housing beyond that's required --

**NEAL R. GROSS**

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

1 that which is required and 20,570 gross square  
2 feet of affordable housing approximating 19  
3 units, a LEED Silver Certified Project, major  
4 contributions to the square and community.  
5 All of these will be described and as I said,  
6 they're set forth in our booklet.

7 One additional amenity which I'd  
8 like to call to your attention and it's  
9 something that I think frankly this Commission  
10 undervalues many times and that is the quality  
11 of the architectural components and finishes  
12 as well as the added cost that are used to  
13 provide these wonderful entitlements and  
14 conditions and refinements and you will see  
15 that in the presentation by the architects  
16 tonight.

17 So, this package we believe more  
18 than balances the flexibility sought in this  
19 PUD as will be described specifically by Mr.  
20 Sher.

21 My last point is really one of  
22 thanks. To express appreciation to the Office  
23 of Planning, the mediator Lee Quill, the

1 community, each of the parties and those who  
2 would have been parties or requested parties.  
3 They've all had a very important role as we've  
4 gone forward over these 2½ years.

5 I want to also compliment the  
6 architects and, of course, the principals.

7 So, now, unless there's a  
8 question, I'd like to proceed with our first  
9 witness Mr. Bob Braunohler.

10 CHAIR HOOD: I just had one quick  
11 question. You said ANC 6C was unanimous  
12 support.

13 MR. QUIN: Yes.

14 CHAIR HOOD: Okay. Did we get a  
15 letter? Did we get a letter from them?

16 MR. QUIN: I think it will be  
17 presented tonight.

18 CHAIR HOOD: Okay. All right.

19 MR. QUIN: Thank you.

20 CHAIR HOOD: Thanks.

21 MR. BRAUNOHLER: Good evening,  
22 Chairman Hood and other Members of the  
23 Commission.

1 I am Robert Braunohler, Regional  
2 Vice President of Louis Dreyfus Property Group  
3 and I'm pleased to be here tonight as a  
4 representative of Station Holdings to describe  
5 the work we've done over the past 2½ to  
6 develop the property that was assembled on  
7 square 752.

8 First, let me provide a brief  
9 description of our team. Louis Dreyfus has  
10 been active in the District since 1974 during  
11 which time we've developed over 3½ million  
12 square feet of space. In the past two years,  
13 we've completed the 1.1 million square foot  
14 Securities and Exchange Commission  
15 headquarters at Station Place and the 400,000  
16 square foot award winning building at 1101 New  
17 York Avenue. We're currently building the  
18 third phase of Station Place right now as well  
19 as 801 17th Street. Two office buildings that  
20 will contain about 750,000 square feet.

21  
22 We are active in this market and  
23 we enjoy working on complex projects such as

1 Capitol Place.

2 Due to our experience developing  
3 the SEC headquarters, we're very familiar with  
4 this part of the city and we're committed to  
5 the redevelopment of the H Street corridor.  
6 We assembled this site during 2003 and 2004  
7 and we hired the architectural firm of Cook  
8 plus Fox to undertake the challenge of  
9 designing a mixed-use project that would serve  
10 as a transition between a modern office  
11 building and historical Capitol Hill rowhouses  
12 in a neighborhood that's in the midst of  
13 revitalization.

14 Louis Dreyfus and Cook plus Fox  
15 share a commitment to high quality sustainable  
16 design principles. Both of our firms are in  
17 the forefront of the green building movement  
18 in the United States and we share a goal of  
19 creating new buildings that make positive  
20 statements about the importance of design  
21 excellence.

22 When we jointly evaluated this  
23 site back in 2005, our first thought was to

1 rezone the C-2-A portion of the property along  
2 2nd Street to C-2-B and to seek a C-2-B PUD  
3 over the entire site.

4 Cook plus Fox designed a 90-foot  
5 tall residential and retail project that was  
6 shaped very similarly to the current  
7 application containing just over 432,000  
8 square feet or an FAR of about 5.64.

9 In our view, this was  
10 appropriately lower than the 5.72 FAR that had  
11 been approved at Senate Square and the 5.9 FAR  
12 that was approved at Station Place. Both of  
13 which were PUDs.

14 However, the community expressed  
15 serious concerns about height, density and  
16 precedent and we saw that we were entering a  
17 very contentious hearing back in 2006. So, we  
18 agreed with OP to postpone our original  
19 hearing and attempt to address those concerns.

20 Between the summer of 2006 and  
21 February 2007, we and Cook plus Fox worked  
22 closely with OP and community representatives  
23 to reshape the project and respond to comments



1 about height, density and design. Based on  
2 community suggestion, we removed mass from the  
3 southern portion of the site and added height  
4 on the northwest corner of the site.

5 In order to avoid setting a  
6 precedent that might affect other properties  
7 on 2nd Street, we abandoned the idea of  
8 rezoning the C-2-A portion of the site to C-2-  
9 B. Instead, all parties agreed that  
10 additional height and bulk could be placed on  
11 the H Street frontage at the northwest corner  
12 of the property. The challenge was to do this  
13 without creating a precedent for similar up-  
14 zoning on any other site in the H Street  
15 corridor.

16 As a part of this reshaping, the  
17 overall density of the project was decreased  
18 to 403,000 square feet or an FAR of 5.25 and  
19 a Zoning Commission hearing was scheduled for  
20 last May.

21 There continued to be significant  
22 concerns about this modified proposal. Once  
23 again at the suggestion of OP, we agreed to

1 postpone our hearing date. OP recommended  
2 that we enter into a mediation process with  
3 community representatives and we agreed to  
4 this. The mediation was conducted by Lee  
5 Quill of Cunningham Quill Architects.

6 I'm pleased to report that in our  
7 view this mediation process has been  
8 successful. We appear before you tonight with  
9 a project that's been further reduced,  
10 reshaped and refine. I really want to express  
11 thanks and admiration for -- to Lee Quill and  
12 the community representatives with whom he has  
13 worked led by Drury Tallant, Karen Wirt, Monte  
14 Edwards, Gary Peterson and Drew Ronneberg.

15 All the residents of square 752  
16 were also involved as were Alan Kimber and  
17 Ryan Velasko of the ANC and Travis Parker of  
18 OP.

19 I especially want to recognize the  
20 extraordinary efforts of Rick Cook and Mark  
21 Rusitzky of Cook plus For who met repeatedly  
22 with the mediation group and generated  
23 thoughtful design responses to the concerns

1 they voiced.

2 The project that's before you  
3 tonight has been further reduced in density to  
4 389,000 square feet and subtly reshaped in  
5 response to the comments of the mediation  
6 group and the citizens of square 752.

7 We've agreed with OP to provide  
8 affordable housing as part of the overall  
9 development and to construct the project to  
10 achieve a Silver LEED Rating.

11 We've also agreed to a long list  
12 of community amenities and historic mitigation  
13 measures that are described in our zoning  
14 application in the materials you have before  
15 you. We're committed to protecting the  
16 existing homes of the neighbors on square 752  
17 and we'll enter into a detailed construction  
18 management plan to insure that we will be  
19 responsible for repairing any damage that may  
20 result from this construction and finally,  
21 we'll meet all the other development standards  
22 typically required of PUD applicants such as  
23 LSDBE contracting opportunities and First

1 Source employment opportunities and we've also  
2 agreed to share all of the reports with the  
3 ANC.

4 We spent a lot of time, effort and  
5 money to move this project forward and we feel  
6 the need to state an understandable reality  
7 that an acceptable compromise of this long-  
8 awaited project has been negotiated and is now  
9 before you for approval. We're hopeful that  
10 the Zoning Commission will move expeditiously  
11 to take advantage of this opportunity and the  
12 real progress that's been made to enable  
13 development of this important site.

14 Thank you.

15 MR. QUIN: Mr. Chairman, I'd like  
16 to call our next witness Mr. Rick Cook,  
17 architect. Rick.

18 MR. COOK: Thank you very much. I  
19 feel very grateful to be here for a number of  
20 reasons. One of which is that we care very  
21 much about the work that we're doing and much  
22 of it is in the context of climate change and  
23 global warming that we've heard so much about.

1           As an architect, an American  
2 architect, I feel a need to react to this  
3 reality for our children. As Americans who  
4 are less than 5 percent of the world's  
5 population, we currently consume over 25  
6 percent of the world's resources and produce  
7 more than 25 percent of the CO2.

8           So, with all that said, what can  
9 we do about it? As an architect, I feel very  
10 grateful to be involved with work that I think  
11 helps turn that clock back. What I mean by  
12 that is work that's on previously disturbed  
13 sites that doesn't add to the reduction of  
14 bio-diversity and that also -- and that is on  
15 sites that are transit orient developments.

16           So, if you'll bear with me for one  
17 minute, I've been asked to show some of our  
18 other work so you'd understand. I haven't  
19 been before you before and I'll do it very,  
20 very quickly. Just show you some of our other  
21 projects.

22           I'm going to show four  
23 architectural projects. The first one that

1 you see before you is the Battery Park City  
2 Green Design Guidelines which is not  
3 architecture, but led to the development of  
4 the Battery Park City Green Buildings. The  
5 very first green skyscraper in America, the  
6 Solair, was done under these guidelines. Our  
7 office had the opportunity to be the authors  
8 of this latest version.

9           Although this is -- the building  
10 that you see here is now under construction.  
11 The truss is just topped off and it's the  
12 second tallest building in Manhattan. The  
13 reason it's here is to say that every one of  
14 our projects has a commitment to  
15 sustainability and always looks at what's for  
16 free. What is inherently the richness of this  
17 particular site?

18           We also believe that the  
19 environmental movement and historic  
20 preservation movement are sister movements in  
21 that they're both interested in being wise  
22 stewards of the things that have been left to  
23 us. So, we've been left remarkable resources

1 all of us in our lives from previous  
2 generations. I believe we have a  
3 responsibility to wise stewards in our  
4 lifetime and to think about how we leave these  
5 resources to the next generation. I believe  
6 historic preservation/environmental movement  
7 are sisters in this regard.

8 So, very quickly, a project --  
9 these are all award winning projects. This is  
10 in the middle of Manhattan. Very simple  
11 building that held on a dense urban avenue.  
12 A simple block brick building that really  
13 deals with the texture and scale of how each  
14 pier and window and window color and texture  
15 are articulated for its richness. Very simple  
16 building. Very well received by the community  
17 because of its simplicity.

18 This is the Caroline on the corner  
19 of 23th and 6th in the Ladies' Miles Historic  
20 District in Manhattan. Very much dealing with  
21 large scale urban transitions. Base, middle  
22 and top and how a building can meet the sky  
23 and still be a modern building. We're very

**NEAL R. GROSS**

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

1 interested again in how the masonry and the  
2 detailing and the actual modern interpretation  
3 of a cornice element could work.

4 This is a project in Front Street  
5 which for us really brought the environmental  
6 movement and historic preservation together.  
7 This is 14 buildings on the very site where  
8 Melville sets Ishmael out for his trip in Moby  
9 Dick. So, a little allusions to the whale's  
10 fluke. Modern building and historical context  
11 making a transition to the historical context.  
12 This is one of the 14 new buildings.

13 And when it gets down to the  
14 detail level and we've brought a sample board  
15 here that I won't go into detail, but we care  
16 very much about the exact brick color, exactly  
17 how the brick is tooled and how it feels with  
18 a person walks on the street. The texture and  
19 fabric of a building.

20 Okay. So, the one we're here to  
21 speak about is square 752. We call it Capitol  
22 Place. We believe that a context is important  
23 in many levels and here we just talk about



1 maybe historic context that's no longer  
2 tangible. It might not be bricks and mortar.  
3 So, we have a site in the northeast that's  
4 right on the edge of where Union Station comes  
5 in, where the rail lines come in.

6 This is the 1921 Olson  
7 Axonometric. We show this just because of the  
8 large scale urban insertion of the tracks.  
9 The square 750 that's here and also to point  
10 out that there was interior block buildings in  
11 the 21 Olson Axonometric.

12 We like to find out what a  
13 neighborhood is called, what its texture is.  
14 We happened to find this undated sketch of  
15 Tiber Creek where the neighborhood is called  
16 Swampoodle.

17 We're also interested in the  
18 environment context. So, our site would do  
19 north H Street going across. In the  
20 summertime, the sun rises here and travels on  
21 a very steep angle and sets in this area. In  
22 the wintertime, rises here. Sets on a very  
23 shallow angle. So, the shadows would be

1 falling to the north then obviously.

2 The same plan you saw again. The  
3 context of the Capitol Hill Historic District,  
4 the H Street northeast revitalization corridor  
5 and our site right on this edge of the dense  
6 commercial area here and the low-scale  
7 residential and right on this remarkable H  
8 Street corridor.

9 The challenge, the unique  
10 challenges then were the very big project  
11 across the street, 110 here, 130 to the top,  
12 the H Street underpass at the bottom, the  
13 Station Place projects, the convent directly  
14 across the street here and then the much lower  
15 scale R-4 rowhouses in the immediate area and  
16 even on the immediate block.

17 So, we look at the context also of  
18 approvals. Those who have spent a tremendous  
19 amount of time before us thinking about what  
20 would be appropriate for the site.

21 So, in this H Street Overlay, this  
22 particular site is called out as a type 1  
23 large-parcel development and quoted from that

1 "Larger sites and single ownership along this  
2 stretch of H Street make higher density mixed-  
3 used projects possible." So, good.

4 Also from that "Focusing higher  
5 density mixed-used activity, it's closer to  
6 major transportation hubs." So, we're right  
7 here immediately adjacent to Union Station.  
8 It really is a unique site to put density and  
9 put it in an area where housing is desperately  
10 needed and development could really help the  
11 development of the H Street corridor.

12 Also, OP had been working on  
13 something called the NoMa Vision Plan and  
14 Development Strategy and you can see that  
15 here they've outlined development over the  
16 tracks. This site as a gateway. This is what  
17 we'd call the Senate Square. The ABDO  
18 development here. Here is our site and you  
19 can see it as a gateway into the residential  
20 area beyond.

21 We like this quote from that  
22 report. "New architecture should be  
23 comfortable with adjacent neighborhoods

1 without resorting to false historic elements.  
2 Contemporary architecture should be encouraged  
3 as long as scale transitions and related  
4 architectural elements provide continuity and  
5 visual interest."

6 Okay. This is the site that we  
7 inherited again with a series of unique  
8 challenges. Our 00 is here at the corner of  
9 H and 3rd. The site -- 3rd slopes down. G  
10 Street slopes down to about minus 7 here,  
11 minus 8 here, minus 9, minus 10 and at the  
12 same time what's known as the H Street  
13 Overpass, the Hopscotch Bridge rises to about  
14 plus 20 at this point. So, we had very  
15 interesting relationship of the streets.

16 This little yellow element is the  
17 alley, the 10-foot-wide alley. Two Twenty-Two  
18 G Street is also owned by Louis Dreyfus  
19 Property Group, but will stay residential in  
20 R-4. It was purchased just to widen the alley  
21 here and all of this property is currently  
22 under the ownership of Louis Dreyfus.  
23 Currently zoned C-2-B in this area. C-2-A in

1       this area.

2                   Okay. As Mr. Braunohler stated,  
3       our first thought was to just go to C-2-B over  
4       the whole site. Take the 90-foot mass put it  
5       on the street adjacent to the new Station  
6       Place project that's going and transition  
7       down. We had something we call the garden  
8       pavilion.

9                   We worked back and forth with the  
10      community, the next one, and came to the  
11      conclusion that the site was much better with  
12      the height in this corner, in the tower up  
13      here and lower wings on either side and this  
14      is -- this is then in April when we started  
15      the mediation. So, this basically spans a  
16      two-year process of meeting with the  
17      community.

18                  Big issues that we agreed with as  
19      we jumped off from the mediation was that a  
20      gateway site, some kind of tower element that  
21      said that we're arriving into a new world as  
22      we go into H Street. So, that tower gateway  
23      element was agreed upon by everybody.

1           We had 110 feet in the corner, 65  
2 feet along here. It stepped down from 90 and  
3 transitioned into the block in a large open  
4 courtyard.

5           The breakthrough moment in the  
6 mediation was that in that C-3-C that had a  
7 110 feet there was a lot of talk about how the  
8 H Street Overlay had already worked to  
9 establish a 6 to 8-story height and not taller  
10 than 90 feet. So, we didn't want to do  
11 anything that was setting a precedent for  
12 development further along the H Street  
13 corridor. So, this diagram was really a  
14 breakthrough. That measured from H Street  
15 which was want to read like a sloped street  
16 inside of a highway overpass. The building is  
17 never more than 8 stories and never more than  
18 90 feet. Although measured from a 00 here,  
19 it's actually 100 feet and you can see 2nd  
20 Street is even lower passing under H Street.  
21 But, from H Street, it would be consistent  
22 with the H Street Overlay.

23           So, we had a building that we

1 basically categorized into tall immediate area  
2 buildings, medium height buildings and low  
3 height buildings. So, the red ones are tall  
4 ones. The blue ones are medium and the yellow  
5 are the lower scale and we wanted to have a  
6 site and a building on this site that  
7 transitioned into the immediate neighborhood.  
8 So, our tall element here across from Station  
9 Place and across from Senate Square.  
10 Intermediate across from intermediate  
11 transitioning down and then is the garden  
12 pavilion that's lower. Transition element  
13 here and a small transition element here.

14 And this is the project that we  
15 have before you which is the result of  
16 mediation process. This is maintained at the  
17 100-foot height from the 00. I'm never more  
18 than 90 off of H Street.

19 Stepping down in scale as it goes  
20 across H Street. This is the ABDO project,  
21 the Senate Square at 110. This is the  
22 recently approved Steuart site at 90 feet.

23 We removed another floor of area

1 down to 55 feet here, held the corner with a  
2 65-foot-tall building on the corner and then  
3 transitioned down into the rowhouses and  
4 you'll see in the next view that we put the  
5 garden pavilion back in with two courts on  
6 either side.

7 As part of this, as part of a LEED  
8 Silver minimum, there are a series of  
9 sustainable strategies. Some having to do  
10 with indoor environmental quality, some with  
11 energy efficiency, some with sustainable  
12 landscaping and green roofs. All of it  
13 related to the transit oriented development.

14 But for us, it can be summarized  
15 in the words of E. L. Wilson. He coined the  
16 term biophilia which is that we feel good when  
17 we have a connection to nature. So, there's  
18 daylight in the corridors. There's  
19 substantial green roofs and it calls it  
20 biophilia. Is the innately emotional  
21 affiliation of human beings to other living  
22 organisms. Life around us exceeds in  
23 complexity and beauty anything else humanity



1 has ever likely to encounter.

2 So, those are pretty big words and  
3 it's a big site with a lot of aspirations, but  
4 this green roof thing is real to us in our  
5 life. We have substantial green roofs.

6 This happens to be the green roof  
7 at our office. It's the first LEED Platinum  
8 project of any kind in New York State and this  
9 is our office here on the corner on 20th and  
10 6th. We planted a green roof one year ago and  
11 it's just been the most remarkable thing for  
12 the health of the work environment.

13 Life follows life. It started out  
14 a hot bubbling tar roof. It turned into -- we  
15 dropped the temperature. Small bugs, then  
16 birds, butterflies and we now have predatory.  
17 We have hunting hawks and kestrels who hunt  
18 the small birds who came to feed. It's just  
19 one of the most remarkable little life  
20 experiences that happened for us.

21 Okay. So, architectural design,  
22 this project, it became clear that service and  
23 parking should enter up against the overpass

1 right here. We knew that that was the right  
2 way to do it.

3 The site is so large though that  
4 you can't really talk about it as one big  
5 project. So, I'm going to talk about it in  
6 blocks. We really talk about it as the G  
7 Street pavilion, the 2nd Street, the H Street.  
8 So, I will get into more detail as we go  
9 through.

10 So, this is the 20-foot alley  
11 here. The 10-foot legal alley and the 20-foot  
12 expanded.

13 One of the things that was very  
14 important is that we transition into the  
15 residential scale. So, on the corner is  
16 commercial. At the grade level as we  
17 transition is all residential duplexes with  
18 front stoops with people that put keys in the  
19 door. We were transitioning into this  
20 environment all with the front stoops and the  
21 greenery.

22 Remarkable, beautiful light and  
23 shadow brick detailing. All of which we tried

1 to incorporate into the proposal that you see  
2 tonight.

3 And even from a landscape, what  
4 happens when you walk down the sidewalk?  
5 We're restoring this garden. We have  
6 residential gardens in front of each one of  
7 these. So, the 20-foot alley, the beginning  
8 of our project and even when we get to the  
9 commercial, we have a green buffer as we turn  
10 the corner into the neighborhood retail.

11 So, I think it'll be a very good  
12 neighbor as it transitions from the green  
13 fronts of the residential neighbors.

14 Also, from a scale point of view,  
15 we're dealing with a real challenge for the  
16 tall buildings on this side from the low  
17 rowhouses. So, the building transitions up  
18 off the 20-foot alley, steps up in scale, 65  
19 on the corner, 55 again and then the 100-foot  
20 height beyond.

21 And this is a view of that same  
22 condition. This is 222, the 20-foot alley,  
23 the green fronts and in a minute, we'll look

1 at a detail of the brickwork here. So, this  
2 is a detail using the light and shadow and the  
3 pattern work. The computer renderings don't  
4 give the full richness of the materials and  
5 we'll hold up the material boards. When the  
6 lights go on, I can show you the exact brick  
7 texture if we have enough time.

8 Second Street is a very, very  
9 different condition in that it's across from  
10 Station Place, the third phase of Station  
11 Place and dealing with the H Street overpass.  
12 So, what we have is the Senate Square project,  
13 very tall. We have Station Place. This is  
14 2nd Street right here and Station Place 3  
15 which is under construction and for me as an  
16 architect, I thought that one of the things  
17 that made this such an exciting project was  
18 that we get the opportunity to potentially  
19 solve something that's a real neighborhood  
20 breaker right here and this project does  
21 incorporate a pedestrian connection that gets  
22 you from 2nd Street up to H Street and from H  
23 Street back down to 2nd and I think makes a

**NEAL R. GROSS**

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

1 nice urban transition up to the Hopscotch  
2 Bridge.

3 Much discussion happened about the  
4 height of the 2nd Street bar that's right  
5 here. What this is is a section from 3rd  
6 Street over here through 2nd Street through  
7 the Station Place Phase 3. This view angle is  
8 if you're standing in the backyard of one of  
9 the rowhouses looking. It was decided that  
10 anything we do here should fall under that  
11 view plane of what already would be blocking  
12 the sky from the backyard of one of the  
13 rowhouses. So, that's how this element ended  
14 up being 55-feet tall.

15 This is the 20-foot-wide alley and  
16 the 10-foot legal alley is here. This little  
17 line happens to be the as of right non-PUD  
18 zoning envelope which would be 50-feet high,  
19 18-feet back, 18-feet up. So, even in that  
20 way, it's much more sensitive to the rear  
21 alley conditions than that profile.

22 And this is the view on the corner  
23 of G and 2nd. So, this is 2nd Street. This

1 is the tower that's the Senate Square beyond  
2 and the bridge beyond here. Neighborhood  
3 retail on the corner. A big powerful building  
4 holding the corner and transitioning and then  
5 these glassy elements that relate to the  
6 architecture of the Station Place project  
7 across the street.

8 Some of the details of this  
9 building also using light and shadow and  
10 textured brick and now, moving to H Street  
11 which is really both the big challenge and the  
12 big opportunity. You can see here that we  
13 have these access ways into the courtyards  
14 that I'll talk about in a minute. So that all  
15 of these residential townhouses actually enter  
16 in through these arcades into these duplex  
17 townhouses that are in the courtyard. This is  
18 the parking entrance. This is the loading  
19 entrance and this is the staircase that goes  
20 up to H Street.

21 As you remember, this is 10 feet  
22 higher than this location and this is 20 feet  
23 higher going overhead, but we had neighborhood

1 retail at this corner and a transition  
2 townhouse at this location also.

3 So, these are the very, very  
4 different conditions. The tracks, the  
5 underpass, the very tall building across the  
6 street, the convent. The fact that this  
7 highway really bypasses like a highway  
8 overpass and there's a pit next to it. We  
9 wanted to solve that problem. We wanted to  
10 engage H Street as a real street.

11 Other buildings in context on the  
12 block just to the east is the Steuart site, a  
13 recently approved PUD. The historic front  
14 strip further down on H Street. The Douglas  
15 Memorial Church on H Street. The Atlas  
16 Theater further down on H Street which is a  
17 building of its time and place and then the  
18 Sears Building which was lost in the 1970s.  
19 So, it's different kinds of architecture that  
20 happened along H Street.

21 One of the things that we're very  
22 excited about was solving this problem right  
23 here so we have the pedestrian connection

1 immediately adjacent to the Hopscotch Bridge.  
2 We have a planted element well lit and also  
3 the area below the bridge is proposed to be  
4 repaved and landscaped and tied in with the  
5 752 square.

6 This is the project coming across  
7 H Street. When you're coming across the  
8 bridge, you get a great view down the H Street  
9 corridor. This is the Senate Square on the  
10 left. The tower element to speak a dialogue  
11 across the street. So, this is what we're  
12 talking about the gateway and then we've been  
13 working very hard to create a series of  
14 vertically proportioned rhythms as they march  
15 down H Street and really make it feel like a  
16 street that in this case is stepping down to  
17 H Street. You can see 2nd Street going beyond  
18 here.

19 This is looking back in the same  
20 view. So, this is H Street rising up. A  
21 building that's stepping up along H Street  
22 speaking a dialogue across the Senate Square.

23 Much talk has happened about



1 modern architecture and how it relates in a  
2 neighborhood of mostly 19th century buildings  
3 in form and texture and scale and pattern.  
4 We've worked extremely hard and at some point,  
5 there's a decision made to make sure it's a  
6 building that reads of its time and place.

7           Some of the subtle nuances that  
8 happened in the mediation process is it was  
9 pointed out to -- by some members of the  
10 community was that some of these corner  
11 elements actually can't and look across the  
12 corner. So, this is actually on a 15-degree  
13 angle. This element that sets up the gateway  
14 along 3rd Street.

15           One of the things that we also  
16 talked about was glass building. Do they  
17 recall commercial buildings or not? This is  
18 the very clearest low-iron, low-e glass and  
19 one of the things that I believe very deeply  
20 is that a residential building with glass  
21 reads very different than an office building  
22 and that's because people live there. Their  
23 furniture, their window treatments, the

1 texture of what it feels like to look at a  
2 glassy residential building is quite  
3 different. So, this is a detail to really say  
4 that it's not going -- the glassy portions  
5 that rise above to lighten the visual weight  
6 on the street, I think look great against the  
7 sky and they will still feel like neighbors in  
8 my opinion.

9 VICE CHAIR JEFFRIES: I'm sorry.  
10 We normally don't interrupt. I just want to  
11 be clear. Can you go back to that last slide?

12 MR. COOK: Sure. Yes.

13 VICE CHAIR JEFFRIES: What you're  
14 showing us on the left that is a rendering --  
15 is that a rendering or is that just a  
16 facsimile of what the actual --

17 MR. COOK: This is a -- if we go  
18 back one more, Mark, please. This is a  
19 computer model.

20 VICE CHAIR JEFFRIES: Right.

21 MR. COOK: And we built a computer  
22 model and we tried to render the materials  
23 although they look much better on the sample

1 board and what we've done is just zoom in on  
2 this area right here of this larger rendering.

3 VICE CHAIR JEFFRIES: Okay.

4 Great.

5 MR. COOK: So, the data is in the  
6 computer.

7 VICE CHAIR JEFFRIES: Okay.

8 MR. COOK: And we just zoomed in  
9 on it.

10 VICE CHAIR JEFFRIES: Okay.

11 MR. COOK: So, this is a computer  
12 rendering. Just maybe a --

13 VICE CHAIR JEFFRIES: Great.

14 Great.

15 MR. COOK: -- just like a drawing  
16 that happens to exist in the -- in the funny  
17 digital world over there.

18 So, this is a rendering of that  
19 one little --

20 VICE CHAIR JEFFRIES: Okay.

21 MR. COOK: -- spot right here and  
22 we photo collaged in a person.

23 VICE CHAIR JEFFRIES: Okay. Thank

1       you.

2                   MR. COOK: Did I answer your  
3       question okay? Okay.

4                   And then the transition, in many  
5       ways the most challenging, from H Street into  
6       the rowhouse on 3rd Street. Even the H Street  
7       Overlay talks about a 90-foot bar along here  
8       and we thought that that would be too harsh of  
9       a transition.

10                  The other thing is that we found  
11       well done large scale development can actually  
12       buffer sensitive rowhouse blocks. So, we're  
13       very interested in how our building can  
14       provide a buffer and a good bookend for this  
15       quiet block adjacent to H Street which is much  
16       busier.

17                  So, what we have are these  
18       beautiful rowhouses marching along and then  
19       the open ends. So, right now, you look across  
20       this end. This is a photo. In a minute,  
21       we'll show a photo collage rendering where  
22       you're looking across the parking lot at the  
23       Senate Square project before it was finished.

1                   And then from H Street right now  
2                   you're looking across this whole parking lot  
3                   over the railroad tracks to the big parking  
4                   garage. So, this doesn't feel residential at  
5                   all and we really -- it was one of the things  
6                   that we felt great about the project that we  
7                   could make a building that would actually  
8                   protect this rowhouse block.

9                   So, in the process of working with  
10                  the community, I thought it was just a  
11                  beautiful rowhouse block. Somebody pointed  
12                  out that it's actually a very unique matched  
13                  set around the center.

14                 So, this is now 3rd Street. It's  
15                 actually matching buildings on the end --  
16                 matching buildings on the end, a centerpiece  
17                 and each of these are a matched set with a  
18                 void at the end and a building that looks out  
19                 across the corner and this is our site right  
20                 here. So, we wanted to respect that unique  
21                 matched set quality.

22                 This is a plan detail of that same  
23                 location where this is again 3rd Street.

1       There's the void. This is the matched set.  
2       So, we actually set our building way back to  
3       represent the void and then the store front  
4       actually looks out on an angle across H Street  
5       as that does on the other side.

6               And this is the view. So, now our  
7       building sits here and creates a buffer and a  
8       transition into the lower scale. We have a  
9       little rowhouse element and a deep yard in  
10      this slot and so, the taller building actually  
11      provides a buffer to the noise and busyness of  
12      H Street and this is the little 15 degree cant  
13      that turns the corner.

14             Finally, the courtyards. So, now  
15      that we've had an interior court, we've  
16      created a 20-foot-wide alley which is only for  
17      the benefit of the rest of the residents. We  
18      do not put any of our service from this alley  
19      for our project. It's dedicated completely  
20      for the rowhouses that are there.

21             So, now, how do we make beautiful  
22      interior lots. Our little Swampoodle  
23      engraving comes back and we create an eco-pond

1       that you actually walk right up to and get a  
2       view as you walk into the lobby and all of  
3       these rowhouses look onto it. On the other  
4       side, there's a more formal rolling green lawn  
5       that's planted in the center of this grouping  
6       of rowhouses.

7               This is the existing Capitol Place  
8       site. That yellow strip is the 10-foot-wide  
9       alley and the next view will be an actual  
10      picture of that condition. So, what you saw  
11      legally as the alley is this funny jog that  
12      happens. Two Twenty-Two has been purchased to  
13      allow this alley to be widened to 20 feet and  
14      they're also proposing deeding over this area  
15      so that the rear of all of this block is a  
16      deeded alley that's 20-foot wide.

17             You'll see also that there's a  
18      commercial building on this alley right now  
19      that's two-stories high and that became  
20      important to us when we thought about how to  
21      do this garden pavilion.

22             So, this is the plan. Twenty-foot  
23      wide alley. It will get a sewer in it before

1 we repave it with brick paving over its whole  
2 length. All residential around it. We're set  
3 off the alley and we have these deep planters  
4 for screening and planted in both areas here.

5 Now, this is the same diagram you  
6 saw a minute ago, but it's highlighted for  
7 what we call the garden pavilion. So, our  
8 ground floor is actually about a story lower  
9 than the alley. We have these planted  
10 terraces to provide the green screening at  
11 this point. This is the two-story-high  
12 element on the alley. That's the 20-foot-wide  
13 alley. There's a small -- a small parapet  
14 wall that separates this alley from the  
15 garden.

16 Then we set back and we go up two  
17 more floors and this is the view. So, this is  
18 a 42-inch-high brick wall. The 20-foot-wide  
19 brick alley we're seeing through with the  
20 green screening. Two stories up. A large  
21 setback and another two stories and then this  
22 is back to the 2nd Street view which kind of  
23 shows all the elements altogether.



1           And if we have a -- we do have a  
2 minute. If we could turn the lights on, I  
3 could talk a little bit about our materials.

4           Vanessa, would you mind holding  
5 them up?

6           In the computer renderings, we're  
7 working in the digital world, but we find the  
8 way that we experience buildings -- and I'm  
9 sorry for all of you that you're going to see  
10 the back of the sample board. I'm happy to  
11 leave it out so everybody can see it later.

12          But, we have a series of earth  
13 tone brick pallets that allow each one of  
14 these portions of the building to kind of have  
15 its own character yet we think hang together  
16 very nicely. What you see as black up there  
17 is actually this kind of dark brown earthy  
18 green. Sometimes it's actually a reddish-  
19 brown. What looks like a kind of whitish  
20 mullion here -- what you see as a whitish  
21 mullion here is actually this nice earthy  
22 green.

23          So, we aren't able to render all

1 the materials exactly and the dark base that  
2 you see on the building here is actually this  
3 nice black brick at the bottom.

4 The glass is a very clear low-  
5 iron, low-e glass. So, it performs well, but  
6 it doesn't have any reflectance or tint. So,  
7 it has that residential feel.

8 I know that's a lot to gather, but  
9 I'm happy to pass it around if you wanted to  
10 touch the brick.

11 We are also extremely thank you.  
12 I have never in my professional career had a  
13 community invest so intensely in the outcome  
14 of the project. It's never happened. We do  
15 this for a living. I guess this is my third  
16 decade of doing this for a living. I have  
17 never seen a community invested so intensely  
18 and invested so much of their time and  
19 attention in making this project the best it  
20 could possibly be and I'm grateful for it. I  
21 think the project is much better because of  
22 that and I would like to thank everyone in the  
23 community who invested their time to make this

**NEAL R. GROSS**

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

1 the best possible project.

2 Also, Lee Quill who jumped in kind  
3 of late into the process and dedicated just a  
4 tremendous amount of time in making sure that  
5 we could pull together a proposal that would  
6 find a way to be unique and be authored by the  
7 architects yet really address all the concerns  
8 of the community.

9 And I have to thank our client  
10 Louis Dreyfus Property Group for allowing us  
11 to meet one-on-one without looking over our  
12 shoulder. To really allow us to try to hear  
13 everything that the community was saying and  
14 do our best with the best of our abilities to  
15 address their concerns.

16 And I thank you very much for your  
17 time. I hope the project will be a great  
18 neighbor.

19 MR. QUIN: Thank you, Rick. Our  
20 last witness is Mr. Steven Sher.

21 MR. SHER: Good evening, Mr.  
22 Chairman and Members of the Commission. For  
23 the record, my name is Steven E. Sher, the

1 Director of Zoning and Land Use Services with  
2 the law firm of Holland & Knight.

3 MR. QUIN: I might note that I've  
4 never had this much time for Mr. Sher at the  
5 end of the hearing. So, we're going to see  
6 what he does with a lot of time.

7 VICE CHAIR JEFFRIES: Mr. Chair,  
8 did we proffer Mr. Sher?

9 CHAIR HOOD: You know what? Stop  
10 the clock and we'll set him. But, you know  
11 what I was sitting here thinking? Maybe we  
12 should just grandfather him in. We just  
13 started the clock.

14 MR. SHER: I want to focus on  
15 highlights of the 35 pages I've given you  
16 rather than all of it.

17 Highlight number one, what are we  
18 doing about changing the zoning? As Mr. Cook  
19 showed you a slide earlier, right now, the  
20 property is zoned C-2-B along the H Street  
21 frontage and C-2-A along the 2nd Street  
22 frontage and while we've gone through a  
23 variety of formulations about how to apply

1 zoning that would work for this project, what  
2 you have at the moment is C-3-C right at the  
3 corner of 2nd and H which enables the 100-foot  
4 height because any other zone we came up with  
5 only got us the 90 feet in height and the  
6 height at that corner became important from  
7 the gateway point of view and also for the  
8 ability to lower the height and reduce the  
9 mass in other places.

10 So, we have C-3-C at the corner  
11 and then we've retained C-2-B as it goes east  
12 to 3rd Street and C-2-A as it goes south to  
13 2nd Street. The resulting mass there enables  
14 us to get to an overall building density of  
15 about 389,000 square feet which is about 5.07  
16 FAR.

17 As we've noted elsewhere in our  
18 pleadings, if we dedicate that 10-foot-wide  
19 strip of alley that Mr. Cook was just talking  
20 about to straighten that alley and make it 20  
21 feet all the way through, the gross floor area  
22 doesn't change, but the FAR goes up a tad  
23 because we've reduced the land area by a

1 little bit.

2 As we've said, the project that  
3 you then have before you is an apartment house  
4 with a ground-floor retail. It's 363,000  
5 about 300 units of residential, about 23,000  
6 square feet and a little bit of office up at  
7 the second floor where the overpass crosses  
8 the building at the west end.

9 What we have, of course, is a PUD  
10 which requires that the Commission judge,  
11 balance and reconcile the project benefits and  
12 amenities on the one hand and what we're  
13 asking for in the way of flexibility and  
14 development incentives on the other.

15 You have before you in that  
16 package that was handed out earlier this  
17 evening, a paragraph-by-paragraph description  
18 of each one of the amenities with back-up  
19 material and tabs giving detail on most of  
20 what you have before you. All I'm going to do  
21 tonight is highlight in general terms what  
22 those benefits and amenities are.

23 We have housing about 300 units.

1 We have affordable housing of about 20,000  
2 square feet. You've got the retail space of  
3 26,000 square feet. The LEED Silver  
4 Certification and the Applicant's agreement to  
5 post a bond to be sure that we get there.  
6 Replacement of the fence along the H Street  
7 overpass. The stair leading from H Street  
8 down to 2nd Street. The improvement of the  
9 space -- no, I'm sorry. I'm still talking  
10 about what's on the site. The provision of  
11 two car sharing spaces in the garage. Some  
12 transit oriented amenities for initial  
13 residents of the project. We've got 85  
14 bicycle parking spaces which is far more than  
15 you would find in a development otherwise like  
16 this and other things like that as indicated  
17 in our document and in my outline.

18 Then we have the community  
19 benefits. The improvements to the alley  
20 system which we've already talked about. The  
21 two microgrant programs which are reference.  
22 One for 150,000 and the other for 50,000.  
23 Replacement of the sidewalk curb and gutter

1 along 3rd and G Streets. The option for  
2 residents in the square to purchase  
3 memberships in the health club in the project  
4 and to rend available parking spaces if there  
5 are excess in the garage and then the other  
6 things that are listed in our submission.

7 We have also provided two items  
8 which we originally called benefits, but we're  
9 not describing more as mitigation items and  
10 they are, one, to fund a professional survey  
11 of a 26-block area which would allow the  
12 residents in the community to apply or submit  
13 an application to expand the Capitol Hill  
14 Historic District.

15 This property is not in an  
16 historic district. The historic district  
17 stops at F Street. We're a block north of  
18 that. But, there is some considerable  
19 sentiment that perhaps these blocks should be  
20 part of the Capitol Hill Historic District,  
21 but the ability to do that survey hasn't  
22 existed on the community's behalf. This  
23 applicant is going to enable that survey to be

**NEAL R. GROSS**

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



1 done.

2 We've also asked -- not asked.  
3 We've also agreed to document the buildings on  
4 the site before we demolish them. They're not  
5 landmarks. They're not in a historic  
6 district. We're not required to do that, but  
7 we have said we would do it because they are  
8 potentially eligible for designation even  
9 though they're not now designated.

10 What's that balanced against?  
11 Well, we're going from the heights that we now  
12 have to the heights that we've described.  
13 We've asked for the 100 feet at the corner  
14 stepping down to the east, stepping down to  
15 the south. We're getting a fairly significant  
16 increase in density, but all of that increase  
17 in density is going to residential and, in  
18 fact, we are decreasing the amount of  
19 commercial density that's permitted on the  
20 site right now today by about 55,000 square  
21 feet. So, there's a trade off there of the  
22 benefits amenities on the one hand and the  
23 reallocation of density on the other.

1           What else do we need from this  
2 Commission in terms of approval? We've got a  
3 couple of roof structures which are shown on  
4 the plans that don't meet the setback  
5 requirements. If you think of this building  
6 as more or less an E-shaped building sort of  
7 turned on its side, there are corners of those  
8 wings where the elevator cores are located  
9 because it's the right place for them, but  
10 they don't meet the setback requirements from  
11 the internal courts of the building. So, we  
12 need some help on that.

13           And then we've got walls of  
14 unequal height in the one penthouse that's on  
15 the H Street bar at the west end which is  
16 entirely hidden behind that tower element so  
17 you don't even see it, but they are actually  
18 a little bit lower in some places.

19           We have done an extensive analysis  
20 of consistency with the Comprehensive Plan and  
21 I'm only going to point out that that's on  
22 pages 17 through 32 of the outline you have  
23 before you. I'll just point out a couple of

1 highlights out of that particularly from the  
2 residential element of the -- the housing  
3 element of the Comprehensive Plan. Expanding  
4 the housing supply is a key part of the  
5 District's vision to create successful  
6 neighborhoods.

7 The plan suggests that we strongly  
8 encourage the development of new housing on  
9 surplus, vacant and under utilized land in all  
10 parts of the city and that we should promote  
11 mixed-used development including housing on  
12 commercially zoned land particularly in  
13 neighborhood commercial centers along main  
14 street mixed-used corridors of which H Street  
15 is one and around appropriate Metro Rail  
16 Stations.

17 You have heard -- there is also  
18 reference in the Capitol Hill area element  
19 which is cited on pages 31 and 32 and I'll  
20 just point those out and not address them any  
21 further.

22 You have heard discussions of --  
23 or mention of the H Street Strategic

1 Development Plan. This is a small area plan  
2 prepared by the Office of Planning in  
3 consultation with the community that was  
4 presented to the Council and approved by the  
5 Council. It's is supplemental guidance to the  
6 Comprehensive Plan. It's not part of the  
7 Comprehensive Plan, but within that Strategic  
8 Development Plan, the site is part of the  
9 Western Gateway Urban Living Subdistrict.

10 Housing will be higher density  
11 with architecture that appropriately marks the  
12 entrance to the H Street community. Larger  
13 sites and single ownership make higher density  
14 mixed-use projects possible and allow  
15 transition to lower-scale buildings between  
16 4th and 7th Streets.

17 By district, this is within that  
18 urban living district. It is cited as a place  
19 where development of 6 to 8 story mixed-income  
20 residential and/or office uses with retail or  
21 restaurant use at the corner of 3rd and H  
22 Streets is appropriate. There are design  
23 guidelines that have been included within the

**NEAL R. GROSS**

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

1 strategic or as an adjunct to the strategic  
2 development plan and we have addressed those  
3 and explained how our building complies with  
4 those.

5 As Mr. Cook mentioned in his  
6 presentation, the site is also within the area  
7 that is covered by the NoMa Vision Plan and  
8 Development Strategy. That is something that  
9 has been prepared by the Office of Planning,  
10 but not yet submitted to the Council for  
11 approval, but it does call for primarily  
12 residential development with ground-floor  
13 retail east of the railroad tracks. It  
14 specifically identifies this site for new  
15 residential development on the concept plan  
16 and there are other pieces of that plan which  
17 are entirely appropriate for the development  
18 that we've proposed.

19 My conclusions, the project is not  
20 inconsistent with the Comprehensive Plan.  
21 It's within the applicable height in both  
22 standards of the regulations. It is a unique  
23 site in that it fronts on 2nd Street which is

1 the boundary of the central employment area.  
2 It abuts the H Street overpass. It confronts  
3 existing C-3-C zoning on the north and on the  
4 west and it provides on the site for  
5 transition to lower density zoning categories  
6 to the east and the south.

7 The project provides an  
8 appropriate balance between the development  
9 proposed, the flexibility requested and the  
10 benefits and amenities provided.

11 The PUD allows the Commission to  
12 approve what is specifically proposed without  
13 allowing more or uncontrolled development and  
14 we believe and I believe that the project  
15 should be approved.

16 I would like to submit to the  
17 Commission at this time one more piece of  
18 paper. This is a fairly important piece of  
19 paper. It is a letter that we sent today on  
20 behalf of the Applicant to the members of the  
21 mediation committee and they have all received  
22 copies this evening in which we have responded  
23 to a number of the issues that were raised

1 during the course of the mediation and you  
2 will hear more about that from the Office of  
3 Planning and Mr. Quill as he comes forth when  
4 we're done -- comes forward when we're done.

5 We wanted this to be a part of the  
6 record that the Commission would have the  
7 response with the exhibits that we've given to  
8 the Mediation Committee setting forth our  
9 position on a variety of issues that the  
10 community felt was important and we're going  
11 to submit that and if anybody has any  
12 questions about that at any point, we'd be  
13 happy to address them or I think Mr. Quill  
14 will be happy to address them, too, since the  
15 document was prepared with his assistance and  
16 with some consultations back and forth with  
17 the members of the committee on the other end.

18 And with that, I will cease with 9  
19 minutes and 20 seconds to go.

20 MR. QUIN: Mr. Chairman and  
21 Members of the Commission, that completes our  
22 direct testimony.

23 CHAIR HOOD: What I would like to

1 do is my colleagues would indulge me I would  
2 like for I think Mr. Kabatt, you're a traffic  
3 expert, to come up and address -- give us a  
4 presentation. Basically, how all that's going  
5 to work with what's being required for the  
6 loading docks, what's your proffer, what  
7 you're offering and basically, what it does is  
8 unless something supersedes, the traffic  
9 letter dated May 7th -- did we have anything  
10 after May the 7th from Ken Laden? Okay.

11 And that way, I can do that --  
12 we'll do that now as opposed to doing it when  
13 it's time for questions. So.

14 MR. KABATT: Good evening. I'm  
15 Chris Kabatt with Wells and Associates and we  
16 prepared a traffic study for the project in  
17 question, Capitol Police.

18 We originally prepared a traffic  
19 study back in November of 2005 and updated it  
20 in January 2007 and then here in September  
21 2007.

22 DDOT did file a report in May 2007  
23 and Ken Laden and Mr. Bah said that the letter



1 still held water with what we have updated  
2 recently.

3 CHAIR HOOD: I guess what I need  
4 you to do -- I don't know what perspective we  
5 can put up, but I want you to show me how all  
6 that's going to work. How they're going --  
7 how the trucks will enter into the alley or  
8 how that's going to work. How they're going  
9 to enter into the site. How they're going to  
10 leave the site. Just run me through that  
11 whole --

12 MR. KABATT: Okay.

13 CHAIR HOOD: -- orientation.

14 MR. KABATT: Is this the site  
15 plan?

16 MR. COOK: Yes.

17 MR. KABATT: Thank you. We're  
18 providing a loading dock for a 55-foot tractor  
19 trailer and a -- up in the northwest corner in  
20 this site here directly opposite the Station  
21 Place loading dock and what would happen are  
22 the trucks would travel north on 2nd Street  
23 and then back into the loading docks.

1 CHAIR HOOD: They're going to  
2 back. So, where are they going to pull into?  
3 Show me where they're going to pull.

4 MR. KABATT: The -- let me get up.

5 CHAIR HOOD: We have the handheld  
6 mike.

7 MR. KABATT: The trucks will pull  
8 up 2nd Street and then they will back into the  
9 loading dock in this area right here.

10 CHAIR HOOD: So, when they pull  
11 into 2nd Street, where are they going to pull  
12 out?

13 MR. KABATT: Then leaving the  
14 dock?

15 CHAIR HOOD: No, they're going to  
16 pull up.

17 MR. KABATT: They're going to pull  
18 up to basically underneath the H Street bridge  
19 and then they would back into the loading  
20 dock.

21 CHAIR HOOD: Do people still park?  
22 I'm trying. Maybe I'm too far.

23 MR. KABATT: There is on-street

1 parking along 2nd Street. I think today there  
2 might not be on-street parking because of the  
3 construction around there along 2nd Street  
4 today, but without the construction, there was  
5 some on-street parking along 2nd Street.

6 What we did is we did swept-the-  
7 area diagrams and they're in our traffic  
8 report that show the truck backing into the  
9 loading dock and DDOT did review those. I  
10 could show you the figures.

11 CHAIR HOOD: No, that's okay.  
12 Unless -- okay. All right. I may have some  
13 other questions for you, Mr. Kabatt. Thank  
14 you.

15 Colleagues, I open it up. Any  
16 questions?

17 VICE CHAIR JEFFRIES: yes, I have  
18 a few questions.

19 CHAIR HOOD: Okay. Commissioner  
20 Jeffries.

21 VICE CHAIR JEFFRIES: First of  
22 all, just for the Applicant, you know, the  
23 package that we received before tonight was

1 fairly complicated, a lot to absorb and we've  
2 gotten a lot since that point. So, there are  
3 a number of questions that -- particularly the  
4 benefits package and so forth. There's a lot  
5 here. So, you know, it's going to take a  
6 minute to sort of go through some of this and  
7 do the proper review and sort of responding to  
8 it.

9 So, I'm just -- tonight at least  
10 my questions are just going to be basically  
11 about the architecture and retail.

12 Perhaps, Mr. -- is it -- I'm  
13 sorry. Your last name?

14 MR. BRAUNOHLER: Braunohler.

15 VICE CHAIR JEFFRIES: Braunohler  
16 sorry. If you could talk a little bit about  
17 the retail strategy of this project. I'm just  
18 trying to get comfortable particularly with  
19 the retail along 2nd Street, N.E. I mean what  
20 type of retail? Who's it going to be serving?  
21 I know it says neighborhood serving, but, you  
22 know, particularly -- and if you could put it  
23 in the context of, you know, what the H Street

1 corridor is trying to do in terms of  
2 improvement of retail. I mean how does this  
3 sort of relate to that if at all?

4 MR. BRAUNOHLER: Well, I think our  
5 strategy has changed someone since the  
6 original PUD submission. We originally had an  
7 idea that a moderately big box might be  
8 appropriate as a -- either a grocery store or  
9 a Trader Joe's type of store and we found that  
10 the neighborhood did not respond positively to  
11 that and, in fact, they -- there was a lot of  
12 concern about odor, about trash, about service  
13 to a bigger retailer and so, we abandoned that  
14 idea after our first postponement of this  
15 hearing and we switched focus to more of a  
16 neighborhood serving retail and the entire  
17 focus now is that these would be small mom and  
18 pop, if you will, retailers who focus on  
19 serving the residents of the community and  
20 perhaps the, you know, the office workers who  
21 are right across the street at the SEC  
22 buildings.

23 But, there is a dearth of retail

1 along 2nd Street right now and we think that  
2 we can fill that void and not be directly  
3 competing with larger retailers that might be  
4 along H Street.

5 VICE CHAIR JEFFRIES: So, there is  
6 a retail that's currently on 2nd going south?  
7 Is that --

8 MR. BRAUNOHLER: There's a little  
9 bit. There's a, you know, coffee shop down at  
10 2nd and --

11 VICE CHAIR JEFFRIES: Is there a  
12 pizza -- a pizza parlor at one point.

13 MR. BRAUNOHLER: Van Bucci's  
14 Cheese Pizza. Yes, there are small -- there's  
15 a small amount of retail on 2nd Street now,  
16 but other than that there really isn't very  
17 much in that immediate vicinity.

18 VICE CHAIR JEFFRIES: So, has  
19 there been any discussion with any particular  
20 operators in terms of the neighborhood  
21 serving?

22 MR. BRAUNOHLER: No, not at this  
23 point. That's a little premature. We're

1 still trying to get zoning.

2 VICE CHAIR JEFFRIES: Well, no, I  
3 guess I'm trying to get a sense of the level  
4 of demand. I mean are you seeing a line of  
5 operators wanting to be right in this location  
6 on 2nd Street?

7 MR. BRAUNOHLER: We do have a  
8 retail consultant that we've been working with  
9 and I think the consultant is comfortable that  
10 when the time is right we'll be able to find  
11 tenants, but I -- you know, at this -- I  
12 really don't have anything to say about  
13 particularly interested tenants at this point.

14 VICE CHAIR JEFFRIES: Okay. I'm  
15 going to be very interested, Chair, perhaps in  
16 getting some sort of statement from the retail  
17 consultant for this application. I just want  
18 to make certain I'm clear about, you know,  
19 just how successful this retail's going to be  
20 and then also had there been any discussion  
21 around, you know, local small businesses in  
22 terms of being some of this retail?

23 MR. BRAUNOHLER: Oh, absolutely.

1 We would love to have local small businesses  
2 as part of that retail. That would be, you  
3 know, I think a win, win for everyone  
4 including the residents of the project.

5 VICE CHAIR JEFFRIES: Okay.

6 That's -- okay. I guess when I say local  
7 small businesses I'm thinking of, you know,  
8 LSDBEs and things of that sort.

9 MR. BRAUNOHLER: Right.

10 VICE CHAIR JEFFRIES: So, that  
11 would be something that you might consider  
12 proffering?

13 MR. BRAUNOHLER: Yes, I don't  
14 know. I -- whatever.

15 VICE CHAIR JEFFRIES: Okay.

16 MR. BRAUNOHLER: I mean we're  
17 open.

18 VICE CHAIR JEFFRIES: Okay.

19 MR. BRAUNOHLER: We're open to  
20 that.

21 VICE CHAIR JEFFRIES: And then my  
22 other question is parking. What's our ratio  
23 here? I think I --



1 MR. BRAUNOHLER: We're providing  
2 approximately one parking space per apartment  
3 and then the zoning required parking for the  
4 retail. So, we are considerably over the  
5 zoning required parking overall because --

6 VICE CHAIR JEFFRIES: That's what  
7 I wanted to point out.

8 MR. BRAUNOHLER: -- zoning doesn't  
9 require that much for residential.

10 VICE CHAIR JEFFRIES: Well,  
11 particularly given that this is a transit-  
12 oriented development --

13 MR. BRAUNOHLER: Yes.

14 VICE CHAIR JEFFRIES: -- as you've  
15 stated several times. I mean we see -- and we  
16 talk about this all the time here. You know,  
17 with your transit-oriented developments and I  
18 don't think you're over parking the site, but  
19 I just -- you know, we have seen, you know,  
20 somewhat better ratios particularly given  
21 proximity to Union Station.

22 MR. BRAUNOHLER: Well, one of the  
23 amenities we're offering is that residents of

1 the square could lease parking in the building  
2 as well. So, to the extent we have excess,  
3 the first call on it would be to residents of  
4 square 752.

5 VICE CHAIR JEFFRIES: Okay. And  
6 the other question and I saw this very quickly  
7 and that's why I felt like I needed to spend  
8 a little bit more time on the benefits  
9 package. I did see that you're going to offer  
10 a 10 percent discount per parking space.

11 MR. BRAUNOHLER: It's for the  
12 affordable housing units. Yes.

13 VICE CHAIR JEFFRIES: What does  
14 that look like in terms of amount? I mean I  
15 understand 10 percent, but what's the --

16 MR. BRAUNOHLER: I think it's  
17 typically the parking spaces at least as far  
18 as competitive projects. It's typically  
19 selling for around \$30,000. So, that would be  
20 a --

21 VICE CHAIR JEFFRIES: So, you're  
22 going to take out three thousand --

23 MR. BRAUNOHLER: That would be a

1       \$3,000 discount, but again, that depends on  
2       the market. I mean, you know, right now in  
3       today's market, I think there are projects  
4       that are giving the parking with the unit.  
5       So, you know, it's hard to -- it's hard to  
6       predict what the market's going to be like  
7       when this project is marketed.

8               VICE CHAIR JEFFRIES: I guess I'm  
9       not following you. What does market have to  
10      do with what kind of discounts you're going to  
11      give on the parking spaces?

12             MR. BRAUNOHLER: The market has a  
13      lot to do with it in that to sell the units,  
14      you'll sometimes, you know, give the parking  
15      or give steep discounts on the parking.

16             VICE CHAIR JEFFRIES: Oh, wait.  
17      Wait. Let me make certain I'm clear. We're  
18      talking about the universe of people who were  
19      going to be targeted for the affordable units.

20             MR. BRAUNOHLER: Yes.

21             VICE CHAIR JEFFRIES: So, that  
22      population --

23             MR. BRAUNOHLER: I'm talking about

1 the universe of people buying housing right  
2 now.

3 VICE CHAIR JEFFRIES: No, I'm --

4 MR. BRAUNOHLER: Okay.

5 VICE CHAIR JEFFRIES: -- dealing  
6 more with the affordable housing --

7 MR. BRAUNOHLER: Right. Right.  
8 No, I understand.

9 VICE CHAIR JEFFRIES: --  
10 population.

11 MR. BRAUNOHLER: I understand.

12 VICE CHAIR JEFFRIES: So, for that  
13 population, you're going to be offering a 10  
14 percent discount and you're saying but it  
15 depends on the market?

16 MR. BRAUNOHLER: Yes, I'm saying  
17 that the discount could possibly be higher if  
18 the market is very weak at that time.

19 VICE CHAIR JEFFRIES: Okay. Okay.  
20 So, well, obviously as a proffer, I mean,  
21 we're going to need a number. So, but that's  
22 fine.

23 Mr. Cook, I have a couple of

1 questions for you. The G Street elevation --  
2 I'm sorry. We're you going to say --

3 MR. QUIN: Mr. Jeffries, I just  
4 wanted to comment on the -- just to make clear  
5 on the record that the amenities package was  
6 originally submitted in April. It was revised  
7 and submitted September the 11th and what you  
8 have before you tonight really have very few  
9 changes in it. It does have some detail and  
10 it relates to, for example, more commitment on  
11 the construction management plan --

12 VICE CHAIR JEFFRIES: Okay.

13 MR. QUIN: -- the 10 percent  
14 discount and I think there's one other  
15 modification, but it's not -- it wasn't --  
16 this isn't a new package for you in the sense  
17 of a whole new --

18 VICE CHAIR JEFFRIES: Oh, no. No.  
19 No. I'm -- no, my questions really weren't  
20 about, you know, when this showed up. I'm  
21 just asking a --

22 MR. QUIN: Okay.

23 VICE CHAIR JEFFRIES: -- just a

1 simple question about 10 percent discount.

2 MR. QUIN: Right. I just --

3 VICE CHAIR JEFFRIES: And what  
4 that really means for --

5 MR. QUIN: Yes.

6 VICE CHAIR JEFFRIES: -- a  
7 population of people.

8 MR. QUIN: Right.

9 VICE CHAIR JEFFRIES: Anyway. So.

10 MR. QUIN: Okay. Thank you.

11 VICE CHAIR JEFFRIES: Mr. Cook, I  
12 had a question around the G Street elevation  
13 and in particular, can you go back to that  
14 slide. I just had a question about the  
15 transition of that facade from the R-4  
16 rowhouses to the larger building that's to the  
17 left or to the west. I don't know if you have  
18 the -- did you have an elevation or --

19 MR. COOK: Yes, sir, maybe it  
20 would be helpful if we go all the way back to  
21 the massing diagram. That has the heights on  
22 it, Mark. If you'd give us one minute to go  
23 to the massing diagram please.

1 VICE CHAIR JEFFRIES: I don't  
2 know. Let me see. On page 20 -- sorry, page  
3 40 of the October 1 supplemental prehearing  
4 submission. Let me -- it was just an  
5 elevation.

6 MR. COOK: Yes, Mr. Jeffries.  
7 Hold my page.

8 VICE CHAIR JEFFRIES: So, I --

9 MR. COOK: This is the -- page 40  
10 is this one?

11 VICE CHAIR JEFFRIES: Yes, page  
12 40. I was just -- I just wanted to -- I think  
13 you --

14 CHAIR HOOD: Excuse me. I don't  
15 think he -- make sure you talk in and make  
16 sure it's on.

17 MR. COOK: Yes, sir.

18 CHAIR HOOD: Okay.

19 VICE CHAIR JEFFRIES: Okay. I  
20 just -- I thought in your presentation you  
21 said that, you know, obviously, you know, this  
22 middle portion that's between the R-4 and the  
23 larger building to the west, I don't know if

1       you said transitional, but it was somehow  
2       suppose to really, you know, answer the lower.

3               Can you just walk me through that  
4       again?

5               MR. COOK:   Sure.   May I do it from  
6       the --

7               VICE CHAIR JEFFRIES:   Sure.   Sure.

8               MR. COOK:   -- slide that's up  
9       here.

10              VICE CHAIR JEFFRIES:   That's fine.  
11       Um-hum.

12              MR. COOK:   What I'll show first is  
13       the massing with the heights on it.   So, this  
14       is G Street.   What we did was we started with  
15       a 45-foot height element.   So, this is 222.  
16       The 20-foot-wide alley --

17              VICE CHAIR JEFFRIES:   Um-hum.

18              MR. COOK:   -- and step up to 45  
19       feet at this point.   Then transition up to the  
20       65 feet.   Also, in the location of this mass  
21       and the relationship of these bays we thought  
22       made a nice relationship with the bays that  
23       were here.   That's what the diagram that you

**NEAL R. GROSS**

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



1 see at the upper portion --

2 VICE CHAIR JEFFRIES: Wait. Wait.  
3 Wait.

4 MR. COOK: -- is really just an  
5 architect's sketch of how we make the  
6 transition up there.

7 So, the challenge was that we had  
8 the much larger building directly across the  
9 street. So, we wanted a building that  
10 provided transition and a mediation between  
11 the two.

12 If you -- if -- if that didn't  
13 answer your question, we can also go to the  
14 rendered view if you would like.

15 VICE CHAIR JEFFRIES: Um-hum.

16 MR. COOK: The perspective view,  
17 sir.

18 VICE CHAIR JEFFRIES: Yes, I just  
19 -- I mean I think your 2nd Street elevation I  
20 mean for me is the more successful elevation  
21 here. I just was just, you know, looking at  
22 the transitional quality I guess of the G  
23 Street.

1 MR. COOK: Right.

2 VICE CHAIR JEFFRIES: I just don't  
3 know how much it seems to lend itself to the  
4 R-4 that's right next to it. I guess that's  
5 sort of my question.

6 MR. COOK: What we hoped was that  
7 as we come along this rowhouse with the bays  
8 and the gardens, there's a whole series of  
9 things that we believe make a nice transition.

10 The first is that it transitions  
11 up to 45 feet and then up again to the 60.  
12 So, there's clearly a bigger building on the  
13 corner of 2nd.

14 VICE CHAIR JEFFRIES: Correct.

15 MR. COOK: And that this element  
16 right here --

17 VICE CHAIR JEFFRIES: Right.

18 MR. COOK: -- is kind of a  
19 mediator between this and the lower scale. To  
20 do that, was one height. The second was these  
21 bay structures that come out that relate to  
22 the height of the adjacent building. So,  
23 there's a series of -- a kind of massing scale

**NEAL R. GROSS**

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

1 transition and then the other elements that I  
2 spoke of which is the stoops and the gardens  
3 out in front and on top of that, the use  
4 itself which is residential as opposed to a  
5 ground floor commercial.

6 VICE CHAIR JEFFRIES: So, you  
7 think the bays are sort of the element there  
8 in the transitional facade that relates to the  
9 R-4?

10 MR. COOK: Yes, sir.

11 VICE CHAIR JEFFRIES: Okay. And  
12 then one last question. I may have some other  
13 questions. The fencing along H Street for the  
14 guardrail, did we see a picture of that?

15 MR. COOK: No.

16 VICE CHAIR JEFFRIES: Okay.

17 MR. COOK: It's in the booklet.

18 Tab --

19 VICE CHAIR JEFFRIES: Yes, I --

20 MR. COOK: -- at Tab --

21 VICE CHAIR JEFFRIES: This?

22 MR. COOK: Yes. Yes, right now --

23 Mark, if you could please find the photograph

1 of H Street. It has one of the DDOT curved  
2 chain link fences that come up and around.  
3 So, two things we were trying to do there.  
4 Make our building meet H Street so we don't  
5 have a well, so we don't have to have a fence  
6 at all along our building line and then when  
7 we -- when we bypass that point -- yes, I  
8 guess pull the rendering up. So, from this  
9 point back, we have no fence even though this  
10 one -- this one has the curved chain link  
11 fence and then from this point on, we have the  
12 fence that you see which is just a more  
13 elegant modern fence than the typical chain  
14 link. It's not the best picture in the world.

15 VICE CHAIR JEFFRIES: I'm looking  
16 at it. I'm pretty clear where it is.

17 MR. COOK: Yes, maybe even an  
18 unfortunate photograph.

19 VICE CHAIR JEFFRIES: Okay.

20 MR. COOK: But, I think much more  
21 elegant than the chain link fence, the DDOT  
22 standard.

23 VICE CHAIR JEFFRIES: Okay.

1 MR. COOK: And consistent with the  
2 elegant fence that's now part of Station  
3 Place. It was picked by the landscape  
4 architect who did Station Place so that it  
5 would be compatible with that. The Station  
6 Place 3.

7 VICE CHAIR JEFFRIES: I'm just  
8 part of a Commission that just undervalues  
9 architecture. So, I just thought I'd comment.

10 CHAIR HOOD: Any other questions?  
11 I have a few, but I'll yield to my colleagues.  
12 Mr. Turnbull, you have any questions?

13 COMMISSIONER TURNBULL: Yes.  
14 Thank you, Mr. Hood. I guess what I wanted to  
15 look at getting back to Mr. Jeffries  
16 undervaluing architecture, let's talk about  
17 architecture. One of my favorite pastimes  
18 unlike Mr. Quin says, but let's -- I have a  
19 feeling in looking at the PowerPoint  
20 presentation, Mr. Cook, and help me if I'm  
21 wrong, but a lot of the details I see on this  
22 project look like they're taken from New York  
23 -- from your New York projects. I see the

**NEAL R. GROSS**

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

1 plates. I see the window details. I get a  
2 feeling I see a New York building being built  
3 in Washington rather than something that's  
4 looking at regional characteristics of the  
5 neighborhood and incorporating those into it.

6 My first glimpse is that I don't  
7 quite see the -- I see the steel plates up on  
8 the roof. Very similar to either Chelsea or  
9 the Caroline. I see a lot of detailing coming  
10 in here that reminds me of your New York  
11 projects and you sort of picked and chose to  
12 make their fit on this building.

13 I just have this strange sense  
14 that it's not quite as tailored to D.C. and  
15 what we're looking at in the neighborhoods  
16 around there.

17 Your comment please.

18 MR. COOK: Yes. Thank you for the  
19 opportunity to respond.

20 Globally, we do believe in  
21 textural architectural work, modern work and  
22 much of it is inspired by 19th century  
23 architecture. So, on the first kind of global

1 look, much of this is 19th century  
2 architecture that has many similarities.

3 Specially, on the architectural  
4 development even starting at the view that we  
5 were just on, for us is very much inspired by  
6 this particular place. In fact, I pick and  
7 chose some of our previous work that looked  
8 something like what was the right solution  
9 here and then we have much other work.

10 The light and shadow, the pattern  
11 of the brickwork, the articulation of the  
12 stoops and the bays. Specifically that  
13 earlier photo study that we had looked at in  
14 the neighborhood for how brick was used to  
15 slid in and out so it created a textural  
16 pattern in otherwise unadorned brick surface.  
17 All of that was very much inspired by our  
18 survey of the immediate neighborhood and we --  
19 also in the selection of the materials and  
20 textures very much authored by a study of the  
21 buildings in the immediate neighborhood.

22 So, I'd like to believe that it's  
23 very much regionally inspired and would make

1 a great neighbor.

2 COMMISSIONER TURNBULL: I guess I  
3 don't see it totally myself, but let's look at  
4 this perspective right here. How does this  
5 building represent a gateway?

6 MR. COOK: Okay.

7 COMMISSIONER TURNBULL: How do you  
8 feel that that's somehow highlighting entering  
9 down into H Street? Because it's matching the  
10 height of the building next door across the  
11 street? I mean contextually how does that  
12 make me feel excited coming across the bridge  
13 that that represents a neighborhood?  
14 Something new that we're coming into.

15 MR. COOK: Okay. Several levels.  
16 The first one is that as we cross over on H  
17 Street you're leaving -- you're leaving the  
18 heavy commercial area. You're going past the  
19 office buildings with very specific large  
20 scale office building windows. Station Place  
21 is here. There's an industrial building here  
22 and immediately at this line, you shift to  
23 basically masonry buildings. Something made

**NEAL R. GROSS**

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



1 of the human hand scale. So, buildings that  
2 are made up of masonry happen immediately at  
3 this point.

4 Also, I think that the texture and  
5 pattern of this particular masonry that's on  
6 the same sample board set up that human scale  
7 that happens right here. I believe this makes  
8 a gateway and a kind of icon of residential  
9 from this portion over.

10 Also, the pattern and verticality  
11 and rhythm of the street is really set up as  
12 a street versus a long block like a commercial  
13 building across the street.

14 COMMISSIONER TURNBULL: I guess I  
15 don't read that myself with this rather heavy  
16 terrace, this trellis work that goes all the  
17 way around the top. It just seems to create  
18 this rather blocky structure at the corner.  
19 I don't think it seems to give relief or give  
20 some kind of textural introduction into the  
21 neighborhood.

22 I guess architecturally I feel  
23 it's lacking something that would inspire one

1 to say yes, we're interesting. We're coming  
2 into H Street and this is an exciting area.  
3 I think -- contextually, I think it's missing  
4 something, but I'll let my colleagues comment  
5 upon that, too. I don't know if you -- maybe  
6 they don't see that.

7 MR. COOK: May I make one more  
8 quick -- the composition of the street because  
9 it's so long was very much that this element  
10 marks as a gateway to the building immediately  
11 across the street. This has a crowning  
12 element above. It has some steel detailing at  
13 130 feet. This element's at 100 and then from  
14 that point on, the building steps down and  
15 scales down as it gets ready for what's  
16 proposed for development along H Street. So,  
17 this was very much set up to be a gateway  
18 across from the Senate Square and then  
19 transition down to make the entrance and then  
20 a series of transitions as it moves forward.

21 COMMISSIONER TURNBULL: Okay. I  
22 guess I don't see it. I guess I don't really  
23 read it as something distinct. I think it's

1 mainly a height issue. That it's bigger. So,  
2 it's a gateway. I don't really see it as a  
3 defining structure that gets me excited as  
4 someone looking at it coming across the  
5 bridge.

6 I will compliment you on the green  
7 roof design, the LEED Silver Certification.

8 I just think that there's some  
9 things architecturally that needs to be worked  
10 out a little bit more. Thank you.

11 CHAIR HOOD: Commissioner Parsons.

12 COMMISSIONER PARSONS: Thank you.  
13 Thank you. Mr. Turnbull's comments. We have  
14 as I'm sure you know a regulation here that we  
15 set back 1 foot for every foot we go up on a  
16 penthouse. Some would call that dull and  
17 boring and the fact that it needs embellish.  
18 So, what's happening in this city as you  
19 probably know is we're now beginning to  
20 embellish and extend the visual height of  
21 buildings which I object to and have objected  
22 to for over a year here on this Commission.  
23 So, don't feel you're alone here.

1 I just don't see the need for this  
2 gateway embellishment of steel which is heavy  
3 and I don't want to comment on the design as  
4 much as I do the continuing push to increase  
5 the building heights by 18½ feet in this city  
6 by decorating the roof.

7 But, I'm also concerned as Mr.  
8 Turnbull was and I think it's best expressed  
9 on page -- of what we received tonight page  
10 55. Is the use of steel, a dark-colored steel  
11 at the roof level.

12 Maybe you could get that up on the  
13 screen. I just -- I think it's an extremely  
14 heavy detail and I don't quite understand why  
15 that color, why that treatment. I see how it  
16 works in New York as Mr. Turnbull said, but I  
17 -- it seems like a very heavy cap being placed  
18 on these buildings where -- when it is not  
19 necessary.

20 MR. COOK: One minute as we find  
21 the image.

22 CHAIR HOOD: Are you looking for  
23 -- I hope you see your little note there on

1 the bottom right hand.

2 COMMISSIONER PARSONS: Low  
3 battery.

4 CHAIR HOOD: We'd hate to lose  
5 everything.

6 COMMISSIONER PARSONS: That's it.

7 MR. COOK: Right.

8 COMMISSIONER PARSONS: Talk about  
9 that a little bit. I just feel it's just very  
10 heavy cap to this building.

11 MR. COOK: Much of this was  
12 derived in the latest versions in discussions  
13 with the Mediation Group on a base, a middle  
14 and a top and it was thought that the previous  
15 designs that we had didn't have a strong  
16 crowning top element. So, this was part of  
17 the discussion, the design dialogue back and  
18 forth and this particular detail and its very  
19 strong base, middle and top was part of that  
20 dialogue during the mediation process.

21 It was thought that some of the  
22 elements that we had didn't have a strong  
23 enough top. So, in many ways, this is a

1 reaction to comments that happened from  
2 interested and invested stakeholders.

3 COMMISSIONER PARSONS: The color  
4 as well?

5 MR. COOK: The color is actually  
6 -- it's kind of shown dark blackish there, but  
7 you can see that it actually has a kind of  
8 rich warm gray. Can you see the sample board  
9 from where you are, Mr. Parsons?

10 COMMISSIONER PARSONS: Looks dark  
11 to me, but --

12 MR. COOK: It's dark. Yes.

13 COMMISSIONER PARSONS: How can she  
14 possibly pick that up? So, it is the brown at  
15 the top.

16 MR. COOK: Yes.

17 COMMISSIONER PARSONS: Am I  
18 reading that correctly?

19 MR. COOK: Yes, sir.

20 COMMISSIONER PARSONS: So, if I  
21 suggested a light color like the mullions in  
22 the windows, what would your response be?  
23 It's too light.

1 MR. COOK: I like the dark  
2 crowning element personally.

3 COMMISSIONER PARSONS: I'm sure  
4 you do.

5 MR. COOK: But, I don't think it  
6 fundamentally changes the design as a  
7 composition with the base, middle, top a  
8 lighter color of that element wouldn't -- it  
9 doesn't change its composition or it's  
10 essential character. So.

11 COMMISSIONER PARSONS: All right.  
12 Let me think about that.

13 I wanted to talk about these  
14 courtyards and I guess they're best shown on  
15 exhibit -- page 23. If that's not helping  
16 you, I could show it to you, but -- do you  
17 have that on the computer? That's correct.  
18 I want to talk about the one adjacent to it,  
19 too. Page 22.

20 Okay. Those will do, but there is  
21 a gate into each one of these courtyards and  
22 I understand that. What kind of control would  
23 be placed on that? I mean would this be --

1       these gates which lead to these courtyards  
2       would be open during the day perhaps or what  
3       is the circumstance there?

4               MR. COOK:  Yes, the plan was that  
5       they would be open during the day and have a  
6       buzzer release with a video camera at night.

7               COMMISSIONER PARSONS:  I see so  
8       the public can enter and enjoy these  
9       courtyards during the day?

10              MR. COOK:  They are private  
11       property and for the benefit of the residents.

12              COMMISSIONER PARSONS:  Certainly.

13              MR. COOK:  I guess it would be a  
14       management issue with the --

15              COMMISSIONER PARSONS:  Um-hum.

16              MR. COOK:  -- condo board on  
17       whether they wanted to allow residents of the  
18       block or the public, but --

19              COMMISSIONER PARSONS:  So, I don't  
20       see that you've included any benches in these  
21       courtyards.

22              MR. COOK:  Yes, there are.  They  
23       haven't been articulated, but on page 23 it

**NEAL R. GROSS**

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



1 shows the standard heavy teak bench that's  
2 proposed that would loose laid on the bottom  
3 of page 23.

4 COMMISSIONER PARSONS: I see those  
5 shown on the street.

6 MR. COOK: Oh, yes, he doesn't  
7 have any.

8 COMMISSIONER PARSONS: On the  
9 sidewalk. I don't mean in the street.

10 MR. COOK: Right. On the  
11 sidewalk. Right.

12 COMMISSIONER PARSONS: But, not  
13 here in the courtyard.

14 MR. COOK: Yes, and the thought --

15 COMMISSIONER PARSONS: Something  
16 they --

17 MR. COOK: -- was it would only be  
18 loose furniture and then there's private  
19 guards in front of each one of these, but I  
20 think it would be nice to have loose furniture  
21 in the courts.

22 COMMISSIONER PARSONS: I would  
23 agree. Yes, I mean if that's the notion --

1 MR. COOK: Yes, that's --

2 COMMISSIONER PARSONS: -- here is  
3 to have tables and chairs and that kind of  
4 thing that people could enjoy it without  
5 having to sit on a planter wall.

6 MR. COOK: Yes, I think it would  
7 be great if the --

8 COMMISSIONER PARSONS: Okay.

9 MR. COOK: -- if the developer  
10 agrees.

11 COMMISSIONER PARSONS: Now, a  
12 little -- on tonight's package public benefits  
13 and I'm dealing with the bullet at the bottom  
14 of the first page and it has to do with LEED  
15 and I'm not familiar with this concept here.  
16 You're going to make a payment equal to 1  
17 percent of the construction cost. I don't  
18 know what level of payment that is which is my  
19 first question. I mean are we talking about  
20 \$1,000,000 or \$100,000 or whatever we're  
21 talking about and when you achieve the LEED  
22 Certification, you get the money back which is  
23 okay.

1 MR. BRAUNOHLER: One percent would  
2 be approximately \$1,000,000, more than  
3 \$1,000,000.

4 COMMISSIONER PARSONS: And if you  
5 achieve the LEED certification which is Silver  
6 I guess as you've --

7 MR. BRAUNOHLER: Um-hum.

8 COMMISSIONER PARSONS: --  
9 indicated. Is that correct?

10 MR. BRAUNOHLER: That's correct.

11 COMMISSIONER PARSONS: If you  
12 don't get that, the money goes to the city.  
13 For what purpose? Do we know? Be released to  
14 the District. It sounds -- people would run  
15 into the streets and grab the dollars as you  
16 released them.

17 MR. BRAUNOHLER: Okay. We were  
18 trying to parallel the green building  
19 legislation that's just been passed recently.  
20 I think that's -- it's a similar provision in  
21 the new legislation. So, presumably, there  
22 would be a mechanism for the District to  
23 collect these forfeitures.

**NEAL R. GROSS**

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

1 COMMISSIONER PARSONS: So, what we  
2 should do is parallel the legislation and get  
3 where it's going in the District and -- all  
4 right.

5 MR. BRAUNOHLER: Yes, I think --

6 COMMISSIONER PARSONS: I don't  
7 think we've seen this before. Probably  
8 because the legislation hadn't passed.

9 Are you familiar with that kind of  
10 process? No.

11 Okay. Those -- I just wanted --  
12 thank you. I wanted to go to page 22 which  
13 is, you know, just the opposite page that we  
14 were talking about.

15 Here we are on G Street and we  
16 have these large planters in the sidewalk or  
17 the public space and I wondered if you'd  
18 considered other options like people could use  
19 the space instead of just look at it with --  
20 I mean they're fairly large spaces and to be  
21 occupied by evergreen shrubs and if there's  
22 some way to make the public amenity out of  
23 that for -- with benches and that kind of

**NEAL R. GROSS**

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

1 thing. Whether you've thought of that or for  
2 some reason you felt you didn't want that kind  
3 of intrusion into the street space.

4 MR. COOK: On the first -- are you  
5 referring to the gardens in front of the  
6 rowhouses in the commercial or the plant strip  
7 with the trees adjacent to the curb?

8 COMMISSIONER PARSONS: That  
9 largest planter on the I'll say the left side  
10 of diagram because I don't know which way is  
11 east or west.

12 MR. COOK: Right there.

13 COMMISSIONER PARSONS: There you  
14 are.

15 MR. COOK: Right here.

16 COMMISSIONER PARSONS: I mean it's  
17 an enormous space to be occupied by junipers  
18 or whatever kind of evergreens.

19 MR. COOK: Yes, it's completely  
20 there as a buffer from the neighbors. In  
21 fact, we would love to make this part of a  
22 sidewalk café from the neighborhood retail  
23 right there. That was how it was originally

**NEAL R. GROSS**

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

1 conceived.

2 COMMISSIONER PARSONS: Oh, that  
3 was where I was going.

4 MR. COOK: And the thought was  
5 this was all about buffer of activity. So, if  
6 things spill out on the sidewalk here, there's  
7 more of a buffer to the residential. That was  
8 its spirit. So, it's not derived for, you  
9 know, activating the street, but actually the  
10 opposite. This was also in discussions with  
11 the neighbors and doing everything we possibly  
12 could to buffer the commercial to the  
13 residential to make that transition into the  
14 residential.

15 I actually think it would be  
16 terrific as part of the retail spill for a  
17 sidewalk café. I think it would be a very --  
18 it's on the south side of the building. So,  
19 it's well lit. The building --

20 COMMISSIONER PARSONS: Um-hum.

21 MR. COOK: -- across the street is  
22 very low. So, it would be a very pleasant  
23 place to be.

1           The theory behind it was it was  
2           just an area that wouldn't have commercial,  
3           that provides just that much more of a buffer  
4           to the rowhouses on the street.

5           Even one of the issues why --

6           COMMISSIONER PARSONS: Hum.

7           MR. COOK: -- transit oriented  
8           development, but almost three times the  
9           parking. Part of it was not anything you  
10          could do to diminish the pressure on parking  
11          on the street and the commercial pressure on  
12          the residential street.

13          COMMISSIONER PARSONS: So, am I  
14          understanding that the original proposal was  
15          to have a sidewalk café here and the citizens  
16          rebuffed that or through the mediation process  
17          said no.

18          MR. COOK: Yes.

19          COMMISSIONER PARSONS: Well, maybe  
20          we can ask the citizens about that, but  
21          certainly if it's going to be landscaped, I  
22          think we need a more creative solution here.  
23          Perennial beds. Something with color.

**NEAL R. GROSS**

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

1       Something with seasonal interest rather than,  
2       you know, let's carpet it with juniper or yews  
3       or something.

4               Okay. Thank you.

5               MR. COOK: Yes, sir.

6               CHAIR HOOD: Any more architect --  
7       I mean any more questions? I'm not going to  
8       ask architectural questions. So, you can take  
9       a rest. I think I'm not going to ask  
10      architectural.

11              MR. COOK: Thank you, Mr. Hood.

12              CHAIR HOOD: Mr. Kabatt, if you  
13      can come back to the table and if you could  
14      help me on this rendering. Mr. Cook, if you  
15      could let Mr. Kabatt get there. I want you to  
16      again show me how those tractor trailers are  
17      going to get into that loading dock.

18              MR. KABATT: This is on now?  
19      So, this is 2nd Street here and what the --  
20      the tractor trailer I'll speak to. The 55-  
21      foot tractor trailer --

22              CHAIR HOOD: Okay.

23              MR. KABATT: -- would pull forward



1 and it would have to stop underneath the H  
2 Street Bridge and then they would back up  
3 turning into the loading dock for our project  
4 and then the loading dock for Station Place is  
5 directly opposite. It would -- the northbound  
6 lane and the southbound lane, it would have to  
7 swing into the southbound lane as it's backing  
8 into the loading dock.

9 CHAIR HOOD: Is it your testimony  
10 that that's doable?

11 MR. KABATT: Yes.

12 CHAIR HOOD: I mean it's doable,  
13 but I don't --

14 MR. KABATT: It is my testimony  
15 it's doable and we did review it with DDOT and  
16 they concurred.

17 MR. BRAUNOHLER: I just want to  
18 correct. The loading dock for Station Place  
19 is accessed off the H Street overpass on the  
20 other side. What's on Station Place on this  
21 side is a garage -- parking garage entrance,  
22 but not --

23 CHAIR HOOD: Oh, okay.

1 MR. BRAUNOHLER: -- not --

2 CHAIR HOOD: So, the loading dock  
3 is on the other side.

4 MR. BRAUNOHLER: The loading dock  
5 is accessed off this ramp.

6 CHAIR HOOD: That will free up a  
7 little bit of space.

8 MR. BRAUNOHLER: Right.

9 CHAIR HOOD: My concern is people  
10 behind that tractor trailer. I guess I'll  
11 leave it to the experts, but I remember all  
12 those experts when I'm behind them on 2d  
13 Street and we have a traffic jam and I think  
14 that is some of the issues. But, anyway.

15 Let's put back up perspective --  
16 it didn't go out. Did it?

17 MR. BRAUNOHLER: No.

18 CHAIR HOOD: Perspective 5 because  
19 -- and I think Commissioner Jeffries alluded  
20 to question. I want to see again how this  
21 project is going to transcend into the --  
22 what's next door and going on down the street.  
23 Unfortunately, there was a tree and I don't

**NEAL R. GROSS**

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

1 know if that was convenient placing or not,  
2 but it was a tree and I just couldn't see the  
3 consistency as Mr. Cook and I'm sorry you left  
4 the table. I think this question goes to you.  
5 There you are. Okay. I think it was  
6 perspective 5. Yes. Do you see where that  
7 tree is and you were showing the relationship  
8 between the project and what's there and the  
9 tree is convenient. Do we have something  
10 where that tree is not placed? I'm trying to  
11 get -- I need to be able to see it.

12 MR. COOK: Yes, sir.

13 CHAIR HOOD: I was not formally  
14 trained like my other three architects up  
15 here.

16 MR. COOK: Yes, sir. I thought  
17 you weren't going to ask the architectural  
18 questions.

19 CHAIR HOOD: Excuse me.

20 MR. COOK: I thought you weren't  
21 going to ask the architectural questions.

22 CHAIR HOOD: Well, one.

23 MR. COOK: Okay.

1 CHAIR HOOD: It's a tree question.

2 Why is a tree in the way?

3 MR. COOK: It is true the -- what

4 I can do is outline --

5 CHAIR HOOD: Oh, I'm sorry. You

6 need to be on the microphone.

7 MR. COOK: I'm sorry. Yes, sir.

8 As I understood your question, what you're  
9 interested in is the view looking back up this  
10 way. The best way to understand it so that  
11 nothing's hidden by a tree is in the massing  
12 model. So, we transition lower, but it does  
13 step up higher to 90 at the highest point.  
14 So, it transitions up quickly. There's a  
15 small townhouse unit in between and it  
16 transitions up.

17 The view is really focused in on  
18 this eye level view here, but, in fact, what  
19 you're looking for is what's the through the  
20 tree right here. You see the shadow line  
21 right there. That shadow line through the  
22 tree is actually this line that you're seeing  
23 right here.

**NEAL R. GROSS**

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

1                   So, there's a much taller mass  
2                   above these roofs right here. So, this view  
3                   clearly does focus in on this outside the  
4                   tree, but that line right there --

5                   CHAIR HOOD: Okay.

6                   MR. COOK: -- is the line of this.

7                   CHAIR HOOD: Okay. All right.

8                   Thank you.

9                   Let's talk about the public  
10                  benefits and project amenities. I don't know  
11                  about my other colleagues, but when I look at  
12                  -- and I think Commissioner Jeffries spoke  
13                  about the fencing along H Street. I think  
14                  that's part of the project. I don't  
15                  understand, Mr. Quin, how that can be an  
16                  amenity. Maybe I'm missing something or -- to  
17                  me that's part of the project. How is that an  
18                  amenity?

19                  MR. QUIN: I think -- and  
20                  actually, the architect should probably answer  
21                  that question, but the concept was to try to  
22                  improve the protection through fencing that is  
23                  there today and to make it much better with a

**NEAL R. GROSS**

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

1 different design, but maybe you can explain  
2 that.

3 CHAIR HOOD: It seems like all the  
4 questions are for you.

5 MR. COOK: Okay. If the fencing  
6 is related to H Street, we're eliminating the  
7 majority of the fencing immediately adjacent  
8 to the building as it meets H Street and then  
9 from this location up, we're changing it so  
10 it's more beautiful. Not a big amenity. It's  
11 just changing it so it's more beautiful here.

12 The other amenity that's --

13 VICE CHAIR JEFFRIES: Excuse me.  
14 But, you're still going to have a well. Right.  
15 Will there still be --

16 MR. COOK: There's not going to  
17 be. We're eliminating the well and that's  
18 part of the DDOT review process that we've  
19 been negotiating now for well over a year.

20 The only place that we set the  
21 building back and have a well is where we have  
22 the pedestrian connection with the planted  
23 wall on the side that we looked at.

1           The other location we're fencing  
2           is mentioned as an amenity is replacing the  
3           fencing on the south, on the 753 block, on  
4           that corner. It has a broken down chain link  
5           fence there now. So, that's another listing  
6           of an amenity in the amenities package. I  
7           don't have the number in front of me, but  
8           we're redoing the sidewalk and the curb and  
9           the fencing at that location also.

10           CHAIR HOOD: Okay.

11           VICE CHAIR JEFFRIES: Yes, I --  
12           you know, perhaps, you know, if -- I mean are  
13           there -- perhaps there are details and I  
14           missed them in the drawings. Just I'm still  
15           trying to get clear about what I'm going to be  
16           experiencing as the buildings meet the bridge.  
17           I'm just trying to get clear on that.

18           CHAIR HOOD: I will tell you,  
19           Commissioner Jeffries, I have a list of things  
20           that have been mentioned and that will be  
21           something that we'll be asking for.

22           VICE CHAIR JEFFRIES: Okay. Okay.  
23           I mean it might be here. I just -- I'm just

1 -- yes --

2 CHAIR HOOD: It's just --

3 VICE CHAIR JEFFRIES: -- I'm  
4 trying to --

5 MR. COOK: Thank you. That's a  
6 very large site and meets a lot of different  
7 conditions.

8 What we're looking at here as H  
9 Street goes up, it actually turns into a  
10 bridge overpass that has a fence.

11 VICE CHAIR JEFFRIES: Right.

12 MR. COOK: And it's hard to show  
13 in a plan because of the levels, but our  
14 building's going to meet it and then have a  
15 planted area right here and then our landing  
16 to go down the stairs. From that point on as  
17 it goes across until it meets the connection  
18 at Station Place 3, we'll get a new fence.  
19 Just a new fence, a nicer fence than the one  
20 that's there.

21 VICE CHAIR JEFFRIES: Okay. So,  
22 could we get like some -- like an axonometric  
23 or something or perhaps you can -- I'm just



1 still trying to make certain I'm clear about  
2 what I'm what I'm -- I can see what you're  
3 doing from a site plan, but I'm just trying to  
4 get a sense of what the experience is. Is it  
5 -- I mean if you can point me to a particular  
6 illustration, that would be helpful.

7 MR. COOK: Okay.

8 VICE CHAIR JEFFRIES: I don't need  
9 you to --

10 MR. COOK: Okay. If you -- we  
11 look at this one.

12 VICE CHAIR JEFFRIES: Um-hum.

13 MR. COOK: The one looking back  
14 across. Okay. It's hard to see. The  
15 renderings a little bit washed out because of  
16 the lighting. But, right now, there's a  
17 concrete what we call a jersey barrier and  
18 then a curved chain link fence. Just like  
19 over here if you look at this side.

20 VICE CHAIR JEFFRIES: Okay. Do I  
21 have --

22 MR. COOK: That's what's on the  
23 side right now and what we --

1 VICE CHAIR JEFFRIES: Excuse me.

2 Do I have that?

3 MR. COOK: Yes, it's number 50 in  
4 your booklet.

5 VICE CHAIR JEFFRIES: Fifty.  
6 Okay. Great.

7 MR. COOK: So, if you look along  
8 the people walking along H Street.

9 VICE CHAIR JEFFRIES: Right.

10 MR. COOK: If you see them between  
11 the cars.

12 VICE CHAIR JEFFRIES: Um-hum.  
13 Wait a minute. Okay.

14 COMMISSIONER PARSONS: So, how  
15 high is that fence? It appears to be about 4  
16 feet/3½ in this sketch.

17 MR. COOK: Yes, I believe that the  
18 regulation is 6 feet and we have -- we were  
19 hoping we could get it lowered, but I believe  
20 that it has to be 6 feet at a bridge overpass.

21 COMMISSIONER PARSONS: Well,  
22 that's a shame.

23 MR. BRAUNOHLER: Well, I think

1       that's a -- just a safety regulation.  So, you  
2       can't just hop over it.

3               VICE CHAIR JEFFRIES:  I'd like  
4       just to see a blow up of this, you know, as a  
5       pedestrian walking along or driving.  I just  
6       want a section or something that just sort of  
7       magnifies all this so I'm just clear about,  
8       you know, what's going -- I think I have a  
9       sense of it, but I just, you know, want to  
10      have something in the record that's been  
11      clearer.

12             MR. COOK:  There's a diagram  
13      section that may not be as complete as you'd  
14      like, but on page 21 of your booklet, there is  
15      a section in the middle of the page at the  
16      area of the stair and it shows that we --

17             VICE CHAIR JEFFRIES:  Okay.  
18      That's --

19             MR. COOK:  -- we're trying to get  
20      a DDOT approved guardrail and we rendered it  
21      at 48 inches and the -- I think the DDOT  
22      requires 6 foot as we go over the overpass.  
23      So, what you see here is the railing, Mr.

1 Jeffries.

2 VICE CHAIR JEFFRIES: Okay. Okay.  
3 I see. Okay. That's actually very helpful.

4 MR. COOK: So, the sidewalk, a  
5 curb and then that open guardrail fence.

6 VICE CHAIR JEFFRIES: and then in  
7 terms of maintenance? I mean when people are  
8 throwing trash into that area.

9 MR. COOK: That would be  
10 maintained by the condo itself. It would be  
11 part of their requirement to maintain the  
12 staircase including maintaining the lighting.  
13 That's been something that's been -- although  
14 this is a great amenity, safety on this --

15 VICE CHAIR JEFFRIES: Right.  
16 Right.

17 MR. COOK: -- pedestrian  
18 connection has been mentioned. So, also  
19 maintain the lighting and the cleanliness on  
20 the stair been mentioned many times. So, that  
21 would be part of the condo's responsibility  
22 and you can see in the plan on page 21. If  
23 you look at the section --

1 VICE CHAIR JEFFRIES: Um-hum.

2 MR. COOK: -- the plan, it might  
3 help understand the detail there.

4 VICE CHAIR JEFFRIES: Okay. Okay.  
5 Okay. This is actually very helpful. This is  
6 really great, but I still would like to see  
7 either perspective or some, you know,  
8 axonometric or something that just, you know,  
9 as one is walking and just what this looks  
10 like. I don't think it has to be detailed,  
11 but --

12 MR. QUIN: What on -- on 2nd  
13 Street or on --

14 VICE CHAIR JEFFRIES: On H.

15 MR. QUIN: H Street.

16 VICE CHAIR JEFFRIES: H Street.

17 MR. QUIN: And how -- as it  
18 intersects with 2nd and comes west --

19 VICE CHAIR JEFFRIES: Right.

20 MR. QUIN: -- eastward.

21 VICE CHAIR JEFFRIES: Eastward.  
22 Absolutely. Eastward. Yes.

23 I have one last question for you,

1 Mr. Fox, and by the way, I did very much like  
2 a lot of your New York City work. I have to  
3 tell you that. I thought it was very, very  
4 handsome.

5 MR. COOK: Thank you.

6 VICE CHAIR JEFFRIES: But, I --  
7 that's one of the reasons that I've going to  
8 go back to Commissioner Turnbull's question  
9 that I -- I stopped you in the middle of your  
10 presentation because your blowup looked like  
11 -- I thought it was something from New York  
12 and so, you know, and so, it -- the  
13 illustration or the technology probably didn't  
14 help you out right there, but I do have a  
15 question about the H Street elevation and  
16 really the different window treatment from the  
17 top part to the bottom.

18 MR. COOK: Yes.

19 VICE CHAIR JEFFRIES: Can you  
20 just, you know, just --

21 MR. COOK: Sure.

22 VICE CHAIR JEFFRIES: -- help me  
23 reconcile, you know, how we got there.

1 MR. COOK: Yes, this is the result  
2 of many, many studies, but essentially what  
3 we're trying to do was break up the mass of  
4 what's a very long block along H Street --

5 VICE CHAIR JEFFRIES: Um-hum.

6 MR. COOK: -- and make it read  
7 with the rhythm and the pattern of a natural  
8 street.

9 VICE CHAIR JEFFRIES: Um-hum.

10 MR. COOK: That's the most  
11 important thing we were trying to accomplish.  
12 So, having a building that looks like it turns  
13 the corner, having a vertical proportion, a  
14 space, these paired sets here, a vertical  
15 proportion, a space and a vertical proportion  
16 again make it feel like a real street. That's  
17 the big goal.

18 Then individually, the brick color  
19 changes slightly, the detailing changes  
20 slightly and we wanted to -- to kind of bring  
21 the eye from this important corner and break  
22 up the profile against the sky as it kind of  
23 relates to the building across the street.

**NEAL R. GROSS**

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

1 This is a modern architect's idea about how to  
2 relate to scale and texture. So, the convent  
3 building across the street actually has a  
4 variegated profile against the sky. So, by  
5 turning these penthouse elements at 15  
6 degrees, it changes your perspective from the  
7 street. So, it creates a kind of variegated  
8 profile. That was important to us.

9 Then we wanted the primary reading  
10 to be lower. This reading along here so that  
11 you'd -- your eye would read the masonry and  
12 we wanted the penthouses to be lighter and  
13 glassier and that was one of the things that  
14 we kind of agreed to disagree on in the  
15 mediation process. There's some talk about  
16 whether those should be brick or metal and we  
17 just thought it looked very good to have it  
18 light and airy at the top of the building and  
19 it made the base read lower and the penthouses  
20 read lighter.

21 VICE CHAIR JEFFRIES: At worm's  
22 eye view -- well, this is worm's eye view, but  
23 I mean do I really see this -- this elevation.



1 MR. COOK: Yes, this is taken from  
2 a perspective of 5 foot 6 off the ground.

3 VICE CHAIR JEFFRIES: Okay. Okay.

4 MR. COOK: Viewing up. H Street's  
5 very wide. So, it's taken all the way from  
6 over at the Steuart site across the street.

7 VICE CHAIR JEFFRIES: Okay.

8 MR. COOK: So, yes, you get a long  
9 view.

10 VICE CHAIR JEFFRIES: Okay.

11 MR. COOK: So, you would actually  
12 get this view.

13 VICE CHAIR JEFFRIES: You know,  
14 just a comment. You know, I think, you know,  
15 this is a very ambitious elevation. I mean  
16 it's really doing a lot of things. I mean  
17 obviously it's a tough site and I do  
18 appreciate that you've tried to break it down  
19 and sculpt it a bit and given the length of it  
20 and so forth. It just -- it does seem overly  
21 dynamic, but I do appreciate what you're  
22 trying to achieve here and it seems like  
23 you've had many masters in terms of trying to

**NEAL R. GROSS**

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

1 sculpt and shape this. So, anyway, just the  
2 result is something that is pretty  
3 accessorized. Let me put it that way. So,  
4 anyway, just a comment.

5 CHAIR HOOD: Let me just finish my  
6 line of questioning and what I'm going to do  
7 I'm just going to phrase it because time is  
8 getting of essence and I want to make sure we  
9 hear from the community.

10 I would like to tonight without  
11 having -- I've already asked Ms. Schellin  
12 about a second date, but I'm not sure exactly  
13 how many cross examination questions we're  
14 going to have. So, I'm going to cut mine real  
15 short.

16 The construction management plan,  
17 has that been -- we don't have a signed copy.  
18 That hasn't been signed or anything yet.

19 MR. QUIN: No, it has not been  
20 signed. The revisions are in your document  
21 tonight as an attachment.

22 CHAIR HOOD: So, we got that  
23 tonight.

1 MR. QUIN: Yes.

2 CHAIR HOOD: Now, the other thing  
3 is some of the -- and I briefly looked at what  
4 we received tonight. Added it on to some of  
5 the proffers, some of the public benefits and  
6 amenities. We need a little more specificity,  
7 case in point, of how certain things are going  
8 to work. Because on the surface, on the face,  
9 looking at the microgrant program, is 150,000  
10 the cap or is that anyone can get up to in  
11 that square 150,000?

12 MR. BRAUNOHLER: No, that's the  
13 total amount of the microgrants.

14 CHAIR HOOD: The total.

15 MR. BRAUNOHLER: Yes.

16 CHAIR HOOD: Okay. And who do  
17 they come to see? How does that work?

18 MR. BRAUNOHLER: Well, what we had  
19 proposed was that the Capitol Hill Restoration  
20 Society would be the administrator of the  
21 microgrants. We understand that there's  
22 another thought which is that the ANC might be  
23 the administrator and we don't take a position

**NEAL R. GROSS**

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

1 on that. We are going to stay out of that  
2 dispute, but we are happy to have --

3 CHAIR HOOD: Well, we want to --

4 MR. BRAUNOHLER: -- either party  
5 administer it.

6 CHAIR HOOD: Well, let me just say  
7 this. We want to help them along so by the  
8 time we do final action all that's put in  
9 place. Because this Commissioner will not be  
10 moving forward unless all that's put in place  
11 and specificity of who does it. They can half  
12 and half or however it's done. That needs to  
13 be done. That's normally how we move.

14 MR. BRAUNOHLER: Okay.

15 CHAIR HOOD: That's all I'm going  
16 to ask at this time. Let me -- any other  
17 questions, colleagues? Okay.

18 Let me see. ANC 6C. Let's start  
19 with them. This is cross examination. Mr.  
20 Kimber and Ms. Wirt, any cross examination  
21 questions?

22 COMMISSIONER KIMBER: Commissioner  
23 Hood, 6C does not have any cross examination.

**NEAL R. GROSS**

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

1 CHAIR HOOD: Thank you. I've just  
2 been informed that the Applicant took 50  
3 minutes for their presentation. So, the two  
4 parties, not the ANC, the two parties SPNA and  
5 the residents of square 752 will be able to  
6 split 25 minutes each. So, you may want to  
7 talk while we're doing other things and see  
8 how you're going to divide that time, but you  
9 have a total of 50 minutes. But, the way we  
10 see it half and half is 25 minutes. Some may  
11 want more or less, but the total time for SPNA  
12 and residents of square 752 will be 25  
13 minutes. Okay.

14 Let me ask. Is ANC 6C in  
15 opposition or support?

16 COMMISSIONER KIMBER: We are in  
17 support. We have certain reservations that  
18 are included and considerations in our written  
19 testimony that we'd like to talk about.

20 CHAIR HOOD: So, your letter dated  
21 April or May is -- okay.

22 COMMISSIONER KIMBER: Well, it's a  
23 letter that is -- we have with us here today

1       that --

2                   CHAIR HOOD:   Okay.

3                   COMMISSIONER KIMBER:  -- I've been  
4       making copious notes on because we -- as -- as  
5       did the Applicant getting our information, we  
6       just got a whole bunch of information that --

7                   CHAIR HOOD:   Well, okay.

8                   COMMISSIONER KIMBER:  -- causes  
9       that to change.

10                  CHAIR HOOD:   I understand.  Thank  
11       you.  Okay.  SPNA, Mr. Edwards, do you have  
12       any cross examination?

13                  MR. EDWARDS:   I do.

14                  CHAIR HOOD:   Are in support with  
15       reservations?

16                  MR. EDWARDS:   In support with  
17       reservations.  My question is to Mr. Steven  
18       Sher.  Mr. Sher, in your presentation, you  
19       indicated that the plan satisfies the  
20       requirements of the Comprehensive Plan and it  
21       is not necessary that it satisfy the  
22       requirements of the H Street Strategic  
23       Development Plan.  Did I understand you

**NEAL R. GROSS**

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

1 correctly?

2 MR. SHER: I don't think so. If I  
3 heard you -- what I said was and what the  
4 written outline goes through is that we  
5 believe our proposal is consistent or not  
6 inconsistent with the Comprehensive Plan and  
7 the same is true for the H Street Strategic  
8 Development Plan.

9 MR. EDWARDS: Thank you. I have  
10 no further questions of Mr. Sher.

11 I do have one of Mr. Cook.

12 Mr. Cook, when you were talking  
13 about designing the height of the H Street  
14 facade with respect to a 8-story elevation,  
15 what was the significance or source of that 8-  
16 story requirement?

17 MR. COOK: As we understood it,  
18 the H Street Overlay mentions 6 to 8 stories  
19 for buildings along H Street not exceeding 90  
20 feet.

21 MR. EDWARDS: In fact, it's the H  
22 Street Strategic Plan and that's why it's  
23 important that it does applies in the views of

1 Stanton Park and some of the other community  
2 -- thank you.

3 CHAIR HOOD: Mr. Edwards, at the  
4 appropriate time, we're going to hear that  
5 testimony from you.

6 MR. EDWARDS: Thank you.

7 CHAIR HOOD: Just cross  
8 examination. Any other questions? Okay. All  
9 right.

10 The residents of square 752, Mr.  
11 Tallant and also are you in support or  
12 opposition or are you also support with  
13 reservations?

14 MR. TALLANT: The square is in  
15 opposition. Although the opposition is  
16 largely in the non-architectural elements. I  
17 have no questions for the Applicant.

18 CHAIR HOOD: All right. Thank  
19 you. Let me see. We're going to do our best  
20 to try to finish tonight, but we're going to  
21 make sure -- how many people are just going to  
22 testify whether in opposition or support?  
23 Just as single persons. Okay. We might be



1 able to finish.

2 Okay. Mr. Parker, we're ready for  
3 the Office of Planning report.

4 MR. PARKER: Thank you and good  
5 evening. I'm Travis Parker with the Office of  
6 Planning.

7 You heard quite thoroughly and in  
8 great detail tonight about the process that  
9 we've been through and the changes that have  
10 been made to the project. I want to talk just  
11 briefly tonight about that process from OP's  
12 perspective and the perspective of our review  
13 of the project and a little later, I'd like to  
14 turn it over to our mediator to discuss the  
15 mediation process that we've been through.

16 In the universe of things that we  
17 look at when we're examining a planned unit  
18 development, there are three that specifically  
19 stick out in the review of the project and  
20 with the result and the subject of a lot of  
21 the discussions. The first is the benefit  
22 package and its relationship to the additional  
23 density requested. The second is the

1 relationship of the application to and its  
2 consistency with the Comprehensive Plan and  
3 the various plans. In this case, the H Street  
4 Overlay and the third is the relationship of  
5 the project contextually to its surroundings.

6 In this project, from the  
7 beginning, from the first set down, OP has  
8 been satisfied in general with the benefit  
9 package and its relationship to the density  
10 being requested. There have been a lot of  
11 work done especially recently on that package,  
12 but overall the Silver LEED Certification, the  
13 affordable housing, the laundry list of  
14 community benefits, the alley, et cetera, we  
15 felt have been commensurate with the density  
16 being requested.

17 The original set down of the  
18 application and the first hearing that was  
19 scheduled for 2006, when we got to that point,  
20 the main concern from OP's perspective was  
21 actually in the third point: the relationship  
22 of the building with the surrounding  
23 community. At that point, the project

**NEAL R. GROSS**

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

1 consisted of solid C-2-B zoning and basically  
2 three solid bars of 90-foot development on G  
3 Street and 2nd Street and H Street and some  
4 somewhat awkward transitions to the community,  
5 to the G Street frontage and in the rear from  
6 the garden pavilion on the back and at that  
7 point, based on discussions with the community  
8 and the Applicant as you heard, we -- everyone  
9 agreed to a postponement of that 2006 hearing.

10 And for the remainder of 2006, the  
11 Office of Planning worked with the Applicant  
12 and the neighborhood to change that massing of  
13 the project and look at the design elements  
14 and the relationships of the project with its  
15 surroundings and we made a lot of progress in  
16 redefining how the project addressed its  
17 neighbors and we came with the concept of the  
18 tower on the corner of 2nd and H Street and  
19 the lowering of the bar on G Street and on 2nd  
20 Street and at that stage, we removed the  
21 garden pavilion to improve the connection with  
22 the rear of the projects on the east or the  
23 houses on the east side of square 752.

**NEAL R. GROSS**

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

1           So, by the time the second set  
2           down and a revised project was submitted at  
3           the beginning of 2007, we were much more  
4           comfortable in our review of the project with  
5           its relationship to the surrounding area and  
6           its transition from the larger buildings to  
7           the north and to the west down to the smaller  
8           residential character on square 752 and  
9           further to the east and south.

10           The difficulty that arose at that  
11           point was with the second point I mentioned  
12           the relationship to the approved plans. In  
13           its second iteration, the project in order to  
14           accomplish the density in the northwest  
15           portion of the site involved a rezoning up to  
16           C-3-C in that northwest portion which is a  
17           portion of the project that's covered in the  
18           H Street Overlay and that is a section of the  
19           site that has an approved plan that did not  
20           originally anticipate an upzoning in that area  
21           and that's something at the time that the  
22           second hearing day came around that neither OP  
23           nor the community felt that we had adequately

**NEAL R. GROSS**

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

1 addressed, the relationship of that upzoning  
2 to the approved plan and so, that is when we  
3 requested a second upzoning and all parties  
4 agreed and we at this point initiated or  
5 determined to initiate a mediated process and  
6 OP contracted a mediator.

7 And I'm going to skip ahead now  
8 and come back to that and let the mediator  
9 that we chose to address that, but just before  
10 I finish up and pass it on, I wanted to talk  
11 about the in-game and where we're at now.

12 The result of all this 2½ years of  
13 interaction, we feel very strongly that that  
14 has been very successful and we're very  
15 pleased with the project as it stands now,  
16 the benefit and amenity package that's been  
17 negotiated and the design that you see while  
18 each person can look at it and get different  
19 things out of it, it has been the result --  
20 the architecture and the design of this  
21 project has been the result of months and  
22 months of very involved back and forth with  
23 the community and with the Applicant and the

**NEAL R. GROSS**

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

1 architects have put in incredible hours to try  
2 and anticipate and answer the community's  
3 concerns about the architecture.

4 So, we're very pleased with that  
5 process and the time and effort that each  
6 party put into that and we're very excited  
7 about the project -- about the application  
8 that's come out of it and supportive of the  
9 project in all its forms at this point.

10 So, I'd like to turn it over now  
11 and cede the rest of my time to the mediator  
12 that we chose. He's a local and well-known  
13 and respected architect in our city who's  
14 performed mediation in the past for other  
15 projects and graciously agreed to spend his  
16 time on this project over the past six months  
17 and he's going to describe what he's done and  
18 what this project -- how this project has  
19 evolved during the process and I'd be happy  
20 again at the end to answer any questions as  
21 well.

22 MR. QUILL: Good evening, Mr.  
23 Chairman, Members of the Commission. It's a

1 pleasure to be before you.

2 This is a little different for me.  
3 Normally, me or my office, we are before you  
4 with a project. This is only the second  
5 mediation that I have done with the Office of  
6 Planning. The first one was on F Street  
7 between 9th and 10th when Mr. Altmann was here  
8 and there was some lawsuits flying back and  
9 forth between Akridge and the Committee of  
10 100, DCPDL and --

11 VICE CHAIR JEFFRIES: Before you  
12 continue, will you just identify yourself even  
13 though we heard your name the whole evening?

14 MR. QUILL: Yes. I'm sorry. Yes,  
15 sir, Mr. Chairman.

16 It's Lee Quill, Cunningham Quill  
17 Architects.

18 And I was asked to mediate because  
19 of the success we had once before jointly with  
20 OP in that effort and because we're involved  
21 heavily in the community process and  
22 successful in that area.

23 I will say that I believe that --

1 while it has -- we are in now in our 6th  
2 month. My discussions with you tonight will  
3 not take that long and I'll try to abbreviate  
4 what has happened in 6 months.

5 Initially, I was brought on  
6 because of the issues that you've heard a  
7 little bit about, but they really boil down to  
8 a number of things dealing with architectural  
9 design.

10 There was this policy issue, a  
11 precedent, a very big concern with that which  
12 is what this document that you see here  
13 tonight which is the Holland & Knight letter  
14 just sort of put this in context. There is a  
15 second in there dealing with the non-  
16 precedential impact of the project.

17 This was an extensive discussion  
18 that started in May in our discussions and has  
19 been going on until now and I think we're  
20 pretty close on resolving the concern of this  
21 being a precedent of this type of project  
22 moving down H Street.

23 But, some of the other members in



1 the Mediation Committee, we're about --  
2 probably about 98 percent I think at this  
3 point.

4 Other issues as I said dealt with  
5 architecture, dealt with massing and then  
6 later evolved into other things. After an  
7 initial meeting with the owner, the Dreyfus  
8 team and then with the Mediation Committee, we  
9 then moved into our first joint meeting.

10 It was interesting because in this  
11 process I actually asked the lawyers and the  
12 owners not to show up to the first mediation  
13 joint session. Mainly because if they're  
14 standing in the room, they would have concerns  
15 every time some issue may come up that would  
16 change the project justifiably.

17 We had our first meeting of the  
18 joint group on July 5th right after the 4th  
19 and what happened in this particular meeting  
20 was there was a true dialogue that was  
21 established between the members of the  
22 committee and the architect. A listening and  
23 hearing mode.

1           The committee members heard really  
2           what some of the foundation was of the design  
3           and why some things have been done the way  
4           they were. Likewise, the architects were able  
5           to hear directly from members of the community  
6           some of the concerns about the building as  
7           where it stood prior to when the mediation was  
8           starting.

9           And what was an important reason  
10          for bringing this up is this really started  
11          one of the first breakthroughs of actual  
12          communication and people listening instead of  
13          talking at someone trying to sell them on an  
14          idea that if you drown them out, they may hear  
15          on either side. Subsequent dialogue back and  
16          forth came from a document that the committee  
17          put together talking about, you know, what is  
18          design in Capitol Hill, how is that different,  
19          how does that work in a different party and  
20          materiality from downtown which again had  
21          formed the process and was able to have a  
22          dialogue back and forth with the architects.

23          As we moved into multiple studies,

**NEAL R. GROSS**

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

1 we also talked about massing. What came out  
2 of that and Mr. Tallant again was -- he's  
3 playing two hats here tonight. One hat is as  
4 a Mediation Committee member, but he's also  
5 representing a square. So, you know, I'm not  
6 sure how he'll be testifying tonight on that,  
7 but clearly, Mr. Tallant, his background  
8 allowed for a discussion of some of the  
9 massing issues and how it affects the people  
10 that actually live on this square.

11 This is where the actual removing  
12 a mass, a full floor, on 2nd Street came about  
13 and the idea of removing square footage which  
14 obviously the Dreyfus organization was quite  
15 concern of as well as how was mass more sense  
16 to it.

17 The positive is that since I came  
18 on in this effort in May, this application has  
19 pulled out about I think it's 14,000 square  
20 feet while I've been here. They've come down  
21 from 432 to 389 and 14 during our  
22 deliberations down to the 389. So, that's  
23 been positive. They were not so inclined when

1 I first met with them in May. They have been  
2 good active participants in this which I truly  
3 appreciate.

4 As we started to work through the  
5 design and get things refined and understood  
6 back and forth and started to really hone down  
7 to more specifics of the policy as well as  
8 maybe some specifics of, you know, different  
9 portions of the building, but overall headed  
10 in the right direction with the pavilion and  
11 the gardens, et cetera, we then held a meeting  
12 with the neighbors. I felt it was important  
13 to go then at that point and go talk to the  
14 neighbors. While they were not part of the  
15 Mediation Committee, they were obviously the  
16 ones that were going to be impacted by what  
17 happens here.

18 Being a mediator, meeting with the  
19 community is an interesting role when it's not  
20 your project because the anxieties and  
21 concerns obviously are expressed very clearly  
22 to me. I was able to take them back and vice  
23 versa I tried to convey issues that I heard

1 from the owner. So, while it was difficult at  
2 times, it was a good dialogue that was  
3 established on August 15th which is our first  
4 meeting. Real issues that were related to  
5 their concerns of construction and the  
6 amenities really started to come out and then  
7 that's when we started to start to look at  
8 those or I did.

9 Meanwhile, however, major issues  
10 were still going on with precedent, design  
11 refinements, et cetera.

12 We had another meeting with the  
13 community on September 22nd, a Saturday as  
14 well as prior to that a meeting with the  
15 Mediation Group prior to our ANC meeting where  
16 we had really kind of honed a lot of things,  
17 but there was still a lot of questions that  
18 needed more information.

19 Part of the reason for these  
20 documents is because I have had such a heavy  
21 hand in making sure. In this document as well  
22 as another one you have which is a document  
23 today called the mediation document which is

1 drafted by me trying to respond to all these  
2 different parties who have been commenting on  
3 the various aspects of this and probably -- I  
4 think it has most if not all, probably a few  
5 that need some clarification, but the purpose  
6 of these documents was really to try to put in  
7 writing what everybody had been talking about  
8 and what the Applicant actually had come down  
9 and agreed to.

10 So, over the last few weeks since  
11 the 22nd and since an initial draft of this  
12 letter, the Holland & Knight letter was  
13 distributed to our committee. We've been  
14 working extensively on design issues and  
15 refinements from some of the discussions,  
16 clarity of what's happening with issues of  
17 construction and the amenities.

18 Finally, in getting a cross  
19 examination because I don't want to get into  
20 every issue that we discussed or we will be  
21 here for 6 months, the big issues on the block  
22 have been concerns about construction and what  
23 happens to the houses, what about construction

1       happening in the middle of the block, in the  
2       alley, are they able to get in and out, the  
3       timing elements, the over swing of the crane,  
4       you know, are they going to be lugging big  
5       areas of materials over houses where people  
6       are concerned about that. There were issues  
7       dealing with stub alley and how that might  
8       come together which was addressed. There are  
9       concerns about trees and foliage. Whether,  
10      you know, they will be okay. There's been a  
11      lot of issues out there that I think most if  
12      not the majority have been tried to be  
13      addressed by here, but I know as any good deed  
14      tries to go forward.

15               I'm sure that I've probably left  
16      out something in this document and be glad to  
17      answer any question you have before, but it  
18      has been an amazing process. I think it has  
19      been one that has truly informed this building  
20      and this project for the better just as an  
21      outsider.

22               Again, I've been an impartial  
23      mediator in this, but I've been encouraged by

1 the real involvement of a community as well as  
2 the design and legal and client on this  
3 project. Everybody actually stuck in there  
4 and despite numerous frustrations which, you  
5 know, some may even come out tonight. They  
6 have been there and have continued to be there  
7 and the committee members that I have served  
8 with as a Mediation Committee and, of course,  
9 the architects and the legal team and the  
10 owner have really stepped up in every case to  
11 try to solve it. They've been problem  
12 solvers. There's not been a lot of dragging  
13 of feet or stonewalling and I think that that  
14 is why we are here tonight with as much as you  
15 see.

16 It is very complex. It is  
17 multilayered. I know you've got a lot of  
18 information to look through, but we have come  
19 a long way and if not maybe 100 percent, I'd  
20 say pretty close to 95/98, I think, consensus  
21 on where we are. A few issues is what I'd put  
22 an estimate at and from a mediation  
23 perspective, I consider that to be pretty good

**NEAL R. GROSS**

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



1 especially dealing with this project.

2 So, I'll leave it at that for  
3 questions for you gentlemen. Thank you.

4 CHAIR HOOD: Okay. Mr. Parker,  
5 Ms. Steingasser, you want to wrap it up?

6 MR. PARKER: I think we've covered  
7 everything for the most part. You got  
8 something to add to that?

9 MS. STEINGASSER: I just want to  
10 add a little bit about the planning context of  
11 the project. You've heard a lot about the  
12 mediation and the distance that the Applicant  
13 and the community have gone to work with each  
14 other and we really, really appreciate what  
15 they've done.

16 But, I want to add a little bit  
17 about the planning context and why OP supports  
18 the project. In particular, it's relationship  
19 to the Comp Plan and the H Street Overlay.  
20 There's a lot of concern in the community  
21 about the precedent of this case and bringing  
22 the C-3-C into this southwest corner of the  
23 intersection -- southeast corner of the

**NEAL R. GROSS**

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

1 intersection and beginning to allow for C-3-C  
2 and higher densities to creep down H Street.

3 And I made it very clear to the  
4 Office of Planning over the years that this  
5 was a very troubling precedent for them. So,  
6 I just want to make sure on the record that we  
7 explain why we felt that this was not and one  
8 thing that's very clear as you look through  
9 the application, it is an incredibly tight and  
10 unique site wedged between an incredibly high  
11 density site on the west which is the Station  
12 Place which starts -- it's average height's  
13 115. It's got rooftop embellishments on top  
14 of that and they got the railroad tracks right  
15 behind it. So, you've got this incredibly  
16 modern high-rise office structure on one side  
17 and these incredibly delicate R-4 rowhouses on  
18 the other side in this very, very tight area.

19 Then you have what's happening on  
20 H Street. What the plan calls for there of  
21 allowing housing on that corner. This being  
22 a housing area and its relationship to the  
23 Children's Museum, Senate Square to the north

**NEAL R. GROSS**

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

1 which also goes up to 110 feet with its  
2 rooftop embellishments. Then it's got all its  
3 rec space up there. It's -- you might  
4 remember, especially Mr. Parsons, you know,  
5 it's the one that really started the  
6 conversation of this kind of lattice roof  
7 extension.

8 This project doesn't push the  
9 Height Act. It's 10 feet below it's allowed  
10 height under the 3-C-3 PUD. It's come in at  
11 100 feet. So, all its rooftop embellishments  
12 are still -- are only 18 feet above that.  
13 It's still well below the Height Act. So, it  
14 doesn't create that same level of concern with  
15 us.

16 But, it's a unique site. It's one  
17 of four corners that have very high density.  
18 It's got the overpass that rides up right  
19 against it that you've struggled with in your  
20 own discussions. You know, it creates a  
21 really awkward relationship, but the architect  
22 has worked very delicately with trying to use  
23 that as a way to bring people down to 2nd

**NEAL R. GROSS**

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

1 Street from that overpass.

2 So, there are some very unique  
3 circumstances to this project that we see  
4 nowhere else on the H Street corridor that  
5 would lead us to support any kind of other  
6 project of this magnitude on the H Street and  
7 I say that for the community's benefit because  
8 it was very important to them and it was one  
9 of the real stumbling blocks in how they  
10 viewed height on this corner.

11 Everybody understood, I think, the  
12 aesthetic quality of having the tower there,  
13 but there was a lot of concern about the  
14 zoning impact and the precedent of bringing  
15 that down and was it consistent with the Comp  
16 Plan and the H Street Overlay and Strategic  
17 Plan and we feel it is consistent and that it  
18 is also very unique. Not something we're  
19 going to be seeing on the rest of the H Street  
20 Overlay.

21 Thank you.

22 CHAIR HOOD: All right. Thank  
23 you, Office of Planning and also Mr. Quill and

1       thank you for all your efforts in working with  
2       the community and bringing everybody closer  
3       together. Much closer than we probably would  
4       have been.

5                   MR. QUILL: It's been an amazing  
6       effort I have to say. Much more intense than  
7       anybody, I think, that's been involved in the  
8       process ever would have anticipated. But, we  
9       had a lot at stake here and we couldn't come  
10      here torn apart after all this effort. So, I  
11      have to commend everybody's efforts to come  
12      here and really work to solve the problems.

13                  CHAIR HOOD: Okay. Good.

14                  MR. QUILL: Thank you.

15                  CHAIR HOOD: All right. Let's see  
16      if we have some questions. Commissioner  
17      Turnbull.

18                  COMMISSIONER TURNBULL: Thank you,  
19      Mr. Hood.

20                  I'd like to also commend Mr. Quill  
21      for his lion's share of the work here on  
22      trying -- in doing -- working with everyone to  
23      mediate this. I think it's very commendable.

1 MR. QUILL: Thank you.

2 COMMISSIONER TURNBULL: Thank you  
3 very much.

4 I just wanted to ask Ms.  
5 Steingasser just a question. On the corner of  
6 H and 2nd, the height for the building is 100  
7 feet or --

8 MS. STEINGASSER: The height is  
9 measured legally by Height Act from H and 3rd.

10 COMMISSIONER TURNBULL: Right.

11 MS. STEINGASSER: It carries  
12 through. They've given a diagram where  
13 they've cut through to be very straightforward  
14 about how that height does.

15 COMMISSIONER TURNBULL: Right.

16 MS. STEINGASSER: I think at the  
17 back end I think they said 27 feet on 2nd  
18 Street. It would be an additional --

19 COMMISSIONER TURNBULL: But, is it  
20 -- is that building then to be at 100 feet is  
21 the question at the corner.

22 MS. STEINGASSER: By zoning in the  
23 Height Act, yes, it would be considered 100-

**NEAL R. GROSS**

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

1 foot building because of its measuring point  
2 from 3rd and H. Because of the slope that  
3 goes down as Mr. Fox was explaining it, it  
4 drops down as you go to the southwest.

5 COMMISSIONER TURNBULL: Okay.

6 MS. STEINGASSER: The property.  
7 It will appear to be at least a floor higher  
8 on 2nd Street which actually works out quite  
9 well because that's the retail space which is  
10 where we want to have a higher ground floor.  
11 So --

12 COMMISSIONER TURNBULL: So, you're  
13 saying that if it's 118 feet, it's fine.

14 MS. STEINGASSER: Yes, I'm saying  
15 the building is fine in terms of the Height  
16 Act and in terms of the zoning regs.

17 There have been discussions that  
18 the Commission has shared and the staff and  
19 other agencies about a building that pushes  
20 the Height Act that takes a full 110 or 130  
21 and then uses the rooftop embellishments to  
22 create either the illusion or actual space  
23 above what the Height Act anticipates whether

**NEAL R. GROSS**

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

1 it's through a kind of arcading or what we  
2 call the luggage rack. It gives the  
3 appearance that the building is taller.  
4 That's not the case here because this building  
5 isn't pushing the Height Act. It's at least  
6 10 feet below what the Height Act would allow  
7 it to go to.

8 All the streets around it are 90  
9 feet and they're only coming in at 100 feet  
10 from their legally defined measuring point.

11 COMMISSIONER TURNBULL: Although  
12 with the luggage rack as you describe it, it  
13 really reads as 118-foot building.

14 MS. STEINGASSER: The penthouse --

15 COMMISSIONER TURNBULL: Which I  
16 think is what Mr. Parsons was looking at.

17 MS. STEINGASSER: But, the  
18 penthouse is allowed to be on top of the  
19 building.

20 COMMISSIONER TURNBULL: That's  
21 correct, but this --

22 MS. STEINGASSER: So --

23 COMMISSIONER TURNBULL: -- but



1 this penthouse luggage rack goes all the way  
2 to the facade of the building.

3 MS. STEINGASSER: Let me clarify  
4 two points. This is not a luggage rack as  
5 we've defined them in the past. Those are  
6 just cases where we've had that issue.

7 COMMISSIONER TURNBULL: Right.

8 MS. STEINGASSER: I don't think  
9 this is the same issue. No, I do not. I  
10 don't think its height limit and then added  
11 the penthouse on top of it to appear that way.

12 COMMISSIONER TURNBULL: Well, I  
13 don't know. It looks as it's pretty solid.  
14 If I look at this building, it pretty much  
15 reads and I think Mr. Parsons was alluding to  
16 that. That this really reaches out to the  
17 facade of the building with its overhang and  
18 sort of just carries it up and it -- I think  
19 it's -- maybe Mr. Parsons want to comment on  
20 it. I don't know, but it just reads a more  
21 massive building up there. It's not just a  
22 penthouse set back. It reads as a fairly full  
23 floor up there. Almost as a penthouse floor.

**NEAL R. GROSS**

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

1 MS. STEINGASSER: It does, but I  
2 don't think it pushes the Height Act concern.  
3 If it were 10 feet taller. If it went to 110  
4 feet from its measuring point and then put the  
5 penthouse on top, then you would have a  
6 building that would be looking at 128½ feet.  
7 That begins to push the intent of the Height  
8 Act.

9 That's not what they done here.  
10 They're 10 feet below that. So, they're still  
11 not pushing that same level of extreme that we  
12 see in other cases.

13 COMMISSIONER TURNBULL: I guess I  
14 just wanted to clarify for the record what is  
15 the height that that building has to be at?

16 MS. STEINGASSER: It can be up to  
17 110 feet. It is proposed at 100 feet.

18 COMMISSIONER TURNBULL: And it's  
19 got an 18 foot --

20 MS. STEINGASSER: It has the same  
21 penthouse height that the zoning allows for  
22 any structure.

23 COMMISSIONER TURNBULL: But, I

1 guess it reads more than a penthouse.

2 MS. STEINGASSER: I guess it --

3 COMMISSIONER TURNBULL: Can I jump  
4 in? I'll just let you know I hate it. Okay  
5 and I'm going to ask for a study without it  
6 because it is heavy. It is a bad precedent  
7 for us and it's not about the Height Act.  
8 It's about the regulations that say we're  
9 going to push penthouses back away from the  
10 parapet wall and we're not going to continue  
11 -- I hope we don't continue to say but it's  
12 all right if we build something else on the  
13 roof that's just as high as the penthouse at  
14 the facade level. It's wrong and I just -- it  
15 has nothing to do with the Height Act for me.

16 MS. STEINGASSER: Okay.

17 COMMISSIONER TURNBULL: It's  
18 saying the building is this high and that's  
19 it. A modest cornice as we've had throughout  
20 history here is fine, but this is the worst  
21 case in my view of what we've seen with these  
22 embellishments on the roof because of its  
23 weight and its color.

**NEAL R. GROSS**

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

1 MR. PARKER: It may be appropriate  
2 to have the architect weigh in a little bit  
3 later, but I think that a lot of this was in  
4 response to that gateway concept and looking  
5 across the street.

6 Across the street, you've got a  
7 building that's 110 base and then it's got  
8 architectural embellishments that go up  
9 another 20 feet above that. So, it reads at  
10 130-foot level on the north side.

11 And so, this was an attempt not to  
12 have a completely asymmetrical gateway here.

13 COMMISSIONER TURNBULL: That  
14 doesn't mean I like it.

15 MR. PARKER: Fair enough.

16 COMMISSIONER TURNBULL: Thank you  
17 for the explanation.

18 MS. STEINGASSER: Yes, fair  
19 enough. Whether you like it or not, yes.

20 VICE CHAIR JEFFRIES: But, it  
21 might have been helpful though to show the  
22 bookends and put it in context so that we can  
23 see it. So.

1 MR. PARKER: Absolutely.

2 CHAIR HOOD: Any other questions?

3 VICE CHAIR JEFFRIES: Just a quick  
4 question.

5 Are there a lot of examples of R-4  
6 abutting C-3-C in the District? I mean are  
7 there a lot of -- I mean where would that be?

8 MR. PARKER: I'm not aware of  
9 there are -- I'm not aware of any sites like  
10 this in the District where you've got these  
11 two completely distinct situations on each  
12 side of a lot like this.

13 VICE CHAIR JEFFRIES: In Dupont  
14 Circle anywhere or Shaw? Not Shaw.

15 MS. STEINGASSER: Dupont's mostly  
16 SP not the C-3-C.

17 VICE CHAIR JEFFRIES: Oh, yes.  
18 Okay. Thank you.

19 CHAIR HOOD: Any other questions?  
20 Okay. I think the Applicant's has heard -- I  
21 think Commissioner Jeffries has said it well  
22 about the bookends and I'm sure that Mr. Quin  
23 -- they will address that when they come back

1 up for rebuttal.

2 Let me see who's first here. ANC  
3 6C, do you have any cross examination of the  
4 Office of Planning?

5 Mr. Quill, if you can hold your  
6 seat. They may have some questions of you.

7 COMMISSIONER KIMBER: No.

8 CHAIR HOOD: Okay.

9 SPNA, Mr. Edwards?

10 MR. EDWARDS: None.

11 CHAIR HOOD: Okay. Residents of  
12 square 752, Mr. Tallant? Oh, okay. All  
13 right. Thank you. Thanks to the Office of  
14 Planning.

15 You all must be trying to finish  
16 tonight. We have three other days that we  
17 were looking at.

18 Okay. Okay. Now, we've already  
19 talked about Department of Transportation. I  
20 don't think any other government reports. At  
21 least, I didn't see any. Okay.

22 Report of ANC 6C.

23 Excuse me. Did the Applicant have

1 any cross examination of --

2 MR. QUIN: No.

3 CHAIR HOOD: Okay. Because I  
4 don't want to have another hearing if as soon  
5 as I forgot that. Okay.

6 Again, Mr. Quill, thank you very  
7 much and also to the Office of Planning.  
8 Great job.

9 COMMISSIONER KIMBER: Good  
10 evening, Chairperson and Members of the  
11 Commission. My name is Alan Kimber as I  
12 mentioned before authorized representative for  
13 6C. Appreciate the opportunity to testify in  
14 this matter.

15 Originally, we had back in April I  
16 think was mentioned voted to oppose the  
17 project. We entered into the whole mediation  
18 process. Got to our September 11th regular  
19 meeting, determined that more time was needed  
20 for the mediation process. So, we actually  
21 had a special meeting properly noticed last  
22 Tuesday, September 25th at which we did vote  
23 unanimously 8-0-0 to support the project. We

**NEAL R. GROSS**

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

1 did have some support with contingencies as  
2 far as being able to see the final details of  
3 the amenities, construction plan concerns  
4 which were very significant and the final  
5 design details.

6 So, in part based on some of the  
7 timing issues, one of our requests and you'll  
8 see that my testimony is now heavily marked  
9 up, we would ask that the record be kept open  
10 for 30 days for each of the parties, I'm sure  
11 the Applicant included, to react to all of  
12 these documents that we've just received  
13 today.

14 One comment and this is something,  
15 and a side, I completely respect, of course,  
16 the Commission's authority to determine party  
17 status, but I am as a Commissioner of 6C a  
18 little disappointed that 6A was not granted  
19 party status and I say that because 6A and 6C  
20 share -- split essentially down the middle the  
21 H Street corridor and things that impact the  
22 H Street design guidelines and the H Street  
23 Strategic Plan are very important to both ANCs

**NEAL R. GROSS**

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



1 and I know that in the future 6C, of course,  
2 is going to take an interest in things that  
3 happen further down the corridor. I just  
4 wanted to mention that for the record. Thank  
5 you.

6 Let's see. May I also say that  
7 ANC 6C appreciates all the hard work of the  
8 parties and especially the willingness of the  
9 mediator to put in the long hours required to  
10 bring the parties together and the Applicant  
11 and the architect because they certainly put  
12 in a lot of work and were very willing to  
13 listen to the concerns that the community and  
14 the ANC was raising.

15 At this point, again subject to  
16 our desire to review and comment further on  
17 the new materials, 6C does view the mediation  
18 as being complete with the need to review and  
19 comment.

20 Moving into issues kind of related  
21 to precedent and protection of the H Street  
22 Strategic Plan and design guidelines, it's of  
23 critical importance to the ANC that the

**NEAL R. GROSS**

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

1 building has been -- has achieved a design  
2 such that at least as measured to the legal  
3 height rises no more than 90 feet above the --  
4 relative to the surface of H Street taking  
5 into account the H Street Bridge and we view  
6 that as very important because the H Street  
7 Strategic Plan calls for a limitation of 6 to  
8 8 stories on this site and on a few other  
9 sites moving down the corridor. So, we are  
10 very concerned about something that measures  
11 10 feet or 10 stories and this, I think, is a  
12 very elegant way to reconcile that need.

13 I won't go into all the details of  
14 my written testimony, but with respect to the  
15 precedent issue itself, we would appreciate  
16 the Zoning Commission giving great --  
17 significant emphasis to the unique  
18 characteristics and special circumstances of  
19 the site. Perhaps most notably the gateway  
20 concept that has been mentioned and then the  
21 fact that it is adjacent to the H Street  
22 overpass and the building -- and the  
23 architects have done a very good job, I think,

**NEAL R. GROSS**

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

1 of relating to the bridge as a hill as opposed  
2 to just something gliding by with a building  
3 getting slowly taller and then specific to --  
4 that's kind of specific to the height as far  
5 as special characteristic.

6 With respect to the density, of  
7 course, it's immediately adjacent to Union  
8 Station. The community and ANC 6C are very  
9 interested in transit-oriented development  
10 that's sensitive to the environmental things  
11 that cause this Silver LEED to be an amenity  
12 in our view and also, the increased density  
13 does follow again the H Street Strategic  
14 Development Plan which calls for higher  
15 density residential to take advantage of the  
16 characteristics of the site.

17 So, as a result of the factors  
18 that I've kind of summarized and go into more  
19 detail in the written testimony, we would  
20 request that the Zoning Commission include a  
21 statement in the order for this case similar  
22 to what was set forth in Zoning Commission  
23 Order Number 906 which was October 16 of 2000

**NEAL R. GROSS**

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

1 which was approval of the PUD and related  
2 rezoning for 1000 to 1010 16th Street, N.W.

3 Just to quote briefly, the  
4 Commission in that case said "Given the unique  
5 nature of this property and unique  
6 circumstances of this case, this case shall  
7 not serve as and may not be cited as precedent  
8 for the rezoning to C-4 of any other property  
9 zoned as P-2 in the 16th Street corridor."

10 We think that anything less than a  
11 statement of this strength and clarity would  
12 be to the detriment of the community and the  
13 development plan -- H Street Strategic  
14 Development Plan in particular.

15 Moving to community amenities and  
16 the mitigation that's been proposed by the  
17 Applicant, we have seen as things have gone  
18 through a few iterations of proposed amenities  
19 and these, of course, are always very hard to  
20 evaluate. In general, our goal in working  
21 with the Applicant and the members of the  
22 Mediation Committee was to negotiate an  
23 amenities package that secures significant

**NEAL R. GROSS**

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

1 amenities directly for the very heavily  
2 impacted residents of square 752, but also  
3 providing benefits to the wider community.

4 We're pleased that the Applicant  
5 has included significant amenities to take  
6 advantage of the transit-oriented nature of  
7 the site, providing for a Zipcar space,  
8 providing smart card benefits to initial  
9 occupants, things of this nature and, in  
10 addition, has responded favorably to our  
11 request to comply with the bicycle storage or  
12 bicycle garaging legislation that's currently  
13 under consideration by the council and has  
14 committed to comply with that and provide at  
15 least 85 bicycle parking spaces.

16 Finally, one thing that we  
17 considered to be of importance is the  
18 Applicant, in addition to entering into First  
19 Source and LSDBE agreements, committed to the  
20 ANC that they will provide the standard  
21 reports that they send to DOES to the ANC as  
22 well because -- oh, well, they've provided,  
23 I'm sorry, for historical reports for the SEC

**NEAL R. GROSS**

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

1 project and they're committed to once this  
2 project starts to provide those reports on an  
3 ongoing basis for this project.

4 I apologize. Like I said, I've  
5 got a lot of new information I'm trying to  
6 incorporate.

7 Commissioner Jeffries discussed  
8 the parking issue and I would strongly suggest  
9 that the project is not over parked. It's  
10 something that 6C has been very concerned  
11 about and we really worked to have the new  
12 developers coming in applying for PUDs to  
13 provide one-to-one parking ratio. Because  
14 unlike other areas of the city that are  
15 already more heavily developed, we are in kind  
16 of a unique situation of being able to  
17 recognize that even in a transit-oriented site  
18 a vast majority of households have at least  
19 one car. We have enjoyed to this point fairly  
20 good parking availability for on-street  
21 parking. So, it's very important to us that  
22 because we have the opportunity to address  
23 that the ANC views that as a significant

**NEAL R. GROSS**

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

1 amenity even though it wasn't enumerated or a  
2 dollar value was not assigned to it.

3 There are a few things specific to  
4 what I was able to review of the amenities  
5 package today that we would -- we will comment  
6 further on, but we would ask that the Zoning  
7 Commission dictate guidelines in the order  
8 particularly with respect to some of the  
9 agreed upon amenities. Specifically, we're  
10 thinking about the two different microgrant  
11 programs, the contribution towards a clean and  
12 safe program to be conducted and overseen by  
13 H Street Main Street.

14 These are the types of things  
15 where the promise of receiving the amenity at  
16 some point down the road five years from now  
17 when the project is complete really imposes a  
18 hardship on the community that can start to be  
19 mitigated much sooner. Our suggestion would  
20 be perhaps with respect to those amenities  
21 establishing a time line based on the date of  
22 the order for funding of those amenities.

23 As far as some of the other

1 amenities that involve construction that are  
2 more related to the actual project itself, we  
3 would like to see time lines established with  
4 respect to when the building permits are  
5 issued.

6 Again, our concern is that over  
7 time our communities and our residents haven't  
8 been able to realize the benefits of the  
9 amenities package in each case in a timely  
10 fashion.

11 Moving to the construction  
12 management plan, an overriding concern to us  
13 was protection of the very fragile 25-foot  
14 rowhouses that date from the 1890s. We have  
15 just in the last week, I think, received quite  
16 significant commitments as far as how the  
17 existing structures are going to be surveyed,  
18 how they're going to be monitored for cracks  
19 and provide vibrations around and in the  
20 structures and things that Mr. Quill mentioned  
21 as far as crane over swing.

22 I believe the large portion of the  
23 community's and the ANC's concerns have been



1 addressed again subject with the little  
2 footnote of wanting to look at the package  
3 more thoroughly.

4 So, our recommendation would be  
5 that the Zoning Commission hold the record  
6 open for 30 days to allow further comment,  
7 that ultimately subject to that review and  
8 comment the Zoning Commission approve the  
9 project and that as part of any order, that  
10 the precedent issue receive very strong  
11 statement of support in regards to this being  
12 a special circumstance.

13 Thank you.

14 CHAIR HOOD: Ms. Wirt, were you  
15 going to add anything?

16 COMMISSIONER WIRT: No, I just  
17 want to say that I think Commissioner Kimber  
18 who represents the constituents best in this  
19 site has done a really good job of staying  
20 close to the citizens and coming through with  
21 all of this work. He's been doing a great  
22 job.

23 CHAIR HOOD: Okay. Let me ask,

1 Commissioner Kimber, you mentioned -- your  
2 opening statement was you were sorry about 6A,  
3 you know, my colleagues and I don't take that  
4 likely when we do that, but you mentioned they  
5 were -- are they east and west or north and  
6 south? Where is the line?

7 COMMISSIONER KIMBER: Yes, sir,  
8 let me say I understand. I --

9 CHAIR HOOD: Is it on the north  
10 side of H Street?

11 COMMISSIONER KIMBER: No, we --

12 CHAIR HOOD: Okay.

13 COMMISSIONER KIMBER: -- split H  
14 Street.

15 CHAIR HOOD: I thought we had made  
16 a mistake.

17 COMMISSIONER KIMBER: No, we split  
18 H Street east/west and I do, as I tried to  
19 say, completely appreciate that you don't make  
20 those decisions lightly. I just wanted you to  
21 understand kind of where we were coming from  
22 and in the next case, it may be 6C that it  
23 would be looking --

**NEAL R. GROSS**

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

1 CHAIR HOOD: So, it may be the  
2 other way around?

3 COMMISSIONER KIMBER: Yes, exactly  
4 and I understand what their concerns are, but  
5 I also certainly was not trying to question  
6 your judgment.

7 CHAIR HOOD: And I -- no. No, and  
8 I think you'll find that this Commission is  
9 real consistent unless it's adjacent, like  
10 right across the street or something. Then  
11 that's the only time in my nine years of being  
12 down here -- that's when I seen it done  
13 because I, too, am a community person. So, I  
14 understand the work that goes in without any  
15 reward or money. It's a thankless job. So,  
16 job --

17 COMMISSIONER KIMBER: Well, thank  
18 you.

19 CHAIR HOOD: -- and keep up the  
20 good work. Okay. Colleagues, any questions?  
21 No questions. Now, let me make sure I get  
22 this right. No, they don't -- the Applicant  
23 -- does the Applicant have any questions?

1 MR. QUIN: No questions.

2 CHAIR HOOD: Where's my list? Go  
3 in order here. Okay. The Applicant doesn't  
4 have any questions. SPNA, any questions --  
5 cross examination?

6 MR. EDWARDS: None.

7 CHAIR HOOD: Okay. And the  
8 residents of square 752, any cross  
9 examination?

10 MR. TALLANT: No, sir.

11 CHAIR HOOD: Okay. We thank you  
12 both.

13 COMMISSIONER KIMBER: Okay. Thank  
14 you for the opportunity.

15 CHAIR HOOD: Okay. Let me ask  
16 briefly of the two parties, one in support  
17 with reservation and one in opposition, are  
18 you -- you all going to take the full 50  
19 minutes? I'm prepared to go until 11:30. I  
20 just want to make sure everybody is. Well, I  
21 shouldn't have said that. Maybe I should have  
22 -- maybe I should have checked first.

23

1 MR. EDWARDS: I hope we -- I hope  
2 we will not go the full 50 minutes, Mr. Hood.

3 CHAIR HOOD: Okay.

4 MR. EDWARDS: However, I have  
5 discussed with Mr. Tallant and we would like  
6 to cede a portion of our time to Drew  
7 Ronneberg of ANC 6A because he was such a  
8 valuable member of the Mediation Group. As a  
9 matter of fact, he is the one who compiled the  
10 responses to design requests from the  
11 architects and the pictures of the surrounding  
12 architectural styles were in that report that  
13 Drew Ronneberg --

14 CHAIR HOOD: Mr. Edwards, let me  
15 stop you. Mr. Tallant, actually since you're  
16 in opposition, you're representing the  
17 residents of square 752. So, I'm going to  
18 have to call you back up at a later time.

19 MR. TALLANT: Okay.

20 CHAIR HOOD: Mr. Edwards, I  
21 understand what you're saying, but no time  
22 shall be ceded. That's the remarks and I know  
23 I didn't -- I know I didn't leave that part --

**NEAL R. GROSS**

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

1 I try to skim through it. No, he might have  
2 said it, but he couldn't -- that was a part of  
3 the project with Mr. Quill. They were  
4 represented with the Office of Planning. So,  
5 no time can be ceded.

6 Again, ANC 6A will have time to  
7 come up and speak.

8 MR. EDWARDS: Thank you.

9 CHAIR HOOD: Okay. But, no, it's  
10 your turn now if you want. As individuals.  
11 Right.

12 Know what else, Mr. Edwards, if 6A  
13 has numerous stuff to submit, they can submit  
14 it to us in writing other than what we already  
15 have. We definitely read it. That's why it's  
16 a disadvantage for us to get stuff as soon as  
17 we walk into the hearing room.

18 MR. EDWARDS: I understand.

19 First let me express appreciation  
20 to the mediation process, to Lee Quill as the  
21 mediator, to the Office of Planning for  
22 designating Lee Quill as the mediator and to  
23 Travis Parker of the Office of Planning who

**NEAL R. GROSS**

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

1 sat in our meetings not as an active  
2 participant but as a resource when we needed  
3 guidance on what the regulations would or  
4 would not allow.

5 Also, I would like to express  
6 appreciation to the cooperativeness of Rich  
7 Cook and Mark Rusitzky of Cook & Fox in their  
8 ability to meet with us and they met with the  
9 Mediation Group without the representatives of  
10 Dreyfus or their attorneys and they were able  
11 to listen to the community and translate what  
12 the community wanted into designs that they  
13 could take back and discuss with Dreyfus.

14 So, we want to also express our  
15 appreciation to Dreyfus for making this  
16 possible and for Cook & Fox for serving as  
17 the, if you will, translators of community  
18 desires into architectural designs that could  
19 be evaluated by Dreyfus.

20 With that as a beginning, let me  
21 say that I chair the Land Use committee of  
22 Stanton Park Neighborhood Association.

23 This is the first case to involve

1 a planned unit development and a map amendment  
2 since adoption of the H Street Neighborhood  
3 Overlay District, since adoption of the H  
4 Street Strategic Plan and since adoption of  
5 the H Street Design Guidelines.

6 Now, this introduces some  
7 considerations about how those various plans  
8 interrelate and what happens when you had a  
9 PUD in a neighborhood overlay district.  
10 Because conceptually, I think a neighborhood  
11 overlay says we'll take this geographic area  
12 and we'll decide what the planning parameters  
13 are. We'll talk about height. We'll take  
14 about density, FAR and then you have PUD that  
15 says we'll take this certain area and we'll do  
16 the same thing. So, there's a concern that  
17 you might be doing it twice and that is going  
18 to be a central part of what I'm going to be  
19 talking about here and how to reconcile those  
20 two concepts.

21 The third part of what has  
22 happened on H Street is something called the  
23 Design Guidelines. The Design Guidelines



1     you've heard about in terms of building are  
2     suppose to have a discernible base, middle and  
3     top and those guidelines have been analyzed by  
4     Dreyfus and by Holland & Knight and each of  
5     the Design Guidelines has been identified as  
6     whether it applies or doesn't apply, how it's  
7     implemented or in the event there is any  
8     deviation from that guideline, what is the  
9     justification for that deviation.

10                 Now, the reason for that is we  
11     urge the Commission to clearly state in its  
12     order that comes out of this proceeding that  
13     any deviation from the guidelines in a future  
14     case cannot rely on this case for the  
15     proposition that compliance with all the  
16     guidelines is not required. Rather this case  
17     should stand for the proposition that any  
18     deviation in future cases must satisfy a  
19     substantial evidentiary burden to establish  
20     uniqueness and an overriding public interest  
21     to allow such deviations.

22                 With that, we have not had a  
23     chance to review all of the materials that

1 were delivered tonight. Some of them have to  
2 do with the guidelines and deviations from the  
3 guidelines.

4 We would endorse ANC 6C's request  
5 that the record be held open. We would add to  
6 it that since there are three possible future  
7 dates one of those be reserved if something  
8 comes up after we've reviewed those that we  
9 can come back and present additional testimony  
10 to the Commission, but only in the event that  
11 we make a showing that it's necessary to  
12 address something that we're not able to  
13 address tonight.

14 I would now like to turn to the H  
15 Street Overlay. It came about through a  
16 comprehensive and integrated planning process  
17 and the western part of the H Street Overlay  
18 was upzoned in exchange for text amendments  
19 that encouraged the reuse of historic  
20 buildings and the expectation that the zoning  
21 map would remain in effect for a significant  
22 period of time.

23 This project is proposed to have a

1 height and density above the matter-of-right  
2 height and density allowed under the H Street  
3 Overlay. Stanton Park supports the increased  
4 density and height associated with this  
5 project because of the unique characteristics  
6 and special circumstances of the project.

7 However, allowing that increased  
8 height and density most be restricted to this  
9 project and not allowed to serve as a  
10 precedent for future upzoning or increases in  
11 height or density that would undermine the H  
12 Street Overlay.

13 Now, similar concerns about PUDs  
14 and how to treat PUDS in a neighborhood  
15 overlay district arose 19 years ago in the  
16 context of Woodley Park and the Cleveland Park  
17 Overlays. One suggestion was to prohibit PUDs  
18 in the neighborhood overlay.

19 Testifying on behalf of ANC 3C,  
20 then ANC Commissioner Phil Mendelson testified  
21 and his testimony is Exhibit 370 in that Case  
22 Number 8626.

23 Mr. Mendelson now Council Member

1 Mendelson stated "We believe PUDs should be  
2 proscribed from the overlay for three reasons.

3 1) In a sense they contradict the  
4 premise of the overlay. The overlay sets  
5 forth various limitations sensitive to  
6 preserving existing local neighborhood  
7 character. PUDs provide a route for planned  
8 exception to the already sensitively planned  
9 overlay.

10 2) Allowance for PUDs is virtually  
11 an invitation for developers to request PUD-  
12 type exceptions to overlay controls. Surely  
13 this is likely near the Cleveland Park and  
14 Woodley Park Metro stations. Allowance for  
15 PUDs invites continued controversy."

16 His third point was that Office of  
17 Planning admits in its report that existing  
18 PUD guidelines would likely conflict with the  
19 nature and intent of the overlay.

20 Now, the ANC 3C in its resolution  
21 which was filed in that case explained the  
22 need to reconcile PUDs with matter-of-right  
23 height and density as proscribed in an overlay

1 and I quote from that -- from page two of that  
2 report.

3 "If there remains a large gap  
4 between the matter-of-right limits and the PUD  
5 guidelines, there will be no incentive to  
6 property owners to develop within a matter-of-  
7 right. The PUD process will become a route  
8 for new construction leading to the assembly  
9 of small parcels followed by application for  
10 demolition permits. However, the key purpose  
11 for the overlay zone was to create harmony  
12 between the historic review and zoning process  
13 and thus encourage the retention and  
14 appropriate additions to buildings that  
15 contribute to the neighborhood's architectural  
16 character. Only conformity between the height  
17 and density limits of PUDs and matter-of-right  
18 will achieve that goal."

19 The Zoning Commission 19 years ago  
20 adopted the suggestion of creating conformity  
21 between the PUDs and overlays by adopting a  
22 new section to the Zoning Regs, 1305.1 and  
23 that section provides that "In a neighborhood

1 overlay district, the matter-of-right height  
2 and floor area ratio shall serve as the  
3 guideline for planned unit developments."

4 Well, guidelines today means that.  
5 It means guidelines, but at the time 1305.1  
6 was adopted, the Zoning Regulations for PUDS  
7 specified height and density limitation in  
8 terms of guidelines and I attached to my  
9 statement the 1991 Zoning Regulations and  
10 you'll find that the planned unit development  
11 guidelines beginning on page 13-4, excuse me,  
12 13.4 includes at the bottom of the page  
13 1305.1. In the NC overlay district, the  
14 matter-of-right height and floor area ratio  
15 limits shall serve as the guidelines for  
16 planned unit developments.

17 Now, turning to page 24-4, 2403,  
18 excuse me, 2403.4 talks about to exceed the  
19 guidelines indicated in the following table  
20 and the guidelines are maximum height.  
21 Basically, they said if you're an overlay  
22 district and you've got a PUD, forget about  
23 this table in the PUD regulations and look at

1 what the height limitations are in the overlay  
2 and you use them when you evaluate a PUD  
3 proceeding.

4 Now, what does that mean to this  
5 case? Stanton Park believes that because of  
6 the innovative massing, this Capitol Place  
7 project is not out of scale and character with  
8 the existing buildings in the H Street  
9 Overlay. We believe it has unique  
10 characteristics and special circumstances that  
11 justify noncompliance with Section 1305.1 thus  
12 permitting the proposed project to exceed the  
13 matter-of-right heights and densities  
14 specified in that H Street Overlay.

15 We urge the Commission though to  
16 be very specific in approving this project to  
17 insure that the increased density and height  
18 approved for this project will not subject to  
19 amendment in future PUD proceedings or any  
20 other amendatory proceedings.

21 Too many times we've seen a PUD  
22 proceeding that sits on the shelf and they  
23 come in every two or three years and amend

1 some aspect of it. We would suggest that if  
2 this project is approved with the heights and  
3 densities specified that that not be subject  
4 to any future amendment.

5 We also ask that the decision in  
6 this case not serve as a precedent for future  
7 projects that may be inconsistent with the H  
8 Street Overlay.

9 As I point out, this is the first  
10 case with a PUD on H Street. H Street  
11 development is beginning. This is going to be  
12 the template for what happens down H Street  
13 and the question is how do we protect the  
14 provisions of that H Street Overlay and allow  
15 development to occur and just as they were  
16 concerned in 1988 that a PUD is a promise for  
17 lot assemblage, demolition and come in with  
18 the larger lot area for a PUD and that is so  
19 inconsistent with the H Street Strategic Plan  
20 and H Street Overlay that wants to preserve  
21 the existing architectural context, that this  
22 is why Stanton Park filed its motion to  
23 address that 1305. It's why we thought we

**NEAL R. GROSS**

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



1 needed a two-stage proceeding.

2 We now think with what we're  
3 presenting tonight and what you've heard from  
4 others that there is enough evidence for you  
5 to make the distinction in this case in a  
6 manner that it does not jeopardize the H  
7 Street Overlay and does not encourage improper  
8 future development along H Street.

9 Now, in order to clearly define  
10 the limitations of the scope and  
11 authorizations that are granted in this case,  
12 I have at the end of my statement enumerated  
13 two points. One for the situation for a PUD  
14 proposal in an NC -- in a neighborhood overlay  
15 without an associated map amendment. That is  
16 if there's no upzoning that it is permissible  
17 to exceed the matter-of-right and height and  
18 densities only if the project has unique  
19 characteristics or special circumstances. For  
20 example, if the Comprehensive Plan or City  
21 Council approved Small Area Plan calls for  
22 densities that are allowed as a matter-of-  
23 right under that strategic plan.

**NEAL R. GROSS**

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

1           In this case, we have the 6 to 8  
2 stories specifically specified for this site  
3 under the H Street Strategic Plan that gives  
4 us that out.

5           Now, if the controlling plan  
6 doesn't address the height or density of a  
7 site, the development should be permitted  
8 additional height and density as required to  
9 be compatible with the scale of the existing  
10 neighborhood.

11           Now, if you have a PUD proposal in  
12 an NC overlay where there's an associated map  
13 amendment, where they're asking for upzoning  
14 and a PUD in a neighborhood overlay like H  
15 Street, and if that proposed project would  
16 exceed the height and density called for in  
17 the applicable neighborhood plan, the matter-  
18 of-right heights may be exceeded only if the  
19 project has unique characteristics or special  
20 circumstances such as:

21           a. The site if located in close  
22 proximity to transit, abuts a property or  
23 structure that makes measurement of the grade

1 of matter-of-right impractical or  
2 inappropriate.

3 b. The building concentrates the  
4 massing in a manner which minimizes the impact  
5 of the surrounding residential and commercial  
6 property.

7 c. The building has exceptional  
8 architectural or other merit.

9 d. And the project has  
10 substantial support of the community.

11 We suggest that in the case of  
12 this project these criteria are met and that  
13 in your order approving this that these  
14 criteria should be articulated in order to  
15 protect the H Street Overlay from future  
16 encroachment by PUDs that would exceed the  
17 density and height specified in the H Street  
18 Strategic Plan, H Street Overlay and as I say,  
19 we reserve on the design guidelines. They are  
20 numerous. We need time to evaluate that, but  
21 only in the event that there is something that  
22 is in violation of this -- excuse me, of the  
23 guidelines do we anticipate having to come

**NEAL R. GROSS**

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

1 back.

2 And with these protections, with  
3 these protections, Stanton Park Neighborhood  
4 Association would recommend approval of this  
5 project.

6 Thank you.

7 CHAIR HOOD: Okay. Thank you, Mr.  
8 Edwards, and I will tell you that your  
9 comments were exactly what I asked. I pulled  
10 the old order of the H Street Overlay.  
11 Because my initial question was why was I even  
12 here. That was my initial question. That was  
13 even before I started reading, but I will tell  
14 you that I'm going peruse this document again  
15 and continue to look at your statement.

16 So, I think your statements are  
17 well in line because in 2006 we did a whole  
18 overlay on H Street and then here we are  
19 coming back in 2007. I, too, have some pause  
20 and some concern, but be as it may, I will  
21 take your comments like we take everyone  
22 else's under consideration and move forward.

23 But, let me just say that on

1 1305.1 and I don't think it's much of a  
2 difference, but there's some more footnotes.  
3 That was amended December 8th, 2000. I don't  
4 know if you have the most current version. On  
5 the unofficial website, there may be some more  
6 detail to add to your 1305.1 and I just  
7 noticed that in what you submitted. The  
8 Zoning Commission did deal with that December  
9 8th, 2000 because it says as amended by final  
10 rulemaking published 47 DCR 9741-43.

11 So, you may want to look into that  
12 because I sure will.

13 MR. EDWARDS: I did. It does not  
14 substantially change --

15 CHAIR HOOD: Not substantial.  
16 Okay.

17 MR. EDWARDS: And as a matter of  
18 fact, even today, this is the language of  
19 1305.1.

20 CHAIR HOOD: Still is that way?  
21 Okay. Okay. All right. Any questions for  
22 Mr. Edwards? No questions. Okay. The  
23 Applicant have any questions?

1 MR. QUIN: No questions, Mr.

2 Chair.

3 CHAIR HOOD: Cross examination.

4 I'm sorry. All right. ANC 6C, do you have

5 any cross examination?

6 COMMISSIONER KIMBER: No, sir.

7 CHAIR HOOD: And then the

8 residents of square 752?

9 MR. TALLANT: No, sir.

10 CHAIR HOOD: Okay. Thank you for

11 your testimony.

12 MR. EDWARDS: Thank you.

13 CHAIR HOOD: Okay. Now, I will

14 persons in support. Persons in support. 752

15 is in opposition.

16 I'm getting back on track. We're

17 getting there. Oh, okay. Hold on. I'm

18 sorry. I did forget my list. Okay. I have

19 Patrick Lowly, Anwar Saleem and Gary Peterson.

20 Those are the only three I have. Anyone else?

21 MR. RONNEBERG: ANC 6A.

22 CHAIR HOOD: In support?

23 MR. RONNEBERG: Conditional

1 support.

2 CHAIR HOOD: Okay. Why don't you  
3 -- let me call you up after I -- after we  
4 finish these three. Okay.

5 SPEAKER: She may not be on your  
6 list.

7 MS. KUNG: I was originally listed  
8 as an opponent.

9 CHAIR HOOD: Okay.

10 MS. KUNG: I had applied for --

11 CHAIR HOOD: Let me do this. Let  
12 me take the people I have proponents first and  
13 then I'll take the ones who are support with  
14 reservations and then I'll go --

15 SPEAKER: Mr. Lowly isn't here  
16 this evening.

17 CHAIR HOOD: Oh, Mr. Lowly is not  
18 here. Okay.

19 SPEAKER: No.

20 CHAIR HOOD: Okay. The young  
21 lady, you can come on up.

22 We're going to start with Mr.  
23 Saleem and then Mr. Peterson and then the

1 young lady can introduce herself.

2 Turn your mike --

3 MR. SALEEM: Good evening. My  
4 name is Anwar Saleem, the Executive Director  
5 of H Street Main Street.

6 On behalf of H Street Main Street  
7 Board of Directors, we support the Louis  
8 Dreyfus Property application for a planned  
9 unit development. After having met with  
10 partners of Louis Dreyfus Property Group to  
11 discuss this case and thereafter following  
12 community dialogue and mediation processes, we  
13 believe this project would bring a great  
14 benefit to this site and the community as a  
15 whole.

16 We believe this site as planned  
17 will not harm the intent of the H Street  
18 Overlay and will complement the development of  
19 Senate Square at 3rd and H Street.

20 We believe this site -- this site  
21 has been vacant or under-utilized for nearly  
22 -- for many years. This is a unique site and  
23 the design of the project in itself fits well.

**NEAL R. GROSS**

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



1 We do not foresee any sites along -- any sites  
2 along the corridor that has the potential --  
3 potential for justifying a similar need and  
4 believe we will not a set a percent for future  
5 developments or harms the intent of the H  
6 Street Overlay and Design Guidelines.

7 We believe the site improved -- we  
8 believe the improved design of this project  
9 will attract critical mass that is needed to  
10 spur retail development along the western end  
11 of the corridor and just as Senate Square and  
12 Steuart Properties will serve as a catalyst in  
13 the continued development of the Western  
14 Gateway. It is a fact that additional warm  
15 bodies, the attraction and the opportunity for  
16 jobs, housing and the attraction of new retail  
17 will have a potential impact of bringing a  
18 much needed life-giving spirit to this end of  
19 the corridor.

20 As a public benefit, H Street Main  
21 Street is gracious and accepts the Dreyfus  
22 offer of \$150,000 to be used for the purpose  
23 of supporting the Clean and Safe Project along

1 the H Street corridor which is scheduled to  
2 commence in February of 2008. In addition to  
3 this donation, we would like for Dreyfus or  
4 the site retailers to continue contributing in  
5 an on-going agreement to support the longevity  
6 of this effort. However, we believe that  
7 donations should be immediately available  
8 within 6 months of an approved order from this  
9 Commission. The more developers, retailers  
10 who have committed to the Clean and Project  
11 will aid in the corridor's success.

12 I also have an attached resolution  
13 for the H Street Main Street attached and  
14 finally, we look forward to the Zoning  
15 Commission's view and ultimate support of this  
16 application.

17 CHAIR HOOD: Thank you. Just hold  
18 your seat for us. Mr. Peterson.

19 MR. PETERSON: Thank you. I'm  
20 Gary Peterson. I'm here on behalf of the  
21 Capitol Hill Restoration Society.

22 You may wonder why I'm here  
23 because this is outside the historic district.

1 I'm here for several reasons.

2 One, the original plans for the  
3 historic district as we put forward in 1975  
4 included this area in the historic district.  
5 However, the DCRLA was interested in  
6 redeveloping H Street and the area on either  
7 side of H Street and they objected to anything  
8 north of F Street being included in the  
9 historic district.

10 So, I'm here in hopes that we can  
11 now correct that grievous error from 1976 and  
12 incorporate this ultimately into if not the  
13 Capitol Hill Historic District, into its own  
14 historic district.

15 I'm here for another reason and  
16 that was we wanted to make sure -- well, we  
17 felt that Dreyfus owed us a decent building  
18 after the disaster that they built across the  
19 street and so, we wanted to insure that the  
20 neighborhood got a building that was much  
21 better than that building and I think we've  
22 achieved that.

23 I think it should go -- you don't

1 know this, but we had another project in H  
2 Street that went before the BZA under the H  
3 Street guidelines and in that project, the --  
4 I think it was the 600 block of H Street. The  
5 developer let the community work with the  
6 architect to design that building and the  
7 community was able then to support that  
8 application before the BZA because they felt  
9 the building was compatible with H Street.

10 We have a similar circumstance  
11 here and I hope it isn't lost on the people  
12 who represent the future developers, but that  
13 maybe we've set an example on how to proceed  
14 with these projects which is to involve the  
15 community with the architects and maybe we  
16 will have more love fests at these meetings.

17 There's one part of the project  
18 that we are still a little concerned about and  
19 that is the corner at 3rd and H and what we're  
20 concerned about is that all glass facade  
21 that's on that corner and -- and I'm really  
22 not one to dictate to an architect how to  
23 solve that problem because I don't know how to

1 solve it and I'm not an architect. In fact,  
2 I don't know anything. I'm a lawyer. So,  
3 what I -- but, I can see a problem there.

4 So, but what we are concerned  
5 about is the precedent that that corner sets  
6 as we move down -- architecturally as we move  
7 down H Street. That that's quite modern and  
8 we wouldn't want that to be used as a  
9 precedent and we'd like to see something a  
10 little more compatible with the neighborhood.

11 So, my suggestion to the people  
12 who are architects and know what they're doing  
13 would be to look at that and see if that  
14 corner can't be made more compatible.

15 Other than that, I welcome any  
16 questions you may have.

17 CHAIR HOOD: Thank you, Mr.  
18 Peterson.

19 If you can introduce yourself.

20 MS. KUNG: Hi. Good evening. My  
21 name is Kaelie Kung and I live at 734 3rd  
22 Street. It's the last rowhouse in the block  
23 right before you hit H Street and my husband

**NEAL R. GROSS**

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

1       couldn't be here tonight, but we wanted to  
2       encourage the Committee to approve the zoning  
3       tonight.

4               We purchased our home 6 months ago  
5       and it was during the whole process of finding  
6       out that the development was under planning  
7       and the way that the project is currently  
8       planned, it will abut our house. It will be  
9       directly connected to it and I believe that  
10      our home may be the only one that will have  
11      the backyard sort of completely lose its light  
12      based on the height of the tower and we'll  
13      also lose some of our sky view, but  
14      nonetheless, our -- our primary concern deals  
15      with the construction issues and what could  
16      come out of that, but I think a lot of that's  
17      been addressed tonight in the documents that  
18      we've been given as well as the mediator's  
19      statement.

20             We're very excited though about  
21      this project. We really think it will go a  
22      long way towards spurring the redevelopment  
23      along H Street and would rather see this

1       happen sooner rather than later.

2               We currently live right next to a  
3       parking lot. So, this is a vast improvement  
4       over that.

5               We would like to commend Cook &  
6       Fox on their thoughtful design process. We  
7       really feel like they've gone aboveboard and  
8       given us a design that gives us a new building  
9       and not just something that's meant to look  
10      old and it really needs to stand on its own.  
11      So, we really like the design a lot and we are  
12      also very appreciative of Dreyfus in trying to  
13      give us something that's transportation  
14      friendly and environmentally conscious in this  
15      location.

16              So, that's all. We're very much  
17      in favor of it. Thank you.

18              CHAIR HOOD: Okay. Thank you.  
19      You've changed your position from -- did you  
20      change tonight while you were listening?

21              MS. KUNG: Correct.

22              CHAIR HOOD: Oh, so, you changed  
23      it tonight.

1 MS. KUNG: Well, no, I -- we  
2 actually knew coming in that we would --

3 CHAIR HOOD: Okay.

4 MS. KUNG: -- we were in favor of  
5 it at this point having gone through the --  
6 having heard the meetings and been to the  
7 mediation, the review of the mediation with  
8 our community.

9 CHAIR HOOD: Okay. Good.

10 MS. KUNG: Thank you.

11 CHAIR HOOD: Any questions of this  
12 panel, colleagues?

13 Does the Applicant have any cross  
14 examination?

15 MR. QUIN: No questions.

16 CHAIR HOOD: Mr. Edwards, any  
17 cross examination? Mr. Tallant, any cross  
18 examination? ANC, any cross?

19 COMMISSIONER KIMBER: No, sir.

20 CHAIR HOOD: Okay. All right.  
21 Thank you. Thank you for your testimony.

22 Okay. Now, I'm going to ask ANC  
23 6A and anyone else that's in support. I got



1 it. I got it. Just -- Mr. Ronneberg, we'll  
2 begin with you.

3 MR. RONNEBERG: Hello. My name is  
4 Drew Ronneberg. Today, I'm authorized to act  
5 on behalf of ANC 6A before the Zoning  
6 Commission for this case.

7 We are the neighboring ANC and we  
8 were asking for party status for the reasons  
9 Mr. Kimber outlined. We're two ANCs. We both  
10 share H Street and we feel our fates are  
11 intertwined.

12 CHAIR HOOD: Well, let me just say  
13 the tables will turn. Trust me. Okay.

14 MR. RONNEBERG: And we welcome ANC  
15 6C's participation in our end of H Street,  
16 too.

17 Our overriding concern throughout  
18 this case has been the upzoning of the  
19 northern portion of the lot because this area  
20 had already been upzoned from C-2-A to C-2-B  
21 in part of the zoning overlay just a few short  
22 years ago, 2006.

23 And our concern is that it would

1       unleash two forces that would act to undermine  
2       the H Street Strategic Plan and the Zoning  
3       Overlay.

4               First, we were concerned that this  
5       PUD would embolden other developers to propose  
6       PUDs with associated map amendments and  
7       basically, this is the process of downtown  
8       penetrated into the Capitol Hill area.

9               Protection of the scale and  
10       character of existing buildings is one key  
11       objective of neighborhood commercial overlays.

12              Secondly and just as importantly,  
13       ANC 6A was concerned that the approval of this  
14       map amendment would fuel the rampant land  
15       speculation that is already occurring in the  
16       western end of the corridor.

17              Our ANC has filed two motions in  
18       front of the Zoning Commission for text  
19       amendments to limit upzonings in the H Street  
20       Overlay to help curb this land speculation.

21              And this is a curious story  
22       because I live in the eastern end and the  
23       eastern end of H Street has seen reoccupation

1 of many of its 2 to 3-story historic  
2 structures and the resurgence of nightlife and  
3 economic vitality. You often see -- it seems  
4 like -- like a week doesn't go by and The Post  
5 isn't talking about the bars that are opening  
6 up on H Street or the new things that are  
7 happening and this is primarily happening on  
8 the eastern end.

9 In contrast, the western end of  
10 the corridor has seen -- has not see this  
11 resurgence comparable to the eastern end and  
12 this is ironic because the western end is  
13 close to Union Station. It's close to  
14 transit. It's close to downtown. Why is the  
15 eastern end redeveloping quicker than the  
16 western end? And I think the only reason for  
17 this is when you consider the economic  
18 incentives of individual property owners.

19 The property owners sitting in the  
20 western end of H Street in a 2-story historic  
21 structure, but sees a gigantic PUD come up and  
22 say huh, that's an 8 to 10-story PUD. I bet  
23 my land is worth more than what it would be if

**NEAL R. GROSS**

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

1       there was a 2-story structure. So, his  
2       incentive is just to sit on his land and wait  
3       and meanwhile nothing happens. It's vacant.  
4       You have the problem with vagrancy and all the  
5       drugs and all these other problems because  
6       this person will not sell the land because  
7       they believe the land is worth more than it  
8       really is because they've seen the zoning --  
9       things upzoned and PUDs approved.

10               So, this is our concern and more  
11       than anything else, ANC 6A is asking the  
12       Zoning Commission to emphasize the  
13       circumstances surrounding this case are unique  
14       and send a message to these -- to other  
15       property owners that they should value their  
16       properties at the heights and densities called  
17       for in the H Street Strategic Plan rather than  
18       the heights and densities of the Dreyfus  
19       project.

20               I also have a section, I thought I  
21       was going to be able to speak for longer,  
22       about compliance with Section 1305.1. We  
23       completely agree with Stanton Park. We think

**NEAL R. GROSS**

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

1 that there are unique circumstances for this  
2 case and you can read it in my testimony.

3 There are other areas on H Street  
4 which are zoned C-2-B where the surrounding  
5 context is 2 to 3-story buildings. We do not  
6 believe that you can come with a C-2-B and ask  
7 for a 90-feet high and 6.0 FAR because it  
8 violates the -- it violates the scale and  
9 context of the surrounding neighborhood and  
10 so, that's why we're asking that this not set  
11 a precedence.

12 There's some remaining design  
13 issues. There's basically three contexts and  
14 the architect in many ways has done an  
15 excellent job and this is a very challenging  
16 site.

17 The three areas where we would  
18 like further work on the part of the -- on the  
19 part of the architect is three things.

20 First, the second H tower. I know  
21 that some of the Commissioners have issues  
22 with this. The fenestration, the cornice and  
23 other elements of the second H tower do not

**NEAL R. GROSS**

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

1 yet appear to have a discernible rhythm that  
2 is clearly evident in the rest of the H Street  
3 facade.

4 In addition, there's a green  
5 screen element protruding from the glass which  
6 seems out of place on H Street.

7 We ask Cook & Fox to resolve these  
8 elements in a manner consistent with H  
9 Street's architectural context and because  
10 this tower is of particular importance because  
11 it is the gateway to H Street and it needs to  
12 shout I am the gateway to H Street.

13 The other issues are the 3rd and H  
14 corner. For the reasons outlined by Mr.  
15 Peterson, this is a very important corner  
16 because it sets the architectural context for  
17 the rest of the development of the south side  
18 of the 300 block.

19 And the last thing is the top of  
20 the H Street facade. We encourage Cook & Fox  
21 to consider alternative materials rather than  
22 a horizontal expanse of glass.

23 If you excuse me, it's just 20

1 more seconds.

2 While it appears that Cook & Fox  
3 has used the glass to reduce the apparent  
4 height of the building, an additional light  
5 that would emanate at night has the potential  
6 to overwhelmed the historic convent on the  
7 north side of the 200 block in a bowl of  
8 competing light sources.

9 The community asks Cook & Fox to  
10 consider alternative materials for the top of  
11 the H facade that do not have the problem of  
12 excess light at night and better reflect the  
13 architectural context of H Street.

14 So, with that, I conclude my  
15 testimony.

16 CHAIR HOOD: Okay. Thank you.  
17 You can just hold your seat. Next.

18 MR. BOYKINS: All right. Hi. My  
19 name's Anthony Boykins. I live at 718 3rd  
20 Street.

21 I just wanted to come up and say  
22 that I am in favor of the project. I've been  
23 there for a fair amount of years. I can

1 remember back on another project that we as a  
2 community were in support of finally after  
3 some negotiations and it never got built.

4 So, we've had a parking lot there.  
5 We've had a vacant alley where people tend to  
6 -- like to wander through and take things and  
7 all of those types of things.

8 So, I think the architectural  
9 renderings have come a long way since the  
10 original perspective that was shown to us 2  
11 years ago. I thank the architect for taking  
12 the time to listen to some of our concerns.  
13 I also appreciate the closing of the alley and  
14 some of the other amenities that's been -- I  
15 think the primary concern with myself and all  
16 the other neighbors on the actual square is  
17 the construction process. We're hoping that  
18 Dreyfus is going to take those concerns at  
19 hand and make sure that there's no damage or  
20 anything done.

21 But, basically, a project I think  
22 I'm in well support of.

23 CHAIR HOOD: Thank you. Next.



1 MR. HERNANDEZ: Danny Hernandez,  
2 724 3rd Street on square 752.

3 I have two items I wanted to  
4 mention. They're just comments.

5 I am in support of the project and  
6 the upzoning as long as the massing stays  
7 where it's at. I think it's important to H  
8 Street revitalization that this building do be  
9 built as soon as possible. That's my number  
10 one priority. Is this thing just -- the  
11 progress on this process keeps going forward  
12 regardless of what my neighbors and these  
13 people want to do. Because this community  
14 needs this spot now in order for the  
15 revitalization on H Street to begin and that's  
16 my main concern for my family and the growth  
17 of this area to become a safer place for these  
18 people to come in.

19 My second point is curb appeal.  
20 If you turn to page 7 here in the book,  
21 picture number 8 is the front of our houses  
22 here on 3rd Street and this is just a concern  
23 with the amenities package.

1           My neighbors and I have spent so  
2 much time worrying about the massing, we  
3 forgot about ourselves here. So, we got the  
4 amenities package tonight. We worried about  
5 our backs, about what the alley looked like,  
6 what our parking is going to be like. We  
7 never worried about our face.

8           That face right there is going to  
9 remain just about like that. You can see  
10 there's no fences along the yards because  
11 they've either been destroyed or removed. You  
12 can see the grass. The grass will stay the  
13 same. The sidewalk eventually will be  
14 replaced. Yes, there will be a street light  
15 there.

16           CHAIR HOOD: Let me ask you  
17 question.

18           MR. HERNANDEZ: But, it's going to  
19 look the same.

20           CHAIR HOOD: Let me ask you a  
21 question. Are you talking about the lower  
22 right picture? Which --

23           MR. HERNANDEZ: Center right here.

1 This is -- this is looking right down through.

2

3 CHAIR HOOD: Oh, so, okay. Yes.

4 MR. HERNANDEZ: So, it's right  
5 down the front of all our houses right here.

6 CHAIR HOOD: Okay.

7 MR. HERNANDEZ: That's what it's  
8 going to look like. I was just asking for a  
9 little bit of money to put a fence along  
10 there, a uniformed fence, just like the rest  
11 of the historic district. There's old fences  
12 kind of along some of these yards.

13 They said there's a grant project  
14 in here. A microgrant. There's been a lot of  
15 confusion about that. It's still not outlined  
16 in the amenities package whether it's a grant  
17 or a loan.

18 CHAIR HOOD: I was hoping it was  
19 -- when it says grant and all the grants I've  
20 gotten, unless I'm in trouble, for my  
21 neighborhood, we never paid back. We may be  
22 -- we'll clarify that.

23 MR. HERNANDEZ: That's all I'm

1 asking.

2 CHAIR HOOD: Okay. We'll clarify  
3 that.

4 MR. HERNANDEZ: Thank you.

5 CHAIR HOOD: That was a question,  
6 but when I say grant, oh, that's a grant. So,  
7 I don't know. We'll clarify. I might be  
8 wrong. Okay. All right.

9 I didn't want to mess your time  
10 up. So, they stopped the clock.

11 MR. HERNANDEZ: Proportion of  
12 funds for these grants, should they be spent  
13 here on 752 or they should go -- or should  
14 they go elsewhere. I think if they're spent  
15 here on the face, the people will buy those  
16 places quicker, the builder will make money  
17 quicker and the people living in those houses  
18 close to this place will be much happier.

19 That's all I have, sir.

20 CHAIR HOOD: Okay. Thank you all.  
21 Hold your seats. Colleagues, any questions?  
22 Does the Applicant have any questions?

23 MR. QUIN: No questions.

1 CHAIR HOOD: ANC 6C have any  
2 questions?

3 COMMISSIONER KIMBER: No  
4 questions.

5 CHAIR HOOD: SPNA, Mr. Edwards,  
6 any questions? Residents of square 752, any  
7 questions?

8 Okay. I thank you. Thank you all  
9 for your testimony.

10 Do we have anyone else that wants  
11 to testify in support?

12 Okay. Seeing none, now we'll to  
13 the residents of square 752 in opposition and  
14 how many people do we have that are going to  
15 testify in opposition? Show by a raise of  
16 hands. It looks like we may be able to finish  
17 tonight. Okay. Good. I see two people.  
18 Four? Oh. Like this. Unsure? Okay. Well,  
19 I saw two, but if it's four, that's fine.

20 I'm not going to ask for them to  
21 come up yet. We're going to have Mr. Tallant  
22 to come and do his presentation for his  
23 parties, residents of square 752 in

1 opposition.

2 MR. TALLANT: Good evening. My  
3 name is Drury Tallant. I live at 732 3rd  
4 Street, N.E.

5 For the past couple of years, I've  
6 been in numerous meetings with Dreyfus and  
7 lately as a mediator representing my square in  
8 the Mediation Committee.

9 It's been a very engaging process  
10 and I'm very happy to be close to the end of  
11 it. I can assure you as I'm sure everyone  
12 else is as well.

13 My opposition is very tempered.  
14 So, my remarks will be brief.

15 As far as the architecture goes, I  
16 believe that the project's in very good shape  
17 and recommend that we go forward with an  
18 approval on the project.

19 My concerns as I will outline are  
20 in the non-architectural elements of the  
21 project.

22

23 Throughout the process, the

1 residents of my square have shared similar  
2 concerns with the broader community and those  
3 have largely been addressed. At 3:00 p.m.  
4 this afternoon, we received a written response  
5 to many of the smaller issues that the  
6 residents have had throughout the process.

7 It appears that some of those  
8 concerns have been addressed, others have been  
9 partially addressed and others have been  
10 inadequately addressed. So, we will request  
11 time to review that document and respond to  
12 the Applicant and determine, you know, what we  
13 can do to get to a meeting of the minds.

14 Because we live on the square,  
15 there are numerous issues that are very  
16 parochial to the square that really are not of  
17 great interest to people that live off the  
18 square and I believe the Applicant has been  
19 listening to what we have to say about out  
20 concerns. Whether or not we have achieved the  
21 proper responses, in part, I'll be looking to  
22 you to give us guidance to push us towards  
23 consensus and resolution and that will be in

1 the following three areas.

2 The Applicant proposes to  
3 construct this large project on a square with  
4 100-year-old houses in an R-4 district. I  
5 can't understate how fragile these structures  
6 are. I'm sure that some of you must live in  
7 similar rowhouse structures in the District.  
8 They have very shallow foundations, brick on  
9 soil type footing. It doesn't take much to  
10 cause damage to these structures.

11 How we can be assured that the  
12 engineering is taking into account the minimal  
13 possible impact on our houses is something of  
14 great concern to my square. In terms of  
15 building the retaining walls for the 3-story  
16 underground parking structure, the dewatering  
17 of the site in a neighborhood that I remind  
18 everyone again was called Swampoodle is of  
19 some concern to us.

20 I'm not sure that all this anxiety  
21 can ever be completely resolved, but we do  
22 need to be assured that there is some  
23 independent oversight that determines that the



1 engineering has taken into account the fragile  
2 structures on this square.

3 Similarly, there needs to be an  
4 independent process for evaluating any claims  
5 of damage. Our houses are like fragile tea  
6 cups sitting on the edge of a shelf and it  
7 doesn't take much to push that thing off and  
8 it's a difficult thing to assign blame when  
9 the houses really are as fragile as they are  
10 because they all have cracks now. The  
11 question is going to be is the crack worse,  
12 you know, and was the monitoring in place to  
13 determine it and it's a whole host of issues  
14 and we'd look to you for guidance on how we're  
15 going to resolve that issue.

16 One of the things that we have put  
17 on the table was to request that our houses be  
18 treated as already contributing structures to  
19 an historic district. The Applicant has  
20 maintained that that would be excessively  
21 burdensome and expensive. That may be the  
22 case. I don't know, but we are still looking  
23 for assurances to relieve the anxiety about

1 construction.

2 The second area has to do with  
3 alley access. Right now, we have a 10-foot  
4 alley behind most of our property. At the far  
5 north end, it does widen to 20 feet and it  
6 also has a peculiar job down at the south end.

7 The Applicant has proposed to  
8 widen that alley to 20 feet and put in some  
9 infrastructure. We're still in discussions  
10 about the final design of that alley in terms  
11 of where the utilities will be, lighting,  
12 things like that and I anticipate that that  
13 will go forward.

14 The primary remaining concern  
15 regarding the alley again goes back to the  
16 construction. Many of my neighbors have great  
17 concern that if a jersey barrier and retaining  
18 wall is built along the current legal alley  
19 line we will have barely 10 feet to try to get  
20 in and out of the backs of our properties.  
21 For some people with garages, that may make it  
22 almost impossible to get in and out of their  
23 garage because some of them are built too

1 close to the alley.

2 We also have concerns about  
3 emergency access during construction. Whether  
4 a 10-foot alley will allow continued garbage  
5 pickup. Things like that. Will we continue  
6 to be able to enjoy our private property if we  
7 can't get to the backs of our properties.

8 What I recommend is that because  
9 the alley is going to be deeded to the city  
10 for a 10-foot dedicated legal alley that that  
11 dedication occur at the front end and at the  
12 approval of the PUD process and that if  
13 Dreyfus needs access to that public space,  
14 that then public space, in order to construct  
15 the barriers and the construction along the  
16 western edge of that 20-foot alley, that that  
17 then becomes a negotiation of how much of the  
18 public space is taken up rather than how  
19 little of the public space the community is  
20 left to get in and out of their property.  
21 So, it's a question of when that amenity, when  
22 that dedication would occur.

23 Almost invariably when we have

1 brought up the issue of when the amenities  
2 would flow to the community, it has been at  
3 the very earliest once the construction  
4 financing is in place and permits are approved  
5 and in some cases, we don't anticipate getting  
6 the amenities, things like the sidewalks until  
7 close to the end of the construction.

8 So, we are looking at a fairly  
9 long protracted, very difficult process,  
10 construction process of building this large  
11 building very close to our fragile houses and  
12 there's a great concern about our quality of  
13 life and whether or not we'll be able to enjoy  
14 our private property through that process.

15 Finally, the Applicant seeks an  
16 addition 163,000 square feet of floor area.  
17 A 72 percent increase beyond the current  
18 matter-of-right zoning under the existing  
19 envelope. So, this is a huge increase above  
20 the existing zoning envelope and that zoning  
21 envelope itself was recently increased as a  
22 result of the H Street Overlay.

23 We believe that given the

1 significant increase that is accruing to this  
2 developer as a result of the H Street Overlay  
3 which was after their purchase of the  
4 property, the requested upzoning and the PUD  
5 on top of that upzoning that they're close to  
6 doubling the building envelope from the time  
7 they purchased the property.

8 We do not believe the amenity  
9 package is commensurate with that zoning bonus  
10 that they're requesting.

11 Things that we believe should be  
12 included above and beyond what is currently on  
13 the table that have been suggested from  
14 residents on my square are additional public  
15 space improvements primarily to the fronts as  
16 Danny Hernandez mentioned. Many of the --  
17 much of the ironwork is very expensive for  
18 individual residents to repair. If a  
19 concerted program of doing that all at once is  
20 entertained by the developer, a great economy  
21 of scale would result. They'd be much more  
22 uniformity. It would really bring some great  
23 improvements to the District, to the area.

**NEAL R. GROSS**

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

1           There are many other minor issues  
2       some of which are addressed in the document  
3       you were given today. I don't believe it's  
4       productive or appropriate for me to mention  
5       every small item, but I do want to note that  
6       there are numerous items that we would like to  
7       continue to have dialogue with the developer  
8       on in reaching resolution and have an  
9       opportunity to respond to the most recent set  
10      of documents.

11           So, I would just ask you to  
12      encourage the Applicant as well as myself and  
13      my other property owners to do what we can to  
14      reach an agreement so that we don't have to  
15      come back to you and say oh, we just can't  
16      make a decision. You know, what do we do  
17      here?

18           My final comment is on the overall  
19      massing in the architectural statement of the  
20      building. My goal throughout the mediation  
21      process has been to encourage a massing that  
22      accommodates as much of the Applicant's  
23      requested square footage, but in a manner as

**NEAL R. GROSS**

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

1 sensitive as possible to the residents on my  
2 square and I believe that that is something  
3 that we really have achieved through the  
4 mediation process and I thank everyone  
5 concerned that's been involved in that  
6 process.

7 And I especially want to thank  
8 Louis Dreyfus for putting off their hearing a  
9 couple of times, allowing the community to  
10 meet with their architect in private without  
11 them present to oversee what was and wasn't  
12 said and the efforts of Lee Quill to mediate  
13 between the different parties. It's been a  
14 very good process.

15 Ultimately, I believe we've ended  
16 up with a building because of the tremendous  
17 variation in height as you move around the  
18 site, that it will be a very interesting  
19 architectural statement, one that will be  
20 unequivocally a residential statement.

21 While I was somewhat involved in  
22 the Children's Museum project by Jim Abdo  
23 directly across the street and supported that

1 project, now that that building is up, I have  
2 some reservations about it. I think that it's  
3 a bit too massive. It doesn't reflect well on  
4 the Children's Museum building.

5 I think in this case because of  
6 the greater community involvement and the  
7 greater variation in height as you move around  
8 the site, that we've achieved a better design  
9 solution, a better urban design solution.

10 So, ultimately, I do recommend  
11 that we give substantial approval to this  
12 project and want you to, I guess, hold our  
13 feet to the fire to resolve all the remaining  
14 issues.

15 Thank you.

16 CHAIR HOOD: Colleagues, are there  
17 any questions of Mr. Tallant? Mr. Jeffries?

18 VICE CHAIR JEFFRIES: That was in  
19 opposition?

20 MR. TALLANT: That was in  
21 opposition.

22 VICE CHAIR JEFFRIES: That's in  
23 opposition? Okay. It's just --



1 MR. TALLANT: Hard to believe I  
2 know, but --

3 VICE CHAIR JEFFRIES: Very  
4 thoughtful statement, but yes, it does seem as  
5 if, you know, there's been a lot movement by  
6 the community and the --

7 MR. TALLANT: Indeed there has.

8 VICE CHAIR JEFFRIES: -- Applicant  
9 and so forth and --

10 MR. TALLANT: Um-hum.

11 VICE CHAIR JEFFRIES: -- you know,  
12 I think some of the things that you've stated  
13 here are probably things that can clearly be  
14 achieved and I would be one of the first  
15 commissioners that, you know, made certain  
16 that the Applicant continues to work with you  
17 and, Mr. Tallant, I remember you from the  
18 Senate Square project and you were supportive  
19 of that project. So, I thank you for coming  
20 down.

21 MR. TALLANT: Sure. Thank you.

22 CHAIR HOOD: The only thing I  
23 would ask, Mr. Tallant, when I look at -- when

1     you talk about the amenities package, are you  
2     looking for something that's longer lasting  
3     just like the life of the building or I mean  
4     explain to me what you're looking for in an  
5     amenities package.

6                 MR. TALLANT:   Um.

7                 CHAIR HOOD:   Okay.  You clearly  
8     going to be --

9                 MR.   TALLANT:  Whether you're  
10    asking me individually or asking me as a  
11    representative of my square are sort of two  
12    different answers.

13                CHAIR HOOD:   I guess you couldn't  
14    represent your square because you haven't talk  
15    to them about it.  But, just give me your  
16    personal --

17                MR. TALLANT:   I believe that this  
18    Applicant is getting very significant zoning  
19    bonuses.  It's, I think, always very difficult  
20    to determine whether or not the amenities are  
21    commensurate with the zoning bonuses sought.

22                From the community's perspective,  
23    more is always better.

1           From the developer's perspective,  
2           I'm sure they would like to, you know, limit  
3           that as much as they can.

4           Some of the residents on the  
5           square would like to replace the cast iron  
6           steps in the front of their houses. I've  
7           already done mine. It's not an issue for me.

8           Similarly with the hairpin fences  
9           that are typically found in front of Capitol  
10          Hill rowhouses. Many of those are in very bad  
11          shape.

12          It's been suggested that that  
13          would be an appropriate amenity for the  
14          square.

15          CHAIR HOOD: Okay.

16          MR. TALLANT: Oh, the final issue  
17          which I did forget to mention and is  
18          potentially one of the most important. It's  
19          actually in my written statement here and I  
20          forgot to get to it. Is throughout the design  
21          process and the mediation process, it has been  
22          based on the assumption that the Applicant  
23          would secure the rights to build within the

**NEAL R. GROSS**

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

1 DDOT easement along the H Street Bridge. I  
2 think that we do need to get some specific  
3 language to the what if of that not occurring.

4 I don't want us to be in the  
5 position of, you know, once the order is  
6 written we find out that DDOT doesn't deliver  
7 that and the Applicant comes in for an  
8 amendment and says I couldn't put the building  
9 there. So, I want to put the mass here and  
10 the amendments typically don't get the same  
11 scrutiny as at the first hearing.

12 So, I believe that we need to  
13 address that issue of the DDOT easement from  
14 the neighborhood's perspective. If for some  
15 reason access to construct within the easement  
16 is not granted, we don't want to find that  
17 bulk shifted elsewhere on the site because we  
18 worked very hard through the mediation process  
19 to keep it as far away from our houses as we  
20 have and for some of my neighbors, it's still  
21 not far enough and still not low enough, but.

22 CHAIR HOOD: Okay. Mr. Tallant,  
23 you also talked your fragile houses and I

1 understand that, but have you seen the  
2 construction management plan which I'm sure  
3 you have because it was dated April 17th,  
4 2007?

5 MR. TALLANT: Yes, and in some  
6 respects, it is found wanting.

7 CHAIR HOOD: But, let me ask you  
8 this. Let me ask my question before I forget.

9 MR. TALLANT: Okay.

10 CHAIR HOOD: It says  
11 preconstruction survey of adjacent structures.  
12 The owner will conduct a thorough  
13 preconstruction survey of residential  
14 properties within 200 feet of a property line  
15 in order to document preconstruction  
16 conditions of homes.

17 MR. TALLANT: Yes.

18 CHAIR HOOD: So, that crack once  
19 they start development gets wider, then it's  
20 already been noted that that crack was a  
21 certain size previously. Does that bring you  
22 some type of relief for you and the people in  
23 the square?

1 MR. TALLANT: I'm not sure I  
2 understand the question.

3 CHAIR HOOD: I'm saying I think  
4 you already have something here that satisfies  
5 your requirement to your fragile homes.

6 MR. TALLANT: Oh, well, it  
7 documents -- we've had these done for previous  
8 projects. They come in and they photograph it  
9 and it's, I think, primarily works to the  
10 protection of the applicant rather than the  
11 homeowners. Because determining that a 1/32  
12 inch crack has gone to a 1/16 inch crack, you  
13 know, they're going to say oh, the crack was  
14 there before. The fact that it's worse, well,  
15 we got nothing to do with that.

16 It is going to be a difficult  
17 issue. That's why I believe we need an  
18 independent assessment of the foundation  
19 engineering, whether or not appropriate  
20 engineering studies and protections have been  
21 made for dewatering the site, for example, and  
22 the construction of the retaining walls while  
23 they build the underground garage. Whether

1 best practices reflect best practices only  
2 from Dreyfus' perspective or whether they also  
3 reflect best practices for the protection of  
4 the adjacent fragile rowhouses.

5 CHAIR HOOD: So, in other words,  
6 you would like to see in this construction  
7 management plan, and I think that is missing  
8 unless it's in there, a remedy. What happens  
9 if that crack gets wider? Then --

10 MR. TALLANT: Right.

11 CHAIR HOOD: -- when is this going  
12 to be taken care -- I think I -- I think we  
13 can go from there. I can go from there.

14 MR. TALLANT: Okay.

15 CHAIR HOOD: I'm good.

16 MR. TALLANT: All right. There  
17 were claims for damage resulting from previous  
18 construction in the neighborhood. Those  
19 claims were largely denied. I'm hard pressed  
20 to remember one that was actually --

21 CHAIR HOOD: Was it a PUD case?

22 MR. TALLANT: Yes.

23 CHAIR HOOD: Was there a

1 construction --

2 MR. TALLANT: With this developer  
3 in fact. On the Station Place project.

4 CHAIR HOOD: Station Place?  
5

6 MR. TALLANT: Yes. I'm going to  
7 remain agnostic on whether or not those claims  
8 had validity, but I do know that the property  
9 owners tried to make claims and they were  
10 unsuccessful.

11 CHAIR HOOD: Okay.

12 MR. TALLANT: And what I want to  
13 avoid is that lack of clarity of how we assess  
14 responsibility. That there needs to be an  
15 independent agent that's doing that and  
16 Dreyfus has said that they are willing to have  
17 a structural engineer selected by the  
18 community that they will pay for. That  
19 certainly goes a long way. But, I also think  
20 we need an assessment of primarily the  
21 foundation engineering and hopefully, that  
22 same structural engineer could look at it and  
23 say yes, the slurry wall construction or

**NEAL R. GROSS**

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



1       whatever you're doing to build the retaining  
2       walls while you dig this big hole is  
3       sufficient protection.

4                   VICE CHAIR JEFFRIES: Excuse me,  
5       Mr. Chair. So, did -- I mean obviously you  
6       brought this up to the Office of Planning.

7                   Mr. Parker, did you provide any in  
8       terms of best practices, I mean, what other  
9       developers are doing in this particular or I  
10      mean this --

11                  MR. PARKER: We don't have a lot  
12      of information on best practices as far as  
13      this -- as the issues that are arising from  
14      this project.

15                  VICE CHAIR JEFFRIES: Okay.  
16      There's just nothing? Okay. I mean I just --  
17      I mean it just sounds like, you know,  
18      something that -- I mean, you know, all of us  
19      -- I mean I lived in Columbia Heights. I had  
20      this construction all the time and, you know,  
21      you're going in and out of your garage and  
22      walking in front of your -- it's never the  
23      same.

1 MR. PARKER: Um-hum.

2 VICE CHAIR JEFFRIES: And so,  
3 there's going to be some discomfort there. I  
4 mean it's just -- oh, but, yes. Yes. But,  
5 I'm just, you know, in terms of, you know, I  
6 don't know how much this Commission can do in  
7 terms of, you know, providing any level of  
8 direction I mean on something like this. I  
9 mean I just think it's something that, you  
10 know, in terms of those in the community with  
11 expertise and background that could perhaps,  
12 you know, put something in front of you. I  
13 mean I understand your issue. I just don't  
14 know, you know, how at least we can help in  
15 that department.

16 CHAIR HOOD: Well, what we can do  
17 is in the construction plan, we can ask --  
18 because I've seen it. We can ask for more  
19 specificity. I mean we can do the best we can  
20 for from this standpoint and then after that,  
21 you know, it's up to enforce it.

22 VICE CHAIR JEFFRIES: Yes, but --  
23 yes, but that's -- the applicant, I mean the

1 developer, I mean they're the -- I mean  
2 they're going to have to -- along with the  
3 communities, you're going to have to figure  
4 out something that we can definitely include  
5 the order, but I'm just saying I think you  
6 were saying you were looking for some  
7 direction from us.

8 MR. TALLANT: Yes. Yes.

9 VICE CHAIR JEFFRIES: You know,  
10 from where I sit, I don't know how we give you  
11 direction.

12 MR. TALLANT: Well, direction in  
13 the sense of how we resolve the issue as much  
14 as the technical aspect --

15 VICE CHAIR JEFFRIES: Yes. Okay.

16 MR. TALLANT: -- of the issue.

17 CHAIR HOOD: I know I'm not sure  
18 of the end result, but I know that we've had  
19 some previous cases where that has -- I at  
20 least saw more in the construction management  
21 plan than what I see here and I see people  
22 shaking their head. I know I've been here 9  
23 years. So, I've seen more. My good friend

**NEAL R. GROSS**

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

1 has been here a little longer than I have.

2

3 Okay. Look, what I want to do I'm  
4 going to ask the -- any other questions?

5 COMMISSIONER PARSONS: Yes.

6 CHAIR HOOD: Oh, that's right.

7 Commissioner Parsons.

8 COMMISSIONER PARSONS: Mr.

9 Tallant, maybe you recall an exchange I had  
10 with Mr. Cook regarding the G Street potential  
11 for sidewalk retail.

12 MR. TALLANT: Um-hum.

13 COMMISSIONER PARSONS: And a café  
14 and he said that the community didn't want  
15 that. Was that your organization that  
16 discouraged that?

17 MR. TALLANT: I -- I do not recall  
18 that ever coming up or that the community ever  
19 expressed any objection to whether or not that  
20 small landscaped area adjacent to their  
21 rowhouses would be paved and outdoor seating  
22 or whether it would be landscaped. To the  
23 best of my recollection, it simply never came

**NEAL R. GROSS**

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

1 up.

2 COMMISSIONER PARSONS: But, you  
3 couldn't represent them tonight by saying you  
4 would not object?

5 MR. TALLANT: My -- I have no  
6 personal objections.

7 COMMISSIONER PARSONS: I thought  
8 that's as far as you could go.

9 MR. TALLANT: Yes.

10 COMMISSIONER PARSONS: All right.  
11 Thank you.

12 VICE CHAIR JEFFRIES: Okay. I  
13 believe the Chair has stepped out and he's  
14 asked me to ask the Applicant is there any  
15 cross?

16 MR. QUIN: No. No questions.

17 VICE CHAIR JEFFRIES: What about  
18 Stanton Park, Mr. Edwards? And then ANC 6C?

19 COMMISSIONER KIMBER: No, sir.

20 VICE CHAIR JEFFRIES: Okay. If  
21 there's no more questions, thank you.

22 MR. TALLANT: Thank you.

23 VICE CHAIR JEFFRIES: Okay. And

1 we're going to take a five-minute break and  
2 we'll be right back. The reporter needs to  
3 take a break.

4 (Whereupon, at 10:48 p.m., off the  
5 record until 10:55 p.m.)

6 CHAIR HOOD: Those parties in  
7 opposition I'm going to call up so we can go  
8 ahead and move forward. Karen Rutledge,  
9 Patricia Anne Morrison, George D. Stamas, Mary  
10 Ann Hodley, Sam and Sue Marula. Hopefully, I  
11 pronounced that correctly. Morella. Morella.  
12 Marula. Marulo. Okay. And Lamil Jamison.  
13 Is there anyone else here that wants to -- in  
14 opposition? Come on up. Yes, there's four of  
15 us. So, that's all I see for opposition is  
16 the four at the table.

17 Last call. Anybody else in  
18 opposition?

19 Mr. Jamison, you and your wife,  
20 both of you all can come up.

21 Okay. This will be our last panel  
22 and I didn't mark off who wasn't here. So,  
23 I'm going to ask the first person I called to

1 just go ahead and get started.

2 MS. MORRISON: Okay. That's me.

3 CHAIR HOOD: Okay.

4 MS. MORRISON: Good evening. My  
5 name's Anne Morrison. I live at 722 3rd  
6 Street, N.E. and I've been on the block for  
7 quite a number of years.

8 And I would say -- I don't think  
9 anybody on the block is opposed to  
10 development, but we are concerned about some  
11 of the issues that you've heard raised this  
12 evening.

13 Particularly, the example of the  
14 little R-4 townhouses and the big development  
15 that's coming up on our yards. So, I would  
16 encourage you to look at the three dimensional  
17 and those of us who spent, you know, better  
18 than 15 years trying to rehab our houses and  
19 get them in good shape are really pleased that  
20 now other people want to come to the  
21 neighborhood.

22 That's really encouraging that  
23 we've invested all this time and now other

1 people want to be here, but if you look at the  
2 development, we're going to be in what some of  
3 my neighbors have referred to as a concrete  
4 canyon. So, we are going to be surrounded on  
5 basically three sides with big, big concrete  
6 all around us when before we -- that's  
7 certainly not what we've -- that's not what  
8 we've invested in for all these years.

9 I think our issues for  
10 architecture are getting very close, but I  
11 encourage you to keep asking them to work on  
12 the corner of 3rd and H. I think it's almost  
13 jarring in it's design. That it just does not  
14 work with the rest of the -- and they talk  
15 about what a great block that is with how the  
16 townhouses are lined up and sort of  
17 symmetrical, but then we've got this sort of  
18 glass thing at the end that doesn't quite work  
19 for us.

20 And I'll also say that -- and  
21 obviously, it's up to this Commission, but I  
22 would say that nowhere have we heard a real  
23 case for the upzoning. The -- we've heard



1       lots of stories that have been running rampant  
2       around the development. We've heard lots of  
3       reasons why the developer needs this upzoning  
4       and I would say that, you know, what they've  
5       -- you know, the cost of the purchase the is  
6       a business decision not an excuse for this  
7       public gift that they're basically asking for  
8       and I may have my numbers wrong, but it seems  
9       to me it's something like 60,000 square feet  
10      that really is the extra gift that the city  
11      would be giving them.

12               But, should you decide that that  
13      is appropriate, I'd ask you to please look  
14      closer at the amenities package and I disagree  
15      with our friends at the Planning Division. I  
16      would say that even the amenities for the  
17      public sector are not very good. I have  
18      probably close to 20 years of building  
19      affordable housing and I would say that the  
20      affordable housing offer is not impressive in  
21      the least and if you'd look at the \$27,000 for  
22      a parking lot, it really takes it out of the  
23      affordability range.

**NEAL R. GROSS**

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

1           The impact in the neighborhood for  
2           those families and individuals who might be  
3           purchasing is that primarily we're going to  
4           end up with, you know, 17 or 34, and all their  
5           friends parking on our street because that's  
6           really not affordable for someone who is --  
7           who generally falls under the inclusionary  
8           zoning income limits and I've dealt with the  
9           inclusionary zoning in both Fairfax and  
10          Montgomery County for a number of years.

11           And then the only other sort of  
12          public contribution here is that we're getting  
13          a few -- a few feet of sidewalk on 3rd Street.

14           Certainly, the amenities for the  
15          neighborhood are not acceptable. The sewer  
16          line is for the benefit of the project and not  
17          the neighborhood.

18           Times up.

19

20           CHAIR HOOD: Ms. Morrison. Next.

21           MR. STAMAS: I think I was next.

22          My name's George Stamas. I'm at 708 3rd  
23          Street.

1           I may not be as opposed to this as  
2       some of the proponents were that you heard  
3       earlier. I have lived along the H Street  
4       corridor for about 29 years now. I'm very  
5       much in favor of development H Street. I'm  
6       not opposed to development on this site, but  
7       I continue to oppose this project because I  
8       have yet to see anything satisfactory in  
9       writing regarding the efforts that will be  
10      made to protect our houses.

11           Saw a little bit more this  
12      afternoon because I got here. I'm not  
13      convinced that the square can handle such a  
14      large construction project without damaging  
15      the adjacent homes. Their own architect has  
16      said it was Swampoodle, you know, way back  
17      where. Suggests that there's a lot of water  
18      under there.

19  
20           Has there been a geological study  
21      or survey done suggesting that the project can  
22      move forward on this site without damaging the  
23      other structures on the square?

1 Dreyfus has so far just offered to  
2 document the conditions of our homes and  
3 monitor them. We need a means to determine  
4 the responsibility for any damage that occurs  
5 in those homes and to provide a remedy.

6 Dreyfus said that they will use  
7 augur drilling rather than pile driving and I  
8 applaud that. I really appreciate it in  
9 Station Place 3. The whole suggestion that  
10 they changed their mode of construction  
11 suggests that maybe even they suspect that  
12 there has been some damage to homes in the  
13 nearby neighborhood.

14 Beyond the augur drilling, what  
15 will they do to prevent damage to these  
16 houses? A water management plan for instance.  
17 I hear dewatering. I don't dewatering. I  
18 want the water to stay under my house so my  
19 house doesn't sink. Maybe I don't understand  
20 construction much, but, you know, it seems  
21 that the water's helping me out in a sense.

22 We've suggested treating the homes  
23 as if they were historic buildings that they

1 are.

2 In terms of remedy, we've  
3 suggested an independent arbiter and they've  
4 introduced that in the package I received  
5 today. I'm not sure that I'm completely  
6 satisfied with that. Like everybody else, I  
7 have to go through the entire package and I do  
8 hope you'll consider holding the record open  
9 for another 30 days.

10 Adding to the concern here is that  
11 nearby residents have indicated that Dreyfus  
12 and their agents have not been willing to  
13 accept responsibility for alleged damage to  
14 the homes. I can't -- well, you do have ABDO  
15 to the north, Senate Square, but aside from  
16 that, the only major development has been  
17 across the street at Station Place. Again,  
18 I'm not point fingers. I'm just saying that  
19 doesn't leave me with a real warm feeling.

20 By approving a project of this  
21 scale without sufficient construction plan  
22 indicates that you as the Zoning Commission  
23 would show a lack of regard for the others

1 that have invested in this square and I'd like  
2 to say that I have much more personal exposure  
3 in square 752 than Dreyfus does.

4 Thank you.

5 CHAIR HOOD: Must be getting late.  
6 That sounds like a telephone. Anyway. Ms.  
7 Jamison.

8 MS. JAMISON: Yes.

9 CHAIR HOOD: Okay.

10 MS. JAMISON: Good evening.

11 CHAIR HOOD: Good evening.

12 MS. JAMISON: I'm Roshetta  
13 Jamison. I'm new to -- excuse me. I'm new to  
14 3rd Street, N.E., but in no way new to the  
15 District.

16 And I'd like to say that I  
17 appreciate the meetings that have been held.  
18 Also appreciate Dreyfus. Appreciate Office of  
19 Planning. I appreciate everyone here.

20 But, all I want to say is I don't  
21 give a damn about the amenity package if my  
22 house can't stand. I don't need a fence if  
23 the house is gone and so, when I can lay in my

**NEAL R. GROSS**

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

1 bed and feel a truck, a concrete truck, roll  
2 up 3rd Street, N.E. and my bed shake, that  
3 tells me if a power driver goes in the ground  
4 or whatever, something's going on over there  
5 and if you want to come over, anybody in this  
6 room visit me. Stand in my front room in my  
7 house and we've had \$70,000 worth of brickwork  
8 redone on that house because a structural  
9 engineer said that house is just messed up.

10 Now, I don't know whether it was  
11 due to construction or what. A hundred and  
12 seventeen years old or whatever, but you can  
13 come in my house and stand in my front room  
14 and I -- this is just -- sometimes SUVs do it,  
15 but concrete trucks, they'll roll up the  
16 street and the house will literally -- it  
17 quivers. So, I get the earthquake affect now.

18 I just say that, you know, I want  
19 something built back there. I don't know if  
20 the depth and the mass and all of that, but I  
21 do know that it will affect every house on  
22 both sides of 3rd Street because where we are,  
23 we're at the slope and our house levels out

**NEAL R. GROSS**

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

1 and the reason why we know because all the  
2 leaves gather pretty much in front of our  
3 house and so, some -- I just want someone to  
4 take a look.

5           Somebody that -- I want all of us  
6 to think about the residents who have invested  
7 in there and I want even incentives done or  
8 not incentives, but I want even consideration  
9 done for the people that have to endure not  
10 only the construction, but the aftermath in  
11 years to come. Because something tells me  
12 this is only the beginning of H Street.

13           Thank you.

14           CHAIR HOOD: Thank you. Mr.  
15 Jamison.

16           MR. JAMISON: Good afternoon,  
17 everyone. It's good to see you.

18           The evening is growing nigh and  
19 I'm here just to say that I'm glad that  
20 something is going to be done, but I just want  
21 to make sure that Dreyfus will be liable for  
22 whatever damage is done to the houses. The  
23 houses -- and I can speak for the one that my



1 wife just stated that we live in was built was  
2 1890 and the math is right. It's 117 years  
3 old and we just had something really done  
4 major, beams and everything all around the  
5 house, brickwork all pointed front and back  
6 and it's to extent that, you know, we've been  
7 through meetings and I asked the question, you  
8 know, from my backyard to where they're going  
9 to build in the back alley where they're  
10 saying they're going to widen it 20 feet or  
11 whatever. It makes me no difference, but the  
12 thing is that they say they're going to dig  
13 about 5½ stories down and 200 feet from my  
14 back door and I'm asking, you know, will my  
15 house stand and, you know, the answer was they  
16 couldn't give me one.

17 And, you know, it's a whole lot of  
18 things that going around. I've been in that  
19 area 46 years and I've seen H Street change.  
20 I've seen the bridge. I've seen the Capitol  
21 Children Museum. I seen the tower houses  
22 built and all of this construction is going on  
23 and you're going to say that all of this

**NEAL R. GROSS**

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

1 building that's going on it will not affect  
2 these houses.

3 I beg the difference because of  
4 the age of the house and all of the traffic  
5 and my wife just stated just like the tractor  
6 trailers, you know, when the construction is  
7 being done. Who's going to monitor that? I  
8 leave the house 4:35 in the morning. Trucks  
9 are all blocking the streets and they come up  
10 and down and it's a lot of dust. Right now on  
11 H Street Bridge, they're doing construction  
12 and all the dust and debris and all of these  
13 things is floating around in the air. I wash  
14 the car and the car get dirty. The house  
15 windows and everything.

16 So, the thing is is that who's  
17 going to take in consideration of this and  
18 they're talking about retail. We have a  
19 building behind us now where there's trash  
20 that's not being picked up and it lays there,  
21 sits there two and three days and rats, you  
22 know, and, you know, all of these things need  
23 to take in consideration when they start this

**NEAL R. GROSS**

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

1 construction.

2 So, the thing is who is going to  
3 really take consideration when they go to  
4 their houses and we are still where we at and  
5 we pay good money and our taxes are high and  
6 we are not getting any service.

7 So, you know, the thing is is that  
8 I just want to make sure that whatever is  
9 done, I know something is going to be done,  
10 but preferably, it won't be as high as they  
11 want it and everything will come into  
12 agreement where it will be better for all of  
13 us in that neighborhood.

14 CHAIR HOOD: Okay. I thank you  
15 all for your comments. Hold on one second.  
16 Colleagues, any questions from the testimony?

17 Okay. Does the Applicant have any  
18 testimony --

19 MR. QUIN: No questions.

20 CHAIR HOOD: Or the ANC?

21 COMMISSIONER KIMBER: No  
22 questions.

23 CHAIR HOOD: SPNA? And I'm sorry.

1 Square 752? Okay. All right. Thank you.

2 Okay.

3 Let's see if we can have Mr. Quin  
4 and his group to come back to the table or  
5 whomever for your rebuttal and closing  
6 comments.

7 MR. QUIN: I think rather than  
8 have rebuttal, I'm trying to work a different  
9 way if that's possible.

10 One is we know that because of the  
11 Commission's schedule that we are not able to  
12 get a decision from the Commission until  
13 November the 19th if I'm not mistaken. So,  
14 working back from that, I may wrong, but maybe  
15 Ms. Schellin can confirm that --

16 CHAIR HOOD: Okay. So, November  
17 19th. Hold on a second, Mr. Quin. Give me a  
18 second. So, November the 19th is our next --  
19 not our next meeting. The following meeting.  
20 Which will also take care of the requests by  
21 the ANC and I think SPNA about 30 days.

22 MS. SCHELLIN: Right. Of course,  
23 we need to have our documents prior to that

1 time, but it puts it close.

2 CHAIR HOOD: Okay. You're didn't  
3 run out of time, but excuse me for  
4 interrupting.

5 MR. QUIN: I was just going to say  
6 I think one -- the only thing I'd really want  
7 to respond to that ought to be obvious from  
8 some of the drawings especially the one that  
9 shows the -- why the massing change to the PUD  
10 is helpful to the townhouses on 3rd Street and  
11 I think that's something that maybe some of  
12 the testimony didn't really take into  
13 consideration, but I don't want to address  
14 that right now.

15 I don't think we should take your  
16 time with a rebuttal. I think there's a  
17 better way to handle it and that is I'd like  
18 to go through a list of things that we need to  
19 respond to and I would propose that we have 3  
20 weeks to respond, that there be 2 weeks after  
21 that if that's -- Ms. Schellin needs to  
22 correct me if I'm doing it wrong, but then two  
23 weeks after that for responses. In other

**NEAL R. GROSS**

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

1 words, people can file something by I think  
2 it's the 19th of -- I may have my dates wrong.  
3 It's the 22nd of October. Right? Would that  
4 be our pleading?

5 MS. SCHELLIN: I think he's  
6 wanting to jump ahead and get dates.

7 MR. QUIN: Okay.

8 MS. SCHELLIN: We leave the record  
9 open for 3 weeks. That would make it October  
10 22nd.

11 MR. QUIN: Right.

12 MS. SCHELLIN: And allow the  
13 parties meaning nobody else would be able to  
14 respond to what was filed. Parties would have  
15 until November 5th to file their response --

16 MR. QUIN: Right.

17 MS. SCHELLIN: -- to anything  
18 that's filed.

19 MR. QUIN: But, what I wanted to  
20 do with the Commission is make sure that I  
21 have those items that are on your mind and  
22 have been discussed tonight and I think they  
23 fall in generally four categories.

1 CHAIR HOOD: Well, because I just  
2 want to make sure we have ample time for the  
3 ANC to do what they need to do within 30 days  
4 because I know they meet once a month. I'm  
5 not sure -- and I'm not going to get into when  
6 their meeting is, but if they have that 30-day  
7 requirement, I know what we used to do, but I  
8 want to make sure that the ANC has 30 days to  
9 -- just in case they have to something for  
10 both. I want them to have 30 days.

11 Anybody have a issue with that?  
12 Okay. I want them to have 30 days.

13 MS. SCHELLIN: That actually gives  
14 them 35.

15 CHAIR HOOD: Oh, they got 35.  
16 Okay.

17 MS. SCHELLIN: That would give  
18 them -- well, I take that back. Let's see.  
19 One, two, three, four, that would give them  
20 five weeks. So, five times seven.

21 CHAIR HOOD: Okay. Okay. So,  
22 that satisfies that. Okay.

23 MR. QUIN: So, the items that have

1       come up tonight are -- and first of all, I'm  
2       not ranking them by priority, but just to  
3       cover the items.

4               Architectural design issues and it  
5       seems to me they fell into the following  
6       categories: the cap, penthouse, gateway,  
7       cornice relationship. In other words, the top  
8       of the building at 2nd and H. That deals with  
9       penthouse setback. It deals with formation,  
10      lightness, how it balances the gateway and  
11      functions as a gateway. That's one issue.

12              Second, there's a facade question  
13      that has come up by several members of the  
14      Commission dealing with color, regional  
15      character, perspective. We'd like to be able  
16      to respond to that.

17              The at-grade finishes, in a  
18      certain area, I think Mr. Jeffries asked for  
19      an axonometric on H and -- and 2nd looking  
20      straight down.

21              Another discussion was landscaping  
22      on G Street. I think Mr. Parson addressed  
23      that.



1 COMMISSIONER PARSONS: I'm just  
2 looking for the option of a sidewalk café.

3 MR. QUIN: I understand. Right,  
4 but you raised some of the issues of the  
5 difference between just juniper in one area  
6 and something else if I'm not mistaken. Maybe  
7 you didn't raise that.

8 We just would want to be able to  
9 respond if we can.

10 COMMISSIONER PARSONS: Okay.

11 MR. QUIN: Then the treatment of  
12 the 3rd and H facade has come up several times  
13 in discussion.

14 So, that's generally, I think, the  
15 architectural design issues that have been  
16 discussed. I may have been missing something,  
17 but --

18 VICE CHAIR JEFFRIES: One other  
19 thing. It might be helpful. I think we've  
20 had this discussion about the gateway and so,  
21 it might be interesting to see sort of what,  
22 you know, the tower that's being proposed in  
23 this application looks along side.

1 MR. QUIN: Right. I had that in.

2 VICE CHAIR JEFFRIES: Oh, I'm  
3 sorry.

4 MR. QUIN: That was number one.

5  
6 VICE CHAIR JEFFRIES: Oh, okay.  
7 Okay. Okay. All right.

8 MR. QUIN: The cap, penthouse,  
9 gateway relationship.

10 VICE CHAIR JEFFRIES: Okay.

11 MR. QUIN: Yes. Second category  
12 is that of amenities and there we talked about  
13 the administration of the microgrant program,  
14 the H Street Main Street administration and  
15 there was a lot of discussion more recently  
16 about the construction management plan. That  
17 is a revised plan that you have. We will look  
18 at that again, but that does have some of the  
19 protections that were not in the earlier  
20 version and I think it's important that we  
21 point that out.

22 Then the next category would be  
23 the LEED program and that was just almost a

1 specific question that related to the D.C.  
2 role if we're not able to achieve the Silver  
3 Certification.

4 We would like to continue our  
5 dialogue with the community as we go forward  
6 with coming up with some of these answers. I  
7 think it's important that we do that and we're  
8 very hopeful that by the time you get this  
9 case everyone will be closer together and  
10 hopefully -- I mean tonight it seemed to me  
11 they were very close in many, many ways even  
12 those in opposition understand and, in fact,  
13 it might have been stronger than some of those  
14 in support, but at any rate, we think we can  
15 move forward.

16 We do want to look at all the  
17 issues that you're raised and we can respond  
18 I think by the 22nd of October and have a  
19 package ready for you to consider.

20 CHAIR HOOD: While I am not  
21 holding this Applicant hostage and I wouldn't  
22 dare do that, but what I will insist upon is  
23 that I heard people -- I heard a cry tonight

1 even though I know you're bridging the gap  
2 about people being concerned about their  
3 homes. That's why this construction  
4 management plan needs to be -- I'm not  
5 punishing or ruling just this Applicant out,  
6 but we need to make it to a point where  
7 there's some teeth in it and those people feel  
8 comfortable because this is their homes. They  
9 don't have as much money as the Dreyfus  
10 Corporation or this Applicant does.

11 So, I would encourage to -- maybe  
12 the Office of Planning, let's look at what's  
13 been done in the past and then let's see how  
14 we can have a survey done and how we can have  
15 something with some teeth in it. Not that  
16 we're going to blame Dreyfus for everything  
17 that goes on, but let's come up with something  
18 that actually works because that's -- right on  
19 that square, you're going to be drilling down  
20 and then homes are right there abutting that  
21 and I think there's some -- I've heard some  
22 concern and I have some, too.

23 MR. QUIN: Well, I think one of

1 the things --

2 CHAIR HOOD: You mentioned it, but  
3 you also said that the construction management  
4 plan that you had tonight was more than what  
5 you did previously. I want you to go do even  
6 more.

7 MR. QUIN: Well, I think we can  
8 review that, but I want to point out that the  
9 -- what's in there on page 3 for example are  
10 responsive points to a lot of the questions  
11 that have been raised and these are changes  
12 from what the earlier draft was. That's all  
13 I'm --

14 CHAIR HOOD: Page 3.

15 MR. QUIN: If you look under --

16 CHAIR HOOD: Oh, is that the one  
17 we got tonight?

18 MR. QUIN: Got tonight. Yes.

19 CHAIR HOOD: Oh, I haven't even --  
20 okay. All right. I'm still looking at this  
21 one.

22 MR. QUIN: So, my point is that  
23 there are --

1 CHAIR HOOD: Okay. Well, maybe  
2 something's in there changed, but --

3 MR. QUIN: Right and we will  
4 review that.

5 CHAIR HOOD: Okay. If not, they  
6 may get more than 35 days. Okay. Any other  
7 questions?

8 COMMISSIONER TURNBULL: I just had  
9 one question on -- with the continuing talks  
10 with the neighborhood, Mr. Quill, are you  
11 going to be engaged in that process? Is that  
12 part of the program or does that go above and  
13 beyond the call of duty?

14 MR. QUILL: I would like to think  
15 that we've already gone above and beyond.

16 COMMISSIONER TURNBULL: Okay.

17 MR. QUILL: But, seriously, I need  
18 to talk with the Office of Planning --

19 COMMISSIONER TURNBULL: Okay.

20 MR. QUILL: -- on this. I think  
21 there's a lot of documentation that came  
22 today. I want to be very clear on the stuff  
23 that I was involved in which was the letter

**NEAL R. GROSS**

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

1 from Holland & Knight as well as the draft by  
2 the mediator.

3 There was no intention whatsoever  
4 to drag that out until today. It's just that  
5 if you see my e-mail, call, et cetera, et  
6 cetera, it's been something and it was --  
7 we've had multiple layers of issues. It  
8 hadn't just been amenities or construction or  
9 one or two. It's been multiple plus the  
10 design, et cetera.

11 So, I apologize for, you know,  
12 I've talked to everybody, that this would be  
13 down to the wire. It's -- it was a true  
14 negotiation.

15 So, I think we need to talk with  
16 Planning and --

17 COMMISSIONER TURNBULL: I would  
18 agree.

19 MR. QUILL: -- try to -- I would  
20 ask that -- I don't know that I physically can  
21 go through what I've had to go through the  
22 last 2 weeks in all seriousness or should --  
23 we should go through that. I don't think it's

1       been a process that has -- it's been hair  
2       raising. Let me just put it that way and  
3       physically I -- if I have to do that, I'd have  
4       to say I really don't know that I could do  
5       that.

6                   COMMISSIONER TURNBULL: Okay.

7                   MR. QUILL: I would say that if we  
8       can hone these things down and get some more  
9       focus to it so that I'm -- if I am involved,  
10      I'm not dealing with 22 neighbors, neighbors  
11      across the street, et cetera, et cetera and we  
12      get it back down to a negotiation back where  
13      we were a few weeks ago. I think that that  
14      would have some promise. Yes, sir. Thank  
15      you.

16                  COMMISSIONER TURNBULL: Thank you.

17                  CHAIR HOOD: Mr. Quin, while he  
18      was talking, I did have a change to read the  
19      new one and I think -- I think we're there,  
20      but still continue to do what you can. But,  
21      I'm satisfied with what I see here.

22

23                  MR. QUIN: Thank you.



1 CHAIR HOOD: I'm just letting -- I  
2 am satisfied what I see here. I've just not  
3 had the opportunity to --

4 MR. QUIN: I understand.

5 CHAIR HOOD: -- read it.

6 MR. QUIN: And I'm not sure the  
7 neighbors had either. So.

8 CHAIR HOOD: Okay.

9 MR. QUIN: Thank you.

10 CHAIR HOOD: All right.

11 VICE CHAIR JEFFRIES: And also,  
12 Mr. Quin, if you could also get your retail  
13 consultant to put together some statement  
14 about, you know, retail strategy.

15 CHAIR HOOD: Okay. Mr. Edwards,  
16 come on.

17 MR. EDWARDS: Thank you. One  
18 other item I would like to see added to the  
19 list that the Applicant will respond to is the  
20 design guidelines. I have not had a chance to  
21 review what was distributed when we entered  
22 the hearing room, but previously, the design  
23 guidelines were listed and sometimes it was

**NEAL R. GROSS**

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

1 inclusionary, apply or it applies and we will  
2 comply.

3 We would like to see a sentence  
4 how they will comply or if it doesn't apply,  
5 a sentence to explain why that guideline  
6 doesn't apply. So, I would suggest that if  
7 that could be added to the list of the  
8 information to be provided, it would be  
9 helpful also.

10 CHAIR HOOD: And I want to make  
11 sure it's sufficient for us because we're  
12 going to be the ones -- anybody, Mr. Edwards  
13 would need to see that? Would that do anybody  
14 any good? Okay.

15 MR. EDWARDS: Thank you.

16 CHAIR HOOD: Anything else? All  
17 right. Well, we will -- I'm not going to read  
18 the closing statement.

19 Ms. Schellin -- I think I will  
20 read it. Ms. Schellin, do we have everything  
21 in order?

22 MS. SCHELLIN: Yes, I think just  
23 to repeat the dates to make sure everybody got

1       those. All the additional documents, and I  
2       assume we're going to leave the record for any  
3       other submissions also, everything would be  
4       due by October 22nd. So, if there are  
5       individuals who want to submit testimony, they  
6       can do that.

7               And then responses which are only  
8       to be filed by the parties will be due by  
9       November 5th. All by 3:00 p.m. and draft  
10      orders from the parties if they choose to do  
11      so by November 5th.

12             CHAIR HOOD: Okay. We have  
13      established that we're going to probably try  
14      to deal with this at our November meeting and  
15      unless there are other things that we've asked  
16      for other than the responses and everything,  
17      I think it's safe to say that's all we need  
18      and with that, I appreciate everybody's  
19      attention in helping us also get through this  
20      long case tonight and we finished it.

21             Thank you and this hearing is  
22      adjourned.

23             (Whereupon, at 11:22 p.m., the

1 hearing was concluded.)  
2  
3  
4  
5  
6  
7