

This transcript constitutes the
minutes from the Public Hearing held on
November 27, 2006.

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

2 7:41 p.m.

3 CHAIRPERSON MITTEN: Good evening
4 again, ladies and gentlemen. This is a second
5 Public Hearing of the Zoning Commission of the
6 District of Columbia for Monday, November 27,
7 2006 and my name is Carol Mitten and joining
8 me this evening are Vice Chairman Anthony Hood
9 and Commissioner John Parsons.

10 The subject of this hearing is
11 Zoning Commission Case No. 04-14 and this is
12 a continuation of a hearing that was held on
13 Monday, September 18, 2006. This request is
14 by Florida Rock Properties for approval of a
15 2nd Stage Planned Unit Development and related
16 Map Amendment for property located at 100
17 Potomac Avenue, S.E., and consisting of
18 numerous lots in Squares 707, 708, 708E and
19 708S.

20 Notice of today's hearing was
21 published in the D.C. Register on July 21,
22 2006 and copies of that hearing announcement

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1 are available to you and they are in the wall
2 bin by the door. We have a very limited
3 purpose for coming together this evening and
4 the order of procedure will be as follows:

5 We will take up any preliminary
6 matters and then we'll have the applicant's
7 supplemental presentation and then we'll have
8 questions from the Commission for both the
9 applicant and the Office of Planning. So
10 there will not be any testimony other than
11 that this evening, unless the Commission
12 invites an individual to come forward.

13 So I would like to advise everyone
14 that this proceeding is being recorded by the
15 Court Reporter and is also being webcast live,
16 so we ask you to refrain from making any
17 disruptive noises in the hearing room for that
18 reason.

19 The decision of the Commission in
20 this case must be based exclusively on the
21 public record and to avoid any appearance to
22 the contrary, the Commission requests that

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1 persons present not engage the Members of the
2 Commission in conversation during a recess or
3 at any other time and Mrs. Schellin will be
4 available throughout the hearing to answer any
5 procedural questions.

6 I would like to ask you to turn
7 off all beepers and cell phones, please. And
8 now, we'll take up preliminary matters and I
9 would like to ask, Mr. Briggs, we have had
10 three submissions and I would like to know and
11 I would like to just consider them together.
12 We have had two submissions basically from the
13 Earth Conservation Corp. One is from Mr.
14 Nixon and Mr. Ogleby, another is from Lilia
15 Hendron and then we also have a submission
16 from the Anacostia Waterfront Corporation.
17 All of these came in today. Do you have any
18 objection to them being accepted into the
19 record?

20 MR. BRIGGS: Chairman Mitten, we
21 don't have any objection, at this time.

22 CHAIRPERSON MITTEN: Okay. Very

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1 good. Then we'll accept those three
2 submissions into the record and ask you to,
3 please, proceed.

4 MR. BRIGGS: Thank you, Chairman
5 Mitten and Members of the Commission. My name
6 is, for the record, David Briggs. I'm a
7 partner with the Law Firm of Holland and
8 Knight. We are here to follow-up on the
9 hearing, as you noted, of September 18th to
10 respond to several questions and comments that
11 came out of that hearing.

12 As you recognized, the Department
13 of Transportation, for instance, only
14 delivered the copy of its report to us that
15 day of the hearing and it raised some
16 concerns. The Office of Planning had only
17 also recently submitted its report. And this
18 was -- and plus, the Commission also had
19 several questions they wanted us to further
20 look in to.

21 And we have taken this opportunity
22 since then to have numerous meetings with the

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1 Office of Planning, with the Department of
2 Transportation, the Anacostia Waterfront
3 Corporation to try to respond to the various
4 Commission comments, questions and statements
5 in the various reports that were submitted for
6 that hearing.

7 We submitted on November 17th a
8 detailed response, which identified various
9 matters. We took aggressive action with
10 regard to responding to the Department of
11 Transportation comments concerning the bike
12 trail, concerning access when the traffic
13 approaches to the new South Capitol Street
14 Bridge, with regard to control of curb cuts
15 and with regard to the Transportation
16 Management Plan.

17 I believe, for the record, that a
18 report from the Department of Transportation
19 was submitted to this office this afternoon.
20 And it notes support for the actions we have
21 taken with regard to that. With regard to the
22 First Street amenity and concern concerning

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1 the waterfront taxi dock, the water dock,
2 which is also an issue that the Department of
3 Transportation has raised, we have eliminated
4 that dock and worked out our final agreement
5 in form with the Anacostia Waterfront
6 Corporation with regard to the utilization
7 that this money is under First Street Amenity
8 Program.

9 A written document has been
10 prepared and is tentatively approved. It is
11 before the executive bodies of each of the two
12 organizations, the applicant, Florida Rock,
13 and AWC. And we would be able to submit a
14 final approval, assuming approval by the
15 individual boards, which is pending. That
16 proposal would be to increase the amenity for
17 the First Street Plaza amenity to \$3,600,000
18 taking the \$200,000 that had been allocated to
19 the water taxi and shifting it over to the
20 First Street Plaza.

21 That agreement, a draft of which I
22 believe was in our submittal, but is refined

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1 somewhat, provides for an advisory board made
2 up of constituent stakeholders, including the
3 Earth Conservation, Florida Rock and others,
4 who would have an involvement in both the
5 design and development of a plan for the First
6 Street amenity as well as then with regard to
7 its ongoing maintenance and operation.

8 We have enhanced and provided a
9 LEED program in our statement, which includes
10 a program for bonding if we do not meet
11 certain qualifications to get LEED-
12 certification. That is more fully set forth
13 in our supplement. We have reduced the
14 parking by, approximately, 23 percent through
15 some very interesting lateral extensions of
16 the parking, which has helped us to change the
17 foundations and thus allow us to reduce the
18 amount of parking for the site by 23 percent.

19 We have expanded and enhanced our
20 view corridors and further added articulation
21 to the Potomac Avenue facade. And probably
22 most importantly and will be the period --

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1 thing that Mr. Buckley, our architect, will
2 focus on tonight after my brief presentation
3 will be the treatment of the East End of the
4 East Office Building which was of most
5 concern, I believe to the Office of Planning.

6 We have worked with the Office of
7 Planning, with the Anacostia Waterfront
8 Corporation on this and I believe Mr. Buckley
9 has come up with a design for the East End
10 which both sets back and modulates in height
11 and setback the East End of the East Building
12 providing an expanded view corridor from the
13 East End of the proposed stadium.

14 With that, I would like to pass it
15 on to Mr. Buckley, at this point, to run
16 through a very, very brief presentation
17 concerning that aspect of the proposal. Thank
18 you, Madam Chairman.

19 MR. BUCKLEY: Good evening,
20 Commission Members. What I would like to do
21 is ask you what monitor will you be looking at
22 when we do this presentation, just so I can --

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1 CHAIRPERSON MITTEN: Which one do
2 you want us to look at?

3 MR. BUCKLEY: Well --

4 CHAIRPERSON MITTEN: That one is
5 the best one.

6 MR. BUCKLEY: This one would be
7 the best one, because it's in the direct line
8 of view. Joining me tonight is John -- Tom
9 Striegel from my office who prepared the LEED
10 portion of the application, if you have any
11 questions on that, and also Mylo Meecham.
12 With that, what I would like to do is tell you
13 what we have.

14 We have a series of still views
15 that I'm going to run through. There are
16 about five or six of them. And then following
17 that we have a minute and 15 second animation
18 that specifically addresses three issues: The
19 relationship of the stadium to the PUD
20 project, the relationship of First Street and
21 the termination of First Street and it's
22 relationship to the East Office Building, and

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1 the third component is the enhancement of the
2 pathway system that Mr. Hood requested last
3 time.

4 So with that, what I would like to
5 do is go through it if I may. As you can see
6 on the site plan, we have made a couple of
7 small modifications. One is we have
8 eliminated the curb cut along the oval. And
9 the other thing we have done is that we have
10 made substantial modifications to the East End
11 of the East Office Building located here.

12 The next slide shows essentially
13 what those changes are. This shows you what
14 we had previously right here and it shows you
15 the dimension of the property line here. And
16 this was, in fact, the elevation. Now, there
17 are a couple of things that we did here.

18 One is that I took the ground
19 floor retail, which is located here, which was
20 originally one story and I actually brought
21 that up to two stories. The other thing I did
22 was I took the corner here, which is where

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1 this was here, and I curved that around. It's
2 an entirely glass element. This is a low iron
3 glass, so there's a high degree of visibility.
4 It's actually clear.

5 The other thing we did was we --
6 this is the profile of the building previously
7 and you can see how we had set it back there.
8 But what is important here is that if you look
9 down at the plan, you will see that we have
10 taken this wall and at this point here, we
11 have brought it over at an angle like that and
12 then brought it around with a series of
13 sawtooth cuts to give animation to the
14 elevation at this point.

15 And that curve is right here. So
16 at this level here, which is approximate
17 elevation 45, which is right here, that's
18 actually an open space right there which you
19 will see in the next image. This shows you,
20 basically, an excellent metric of that and how
21 it steps back from the lowest level here to
22 the other successive stories in the building.

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1 The next slide shows you the kind
2 of process we went through. Now,
3 interestingly enough, in examining HLK's plans
4 for the stadiums, concourse levels and various
5 levels around the stadium, it became very
6 clear that they had two things in mind. One
7 is that they recognize the importance of the
8 view up the river here, which is where the
9 major plaza development by AWC is going to
10 occur in this case up here, which is also
11 shown on the plan here.

12 And also, we have put in the
13 improvements that DDOT is going to make to
14 Potomac Avenue, particularly the extension of
15 the sidewalk area around here to prevent cars
16 from parking around there as well as over on
17 this side. But the other thing is that it
18 recognizes the importance of this public space
19 as the major space going across to the plaza
20 area, which will be located here.

21 Now, we recognize that there are
22 two things that are occurring here in terms of

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1 the stadium. One is the recognition of the
2 viewing platforms off of the ramps and also
3 the viewing areas from the successive floors
4 up above over onto the waterfront, but also to
5 the East End of the Office Building where we
6 have the retail and we have animated this
7 building quite a bit.

8 So we have two view corridors.
9 This and right below here and also this in
10 this direction in terms of the center point of
11 the steps coming down. People will come down
12 those steps and naturally gravitate over into
13 this area here as a place of congregation
14 before they come across to the plaza area as
15 well as coming across into this area where we
16 have the retail.

17 The next image shows the actual
18 platform levels of the stadium. This is the
19 steps coming down. The elevation here is,
20 approximately, at eye level is around 40. The
21 actual platform level is around 45. And if
22 you add an additional 5 feet on to that,

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1 that's your eye level. Your current vision
2 at that point is, approximately, 27 degrees,
3 as being typical.

4 And then you have these wonderful
5 viewing platforms of the stadium here, which
6 indicates to us that HLK recognized the
7 importance of having those views upriver from
8 all these platform levels here as well as to
9 also get people focused in this general
10 direction.

11 Now, the benefits for Florida Rock
12 is that it also focuses on the East End of the
13 building here where we have significant
14 retail. The next image shows you the actual
15 changes that we have made. This is the
16 previous elevation at the East End of the
17 building. And this is the new end of the
18 building here.

19 You can see that we have increased
20 the retail to two stories, the extent of the
21 building, and we have also taken that low iron
22 glass and wrapped it around the corner and

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1 eliminated this column at this point here.
2 Now, we feel that is a very positive step.
3 And the other thing is that at this point
4 here, this is the point of which the building
5 then goes back at a very substantial angle
6 away from the perpendicular face of the retail
7 here. So it starts to cascade away from you.

8 And then what we have done is we
9 have brought it up and then stepped it back.
10 So you can really see that in elevation, this
11 shows you the elevation form. This is
12 actually where the building is starting to
13 setback with the exception of this two story
14 platform, which really is important, because
15 we think that retail is essential.

16 The next image. This is a view
17 from the viewing ramp platforms right here out
18 and you can see the Florida Rock project here
19 with the retail corner, which has low iron
20 clear glass there. The terrace level at the
21 third level right there and that's Aristotle,
22 just in case it's in the area.

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1 And the next image is from the
2 Anacostia River itself. And this is a moving
3 shot recognizing that a very substantial
4 number of the games will be in the evening.
5 And you can see that these are the stairs
6 located here. These are the ramps and the
7 concourse levels here. And this is our two
8 story retail that comes across there. Then
9 you can now see the very substantial cutback
10 in relationship to the stadium right there.

11 The next image is a view down
12 First Street toward the bridge. The next
13 image is from the bridge itself to the Planned
14 Unit Development and we think that this is
15 really quite a wonderful way to animate the
16 entire waterfront here with the stadium as a
17 part of the District and you can see the
18 stadium here and, of course, at nighttime that
19 will be illuminated.

20 The next image is when you come
21 down onto the oval. This is the view that you
22 have of the stadium here looking up. The oval

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1 that goes over here and then up South Capitol
2 Street. And then, what we have is an
3 animation and the purpose of the animation is
4 to show you the relationship of the Planned
5 Unit Development to the stadium and also the
6 relationship of the Planned Unit Development
7 to First Street.

8 And as they come down, they will
9 go along the project and as we go along here,
10 you will notice that this is the East End of
11 the building and you will start to see how
12 significantly cut back that it at that point
13 there in relationship to the stadium and
14 particularly this plaza area.

15 Then as we come over to First
16 Street, we look down First Street and it has
17 a wonderful view. Then we continue along and
18 when we come down here, we're going to come
19 along the pathway. And the purpose of showing
20 you the pathway is to show you how we have
21 handled the transition from bicycle path to
22 the pedestrian path here.

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1 And you will notice a series of
2 things. One is that the change of the
3 pavement and the banding of pavement, there is
4 one of the signs right there, which you will
5 see another one in a minute. But we changed
6 the pattern and the paving here. We have put,
7 I hate to call them bars, but they are like
8 bars which have a nautical theme and then this
9 is the type of signage that we see. That will
10 be at both ends of the path.

11 The other you will notice here is
12 that we have provided reflectors along the
13 path here to separate the two pathways for
14 bicycle passage. And the model that we have
15 used for this was based on information
16 provided to us by Gorove/Slade and they gave
17 us several examples of how this has been
18 handled in Europe and I think specifically in
19 Amsterdam.

20 And we had a meeting with the
21 Office of Planning where we discussed this.
22 We presented how we thought we could handle

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1 this in the best possible way. And so we came
2 up with this idea. We thought that these are
3 unique because they provide that kind of light
4 and they also give that sense of transition
5 between the pathway here and by having the
6 signage at this point then it's very clear
7 that this is a point of transition for the
8 bicycle to pedestrian path.

9 That is in summary the
10 presentation that I have in a very succinct
11 form. Thank you very much.

12 CHAIRPERSON MITTEN: Thank you.
13 Anything else?

14 MR. BRIGGS: We're waiting for the
15 lights to come back on. Ms. Mitten, no, I
16 believe that concludes our presentation. I
17 believe the rest of our materials are fully
18 laid out and the responses are laid out in the
19 materials that we submitted on the 17th of
20 November with the additional plans.

21 I might note, maybe this is the
22 best time to do it, if we could ask the record

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1 to be held open just so we can get the AWC
2 agreement when it is executed into the record,
3 as well as we did note, and because of the
4 period of time between our hearing and getting
5 the submission, there were some editing issues
6 on the plans that were submitted and we need
7 to make some minor corrections if and when the
8 approval is given to ensure a good case record
9 on the plans.

10 There were some minor edits on
11 heights and things like this that are
12 inconsequential.

13 CHAIRPERSON MITTEN: How long
14 would you want the record held open?

15 MR. BRIGGS: Well, that can be
16 done in two weeks at the most. No, a week.
17 A week, that's all we need.

18 CHAIRPERSON MITTEN: Okay.

19 MR. BRIGGS: They have all been
20 identified, it's just getting through the
21 approvals on the AWC letter.

22 CHAIRPERSON MITTEN: Okay.

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1 MR. BRIGGS: Thank you.

2 CHAIRPERSON MITTEN: Okay. I'm
3 sure we have some questions. Who would like
4 to go first? Mr. Parsons?

5 COMMISSIONER PARSONS: Now I'm
6 required.

7 CHAIRPERSON MITTEN: You are not
8 required to go first.

9 COMMISSIONER PARSONS: All of the
10 images you have showed us tonight, not the
11 fly-over, but the images you showed us, are
12 they in the materials that you gave us? In
13 other words, you have that slide that I
14 thought was very helpful showing the
15 difference in the design from the previous
16 submission to this one on one sheet.

17 Is that something that -- I didn't
18 notice that in the booklet. And if it is,
19 fine. But if it isn't, could you make sure we
20 get a copy of that?

21 MR. BUCKLEY: Yes, we'll make sure
22 you get a copy. We thought the purpose of

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1 that, if you will, was that it was a good
2 comparative analysis between what we had
3 previously and the modifications that we made
4 in conjunction with discussions with the AWC
5 and OP.

6 COMMISSIONER PARSONS: Yes, the
7 slide I'm talking about, the one he just
8 showed us.

9 MR. BUCKLEY: Yes.

10 COMMISSIONER PARSONS: Yes. Okay.
11 Thank you.

12 CHAIRPERSON MITTEN: That's page
13 43 in ours.

14 MR. BUCKLEY: Right.

15 CHAIRPERSON MITTEN: And 42. I
16 have mine in the record.

17 COMMISSIONER PARSONS: What?

18 CHAIRPERSON MITTEN: We will get
19 that in the record.

20 COMMISSIONER PARSONS: I was
21 looking for page 43.

22 CHAIRPERSON MITTEN: No, that's --

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1 it says 43 on their board.

2 MR. BUCKLEY: Right.

3 COMMISSIONER PARSONS: I thought
4 you had one and I didn't

5 CHAIRPERSON MITTEN: No, no, no.

6 COMMISSIONER PARSONS: I'm trying
7 to understand the Sheet 19, which is it deals
8 with the first parking level and it also shows
9 some subterranean things occurring as possible
10 hotel building storage, possible residential
11 building storage and possible East Office
12 Building storage. I'm trying to relate that
13 to the landscape plan above it and the
14 landscape plan that we have is really Sheet 11
15 and 10, which breaks the landscaping down in
16 planting south and planting east.

17 Given the problem with plant
18 material to grow above subterranean structures
19 like this, can you tell us anything about
20 this? The amount of soil that would be
21 provided, the difference in grade, section or
22 something like that?

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1 MR. BUCKLEY: Well, I want to
2 think that as you and I both know, there is a
3 certain amount of cover that we need to get
4 plant material to grow. So we are looking for
5 a depth of at least 3 to 5 feet for that,
6 which is what Jim Urban has recommended.

7 COMMISSIONER PARSONS: Three, huh?

8 MR. BUCKLEY: To 5 feet depending
9 upon what --

10 COMMISSIONER PARSONS: 5 sounds --

11 MR. BUCKLEY: -- the material is.
12 I know you probably want more, John, but --

13 COMMISSIONER PARSONS: No, 5 is
14 good.

15 MR. BUCKLEY: Yes.

16 COMMISSIONER PARSONS: But 3 --

17 MR. BUCKLEY: 5 seems to be
18 workable based upon what we're doing
19 elsewhere.

20 COMMISSIONER PARSONS: So there is
21 nothing that shows this. Are there any
22 sections that show the elevation relationship

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1 with the roof or the garage or storage
2 structures have the surface of the plaza?

3 MR. BUCKLEY: We have some
4 sections, but I don't think that they address
5 specifically what you are looking for, so we
6 can, you know, provide that information.

7 COMMISSIONER PARSONS: All right.
8 Thank you.

9 MR. BUCKLEY: If you want, I would
10 be happy to do that.

11 COMMISSIONER PARSONS: Do you have
12 any kind of a signage plan? And I'll refer
13 again to Mr. Meecham's No. 43. Certainly --

14 MR. BUCKLEY: For the retail?

15 COMMISSIONER PARSONS: -- the
16 desire of the retail occupants will be to have
17 very large signage to draw people from right
18 field of the stadium out to their retail after
19 the game. And is there any kind of a signage
20 plan that --

21 MR. BUCKLEY: Well, the difficulty
22 with that is that so many retail concerns have

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1 their own branding, their own signage and, of
2 course, they want to have as much visibility
3 as they can. So we have not elected to do a
4 signage plan recognizing that many different
5 types of retail users have their own graphic
6 and branding standards that they like to use.

7 However, our experience is that
8 even the most aggressive of retail users can
9 be convinced that the signage is actually the
10 storefront itself and that the signage doesn't
11 have to be kind of over the top type of thing.
12 But no, we have not developed a specific
13 signage program, because we recognize that
14 most retailers want their own signage and
15 their own control over that.

16 COMMISSIONER PARSONS: This could
17 take on a, if we're not careful, Times Square
18 kind of environment, an MCI Center or what's
19 it called now, I'm sorry?

20 MR. BRIGGS: Verizon Center.

21 MR. BUCKLEY: Verizon.

22 COMMISSIONER PARSONS: Thank you.

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1 You know, with large TV screens portraying the
2 game going on and a real sense of --

3 MR. BRIGGS: Jumbo-tron?

4 COMMISSIONER PARSONS: Yes, that
5 kind of thing.

6 MR. BRIGGS: Um-hum.

7 COMMISSIONER PARSONS: That
8 certainly isn't portrayed here.

9 MR. BRIGGS: Well, one thing --

10 COMMISSIONER PARSONS: But
11 anything to say no, but --

12 MR. BRIGGS: The one thing to do
13 would be to give some consideration about how
14 to address that. I don't know what the answer
15 is just yet, but, Ron, do you have any
16 thoughts? This is Ron Kaplan, who is our
17 retail consultant, who has been previous sworn
18 in. Ron, do you have any thoughts on that?

19 MR. KAPLAN: Sorry for being late.
20 You know, it's interesting your question,
21 because there is a lot of discussion about
22 other uses around and other developments

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1 around this property, the Ross Site, the Half
2 Street Development being done by Monument and,
3 in fact, what you are describing there with a
4 negative connotation, I think, in fact, is the
5 plan for north of -- not approved necessarily,
6 but is the current thinking in terms of what
7 they are going to try to attempt north of the
8 ballpark is to create exactly that type of
9 Times Square atmosphere and looked at that
10 very positively.

11 So I do think it's appropriate for
12 people to be thinking about what do you want
13 the entire experience to look like, because
14 the project should fit together. And you do
15 have an ability to influence that greatly.
16 And there are different views of thoughts as
17 to whether you want to be able to create on
18 game nights.

19 The reality is those types of
20 experiences and down at the water, in
21 particular, which has a whole different feel
22 of it versus north of the ballpark, has the

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1 ability and needs to have the ability to last
2 365 days of the year and to not feel like you
3 are in an amusement park, that would kind of,
4 in a lot of ways, I think, denigrate the
5 waterfront.

6 So I think you are going to see a
7 distinction from more of a Times Square affect
8 north of the ballpark to a little bit more
9 sophistication as you come down First Street
10 to a very different experience as a promenade
11 and needs to still have life and energy and
12 ability to react on those 80 days a year when
13 there is a ballpark experience going on. But
14 it's hard for me to see with this kind of
15 architecture or even the retailers looking for
16 that same type of experience.

17 COMMISSIONER PARSONS: All right.
18 In one of your images, we see umbrellas up on
19 the roof terrace, I guess it is. And I'm
20 trying to figure out in this elevation where
21 those are. In the view --

22 MR. BUCKLEY: Where they are,

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1 John, is they are right --

2 COMMISSIONER PARSONS: That view?

3 MR. BUCKLEY: They are right
4 there.

5 COMMISSIONER PARSONS: So is that
6 part of the retail component?

7 MR. BUCKLEY: No, the roof terrace
8 there is not part of the retail component.
9 Then you can in this -- if we can -- can you
10 see the still up here? That's a terrace
11 level. It's directly off the third floor.

12 COMMISSIONER PARSONS: So that's--

13 MR. BUCKLEY: So the third floor
14 users and not for the retail users.

15 COMMISSIONER PARSONS: So that's
16 an office embellishment?

17 MR. BUCKLEY: Yes. Because what
18 we're trying to do is to provide as much
19 opportunity for people within the office
20 environments to be able to go out onto various
21 terrace levels during the day and during the
22 evening and that kind of thing.

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1 COMMISSIONER PARSONS: They might
2 even be able to see into the ballpark. Not
3 see the whole game, but --

4 MR. BRIGGS: No.

5 MR. BUCKLEY: Well, they may be
6 seeing the game for free, John. That's just
7 not fair.

8 COMMISSIONER PARSONS: Thank you.
9 That's all I have.

10 CHAIRPERSON MITTEN: Mr. Hood?

11 VICE CHAIR HOOD: Mr. Buckley, if
12 I -- looking at the rendering we have here,
13 not on the screen, but straight ahead, if I'm
14 coming across the Douglas Street Bridge, will
15 that be the view that I will be looking at?
16 Is that how I will see it, because I'm looking
17 at what you have here on page 37?

18 It's a view coming across the
19 Douglas Street, does what we have here
20 annotate your changes that you made there or
21 am I in the river looking at it? I'm just
22 trying to get my orientation together.

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1 MR. BUCKLEY: What still are you
2 looking at?

3 VICE CHAIR HOOD: I'm looking at--

4 MR. BUCKLEY: Image 37?

5 VICE CHAIR HOOD: -- 37, yes.

6 MR. BUCKLEY: Yes.

7 VICE CHAIR HOOD: Page 37.

8 MR. BUCKLEY: This is from,
9 approximately, halfway across the bridge
10 traveling at a kind of a low speed, so you can
11 keep your eyes on the road at the same time,
12 but this is actually the view and you can see
13 you have that view up First Street.

14 And, actually, in the animation
15 one of the interesting things in the animation
16 is that as you continue to go across the
17 bridge, you will actually then get views up
18 Half Street Extension to the stadium there.
19 And then as you come down the bridge here and
20 you come onto the oval, I mean, that's when
21 you really get the stadium in front of you in
22 a very powerful way, which is Image No. 38.

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1 VICE CHAIR HOOD: Let me try to
2 ask it again. Maybe there is a disconnect in
3 my question here. I want to know from the
4 board that you have, which I think is
5 definitely an improvement from the bottom and
6 I'm hoping that's what you're proposing, the
7 top, okay, when I look at that I like the
8 curvature and the way you have made the
9 changes.

10 But my question is if I'm coming
11 across the bridge, when will I see that like
12 that or am I in a different orientation?

13 MR. BUCKLEY: You're -- actually,
14 I have to -- excuse me. This is a different
15 orientation. This is actually First Street
16 right here.

17 VICE CHAIR HOOD: Okay.

18 MR. BUCKLEY: And this is First
19 Street here, so this is the relationship
20 coming down First Street and it shows you the
21 changes that we have made to the East End of
22 the building.

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1 VICE CHAIR HOOD: Okay. Got you.

2 MR. BUCKLEY: And also, Mira, can
3 we put the plan up for a minute and, Tom,
4 maybe we could go back to that diagram?

5 VICE CHAIR HOOD: Okay. I see
6 now.

7 MR. BUCKLEY: Yes.

8 VICE CHAIR HOOD: I'm clear.

9 MR. BUCKLEY: And so what we have
10 done -- can you push that board, the top
11 board, down a little bit? Just bring it down.
12 Bring it down, yes. What we -- these
13 elevations, Mr. Hood, are actually in --
14 described what we did at the East End of the
15 building here, and you can see that the angle
16 that we have cut off of the building here is
17 that angle right there.

18 And the two story retail, which is
19 located right here, is that portion right
20 there, that small triangular place, which is
21 also the third floor terrace level that Mr.
22 Parsons referenced.

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1 VICE CHAIR HOOD: Okay. Let me
2 ask.

3 MR. BUCKLEY: And the bridge, if I
4 may, the bridge is over here.

5 VICE CHAIR HOOD: Right.

6 MR. BUCKLEY: And as you come
7 across the bridge, if we consider the bridge
8 goes across the wall here, the view that we
9 are looking at is about mid-span here looking
10 at the project, approximately, sort of on that
11 alignment there.

12 So it would be, approximately,
13 here, so you get a wonderful view up First
14 Street. You get a wonderful view up First
15 Street here and then as you continue down, you
16 will get a view up Half Street Extension. And
17 if we go to the animation, when you actually
18 go through the animation, there is really
19 quite a prolonged view up Half Street extended
20 to the stadium.

21 And I think what is wonderful
22 about that is that there is a kind of sense of

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1 anticipation as you come across the bridge and
2 you see the vista up First Street to the
3 potential retail and the kind of energy and
4 activity along First Street and here what you
5 will be, you know, seeing coming across the
6 bridge. And, also, you can see very much as
7 you come down, look that way.

8 And then we're going to swing
9 around here. But in your mind's eye if you
10 think about coming across the bridge, I think
11 what you're going to see here is that there
12 are wonderful vistas and views up to the
13 stadium, particularly here. And if you just
14 look at how long this view lasts, all the way
15 up here and to the stadium through there, and
16 it continues for quite a long time.

17 So I think that there -- what is
18 delightful about this is that the Planned Unit
19 Development provides that kind of energy and
20 activity on the waterfront, but also at the
21 same time provides a great opportunity for
22 people from the stadium to come down to the

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1 waterfront to go into these retail venues.

2 And, also, as one approaches over
3 the bridge and from other viewpoints and
4 vistas along the way, you have these wonderful
5 views to the stadium, particularly if you're
6 coming down the area above Poplar Point. As
7 you come down, you have that wonderful view in
8 and, obviously, over by just further east at
9 Saint Elizabeth's, you know, as you're coming
10 across, you still have those views.

11 When you come across the bridge,
12 you certainly see the Planned Unit
13 Development, but you also see the activity and
14 kind of energy that is created along the
15 waterfront there with these wonderful views to
16 the stadium. And as you come across the
17 bridge onto the oval it just unfolds in front
18 of you and I think it's a very dramatic and
19 powerful kind of visual experience.

20 VICE CHAIR HOOD: Okay. You have
21 answered my question. Thank you.

22 MR. BUCKLEY: All right. Thank

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1 you.

2 VICE CHAIR HOOD: Mr. Kaplan, with
3 everything changing in that particular area,
4 the retail that is proposed for Florida Rock
5 from my standpoint has taken on a different --
6 more emphasis now, you know, trying to get
7 people in.

8 Do you think that retail as
9 proposed in this project will still bring
10 people even off-season down to this area? I
11 know you have the office space, the
12 residential, the hotel and everything
13 proposed, but will there still be enough to
14 sustain that retail in that area?

15 MR. KAPLAN: That is the critical
16 question and what it needs to both be is a
17 catalyst for other things to happen, but if it
18 were to remain its own island, if nothing else
19 happened in that area, if -- depending upon
20 how they retail the baseball stadium side of
21 First Street, depending upon the timing of the
22 development of retail and residential along

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1 the WASA site on First Street, that is
2 ultimately going to influence rents, sales
3 levels and success of these places.

4 The key for Florida Rock is going
5 to be putting some anchor tenants and tenants
6 that attract people on their own, because they
7 are one of the early movers and somebody has
8 to be.

9 Honestly, the good news here is
10 you have a corporate developer and those tend
11 to not go hand-in-hand, because if you had a
12 private developer, if you had a private,
13 privately generally means undercapitalized
14 developer, it would be very hard for them to
15 be one of the early movers here.

16 And, in fact, what the city needs
17 is an early mover, somebody to start building
18 down there, someone to start putting in the
19 attractions to create the space and find the
20 tenants that can draw people down there.

21 So the good news is you have a
22 deep-pocketed -- one of the reasons I was

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1 excited in working with Florida Rock is you
2 have -- well, candidly, you have a corporate
3 person that can build the right thing and can
4 be one of the early movers in creating that.

5 But your question is right on.
6 There is no question that it's a challenge.
7 It's great for the city that they are taking
8 on the challenge, honestly, but their struggle
9 will be in bringing anchor tenants there, the
10 economics for them won't be great.

11 VICE CHAIR HOOD: That's true.

12 MR. KAPLAN: Because they can't
13 point to lots of other tenants doing lots of
14 sales, but they are building the spaces and
15 they are building great spaces and they can
16 bring in those tenants that can help to
17 activate that space.

18 VICE CHAIR HOOD: Okay.

19 MR. KAPLAN: You do that with the
20 park next door and you start to have something
21 down there at the water.

22 VICE CHAIR HOOD: Okay. Thank

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1 you. Thank you for that analysis. I'm
2 looking at Mr. Briggs' letter, November 27th,
3 and it seems as though -- and I don't remember
4 this exactly going this way at the hearing.

5 I thought the Earth Conservation
6 Corps was on tap and you were going to be
7 meeting with Mr. O'Gilvie and Mr. Nixon and I
8 thought that was going to be, but obviously,
9 apparently, that didn't happen according to
10 the last paragraph on -- this was submitted to
11 us today at 5:23 to this office.

12 And it's saying that their
13 interests and some other people's interests,
14 The Ivory Tea or Gardens Club, apparently,
15 have omitted or being -- they feel like they
16 have been omitted from the process. Can you
17 expand on that and let me know where we are
18 and in what stage in working with Earth,
19 because that is a key area or program in that
20 area?

21 MR. BRIGGS: Mr. Hood, we have
22 been working with the Anacostia Waterfront

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1 Corporation as the organizing entity for the
2 First Street Plaza area. In those
3 discussions, there have been -- Mr. de
4 Villiers has had conversations, telephone
5 conversations, with Mr. Nixon and other
6 representatives of ECC.

7 We have encouraged and requested,
8 as you will see in the draft document that is
9 in our submittal, which is our First Street
10 draft/First Street Plaza document, that we
11 have created an advisory board that -- I
12 believe it's in this version. We have been
13 through several versions since this was
14 submitted.

15 Yes, on page 2 of the document
16 that appears in Exhibit E to our submittal,
17 which was marked draft, we created an -- ECC
18 became one of the constituent members of the
19 advisory board that would be intimately
20 involved in the whole concept design and
21 development of the First Street Plaza.

22 We are -- all Florida Rock is

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1 doing is being a contributor to a price for
2 the development of the First Street Plaza
3 Park. We're certainly encouraging all
4 cooperation with ECC and others who have an
5 interest in seeing to an effective First
6 Street Plaza program.

7 There have been conversations. We
8 have moved, as I mentioned in my introduction,
9 the \$200,000, so there is \$3.7 million now
10 available for the construction and maintenance
11 and development of this park, and provided for
12 a role for ECC as well as ourselves. We have
13 no greater role than they do in the
14 development of the park, leaving it to AWC to
15 be the coordinator and instigator as the
16 vehicle to see this park come to fruition.

17 VICE CHAIR HOOD: Okay. I'm just
18 -- I thought we -- okay. I understand what
19 you're saying, Mr. Briggs, but I'm just
20 looking at this letter here. I was not
21 expecting to see this and it looks as though
22 something has broke down or -- and I did

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1 remember seeing them in this advisory
2 committee, but it's -- obviously, there is a
3 potential issue here and I'm not sure exactly
4 what it was.

5 I don't know if there was a
6 commitment made and I -- my memory escapes me,
7 but did Florida Rock commit to ECC something
8 or --

9 MR. BRIGGS: Okay. There was no--
10 there was some discussion at the end of the
11 hearing, Mr. Hood, of talking to ECC and
12 seeing what role ECC could play in the
13 development of the First Street Plaza in
14 looking at least to the transcript, and those
15 -- there were communications.

16 I believe Mr. Brandeis is here
17 from AWC and may be able to elucidate some
18 more on the conversations he has had with ECC
19 to seeing that ECC is effectively involved in
20 the whole development of the First Street
21 Plaza program.

22 VICE CHAIR HOOD: I mean --

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1 MR. BRIGGS: And, again, as far as
2 actual dollar commitments or proffered funds,
3 I don't believe Florida Rock had offered that
4 and I'm not sure it would be in the best
5 interest in seeing to the First Street Plaza
6 being developed.

7 If you will remember, in the
8 testimony that Mr. Brandeis gave, he estimated
9 the cost of doing the whole First Street Plaza
10 was, I think, something in the \$15 million
11 range and, certainly, the AWC -- the Florida
12 Rock component of \$3.7 million is certainly a
13 sizeable portion, but won't make up the entire
14 component.

15 VICE CHAIR HOOD: Okay. All
16 right. We just got this letter and maybe I
17 need to read it and digest it. Okay. Thank
18 you, Mr. Briggs. Thank you, Madam Chair.

19 CHAIRPERSON MITTEN: Thank you,
20 Mr. Hood. Mr. Parsons, did you have one more?

21 COMMISSIONER PARSONS: Mr. Briggs,
22 in your November 17th booklet, 8.5 X 11

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1 booklet.

2 MR. BRIGGS: Yes.

3 COMMISSIONER PARSONS: Under Tab B
4 there is a graphic.

5 MR. BRIGGS: Yes.

6 COMMISSIONER PARSONS: Showing the
7 stadium, and there doesn't seem to be any
8 reference to it in the narrative. And I'm
9 just trying to figure out what it represents,
10 because I don't think it represents the design
11 or the visions you have given us.

12 MR. BRIGGS: The purpose of this
13 was to -- first, it's an HLK document, you
14 will note at the corner. It was the intent to
15 say and show to the Commission that there
16 really was an idea that the whole component,
17 the stadium itself, worked within an entire
18 fabric, including development of some massing
19 in concept as was in the design development
20 guidelines of the First Street border.

21 So the real intent was to show the
22 relationship of the stadium, that the HLK

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1 understood at the time that they were
2 developing the site that there was to be some
3 level of intensity of development on the
4 Florida Rock site as depicted on the right
5 hand side of this marking, and that is the
6 only purpose.

7 It was not -- we know that this
8 probably is not as accurate as the approval on
9 the stadium. It was more to show that HLK did
10 understand it was fitting this within a
11 fabric, an entire fabric in development. And,
12 in fact, we think, in fact, what Mr. Buckley
13 has proposed at the First Street end, in fact,
14 further opens up the vista area out to where
15 the First Street Plaza is proposed.

16 COMMISSIONER PARSONS: Thank you.

17 CHAIRPERSON MITTEN: I just had a
18 couple of clarifications. The contribution
19 for the First Street Plaza is going to begin
20 with \$350,000 that is on page 18 of the
21 November submission, would be at the time that
22 the order is effective and in the agreement

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1 with AWC is when they ask, is transferred when
2 they ask for it.

3 MR. BRIGGS: Correct. What we
4 have agreed to do with AWC, and this is
5 further revised in the agreement which is now
6 up to final approval, would be at the time AWC
7 needs design development dollars for the
8 parcel, assuming the Commission approves the
9 order and it is final, then Florida Rock will
10 commit to pay over the \$350,000 to assist AWC
11 in the design development drawings, in the
12 concept and the schematic designs, excuse me.

13 If Florida Rock does not decide to
14 proceed forward with the PUD for any reason,
15 that \$350,000 is still a contribution to AWC.
16 So it would be available. I don't think --
17 the intent was when the order was approved and
18 when AWC needed the money, then the \$350 was
19 available.

20 CHAIRPERSON MITTEN: The thing
21 that is starting to concern me more about this
22 is that -- and I know that all this has been

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1 done with good intentions and I'm not meaning
2 to suggest otherwise, but given that there is
3 quite a lot of money needed to actually bring
4 the plaza to fruition is -- you know, aside
5 from the design contribution, it's possible
6 that the entire development, the Florida Rock
7 development, could be built and the plaza not
8 built, so that, you know, what I consider a
9 crucial amenity is -- you know, it's basically
10 out of your control.

11 And this is one of the things that
12 frustrates us in a lot smaller contributions
13 where, you know, we ask applicants to tie it
14 to something that they can deliver, that they
15 can guarantee delivery of.

16 So now, you know, this is -- I
17 feel like this is getting away from us and I
18 don't know what you could offer to us by way
19 of assurances, but I'm going to ask you to
20 think about that some more, because I just --
21 you know, because it's such an important
22 amenity, I want to see something for the

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1 effort in a time that is somewhat, you know,
2 potentially consistent with the delivery of
3 the project.

4 I also wanted to ask you about the
5 proffer about LEED-certification, which is
6 great, and there's a couple of things that
7 concern me. One is that the contribution to
8 the escrow that would be sort of the guarantee
9 that you would follow through on the LEED-
10 certification, it says on page 20 that the
11 amount of money to be placed in escrow would
12 be 1 percent of the construction cost for the
13 particular phase, as determined solely by the
14 applicant.

15 So if one wanted to be cynical, if
16 there is no control over what the applicant
17 says, then how can we be assured that the
18 amount is meaningful?

19 MR. BRIGGS: Clearly, we will have
20 a building permit application that will be
21 filed, which will have a stated construction
22 cost and I think it was our intent that that

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1 would be, in effect, the basis upon which the
2 1 percent would be based.

3 CHAIRPERSON MITTEN: Okay. So
4 could we introduce that motion?

5 MR. BRIGGS: Yes, that's not a
6 problem, I don't believe.

7 CHAIRPERSON MITTEN: Okay. In the
8 supplemental traffic report, there is a
9 transportation -- there is not really a
10 Transportation Management Plan.

11 There is something that is --
12 there is a section that starts on page 31
13 called Transportation Management Plan, but
14 then there is a series of, starting on page
15 32, potential TMP strategies and these are
16 more abstract in nature.

17 For instance, there could be a
18 transportation coordinator, but it is not
19 really being articulated as we will have a
20 transportation coordinator and the
21 transportation coordinator will do the
22 following things. It's just there is a series

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1 of suggestions. So for a shuttle bus, it says
2 the Florida Rock mixed use development may be
3 interested in the creation of a jointly
4 operated shuttle bus and so on.

5 So I think it would be helpful for
6 the Commission to know specifically what
7 you're proposing.

8 MR. BRIGGS: May I refer you also
9 to page 22 in the text itself where Florida
10 Rock did agree to provide the comprehensive
11 Transportation Management Plan as suggested in
12 the material elements for both at the very
13 bottom bullet on that page.

14 CHAIRPERSON MITTEN: Right.

15 MR. BRIGGS: It talked about the
16 Parking Management and Truck Management Plan
17 based upon the elements in that traffic impact
18 analysis.

19 Also, I understand that the
20 Department of Transportation in its report
21 today made some additional suggestions at the
22 end, which we just got the report at around

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1 5:30 tonight thanks to Ms. Schellin, and so
2 we're going to be evaluating that. It's
3 clearly --

4 CHAIRPERSON MITTEN: Okay.

5 MR. BRIGGS: -- Florida Rock's
6 intent and purpose to create an effective
7 management plan. This is a very important
8 site for the stadium, for those using this
9 project, and we want to make sure this plan
10 works.

11 CHAIRPERSON MITTEN: Right.

12 MR. BRIGGS: And Gorove/Slade has
13 presented some very important aspects. One of
14 the things that was suggested was, for
15 instance, a shuttle bus and Florida Rock has
16 been part of the initial group trying to set
17 up a business improvement district, which one
18 of the aspects may be a comprehensive shuttle
19 bus system to assist in moving people through
20 and making sure that they are encouraged to
21 use the Metro system.

22 CHAIRPERSON MITTEN: Right. And I

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1 understand all that. It's all good and I
2 think the truck management portion of the
3 Transportation Management Plan is the most
4 concrete element of it, but right now what is
5 -- because it's a series of suggestions, it's
6 not enforceable. So that's why I'm saying
7 just can you -- we would be glad and certainly
8 can put that in the record.

9 MR. BRIGGS: Right. We were glad
10 -- we will certainly convert that in the draft
11 order.

12 CHAIRPERSON MITTEN: Okay.

13 MR. BRIGGS: It's our intent based
14 upon the statement at the bottom of page 22 to
15 actually capture in the proposed order that we
16 would submit to you the components of that TMP
17 plan.

18 CHAIRPERSON MITTEN: Okay. I just
19 -- I thought that that was what the intent of
20 this was, because it made reference to the
21 supplemental traffic report, and I'm just --
22 so you recognize that more needs to be done.

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1 MR. BRIGGS: Right.

2 CHAIRPERSON MITTEN: I recognize
3 that more needs to be done and more will be
4 done.

5 MR. BRIGGS: Yes.

6 CHAIRPERSON MITTEN: Great. Okay.
7 I think that's all I had. Let me just see if
8 the Commission has any questions for the
9 Office of Planning on their supplemental
10 report. Mr. Parsons? Thank you, gentlemen.

11 COMMISSIONER PARSONS: I'm trying
12 to get some purpose clarification on some of
13 the words you have used. Okay? I'm on page
14 2, the second paragraph. The first two
15 sentences seem to imply that they made an
16 effort, but it's not quite far enough, but
17 then you also go on to say that OP also
18 supports, implying you support what is in the
19 first two sentences. Did you mean that?

20 MR. LAWSON: It goes on to say
21 that OP supports the elimination of the
22 underground retail, which we thought was a

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1 positive change to bring that retail up to the
2 ground floor.

3 COMMISSIONER PARSONS: Right.

4 MR. LAWSON: I think in general we
5 definitely do support the changes that were
6 made to the design. We think it's a very
7 important step in terms of reintegrating some
8 of the views from the baseball stadium and
9 down towards the waterfront. I think we have
10 heard lots of discussion already tonight about
11 how the stepping back of the facade is going
12 to certainly assist in that a lot.

13 We think it's going to be really
14 important then how the -- if this PUD is
15 approved, how those buildings then start to
16 relate to the First Street Plaza and how those
17 designs are integrated, and you have touched
18 on some of those issues as well.

19 COMMISSIONER PARSONS: Okay.
20 Let's then go to your conclusion. That's the
21 first sentence in your conclusion. "OP does
22 not feel the current proposal fully addresses

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1 issues with regard to the relationship between
2 the FRP proposal and the surrounding context,
3 notably the ball stadium to the north, the
4 current changes represent an improvement,
5 which to some extent alleviate these
6 concerns."

7 That doesn't sound like support to
8 me and I'm --

9 MR. LAWSON: Yes, I think I --

10 COMMISSIONER PARSONS: -- only
11 trying to understand what --

12 MR. LAWSON: Sure.

13 COMMISSIONER PARSONS: -- overall
14 you mean in this report.

15 MR. LAWSON: Sure.

16 COMMISSIONER PARSONS: Does more
17 need to be done in your view or this is okay?

18 MR. LAWSON: Well, I think
19 projects are always -- there is always an
20 element of compromise, you know, to some
21 extent.

22 I think in this case we made our

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1 views very clear to both the applicant in our,
2 you know, previous reports that we would have
3 preferred to see the East End of the building
4 cut back even more, so that the view from the
5 plaza area and the baseball stadium was a full
6 view down towards the waterfront.

7 I think the applicant has made a
8 fairly convincing argument why, because of
9 economic reasons, technical reasons, you know,
10 even some planning reasons, that that may not
11 be an appropriate response anymore, that that
12 may not be a possible response.

13 So we think that the changes they
14 have made have, you know, constituted
15 significant improvement. Would we prefer to
16 see that full view, view shed, that view angle
17 from the baseball stadium? Absolutely. Are
18 we expecting it? Probably not.

19 COMMISSIONER PARSONS: Well, one
20 of the main principles of this entire design
21 was to recognize Half Street as it went
22 through the site. That is the sense of

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1 celebration of this place and it was in 1998
2 and it is today. And if that was to be in-
3 filled, because it, in my view, has no
4 relationship anymore to reality, in order to
5 achieve your objectives, is that something you
6 have discussed with --

7 MR. LAWSON: We haven't had a lot
8 of discussions about that. We have certainly
9 had discussions about what Half Street is
10 under the current plan. Without having Half
11 Street -- as we all know, on the original
12 plans for this site, pre-baseball stadium, the
13 Half Street connection connected through north
14 of the site and that no longer exists.

15 So we have had a lot of
16 discussions with the applicant about what
17 happens in that space. We do think that it's
18 important that there be some kind of a break
19 in the Potomac Avenue facade. It's a very
20 long facade and that still seems to be an
21 appropriate place for it to be.

22 Does it have as much relevance as

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1 it did before to what is happening north of
2 the site? Possibly not, but we think it has
3 a lot of relevance to what is happening south
4 of the site along the waterfront and in terms
5 of the bridge and simply in terms of breaking
6 up the massing of the buildings on the site
7 itself.

8 COMMISSIONER PARSONS: Thank you.

9 CHAIRPERSON MITTEN: In terms of
10 the PowerPoint and the animation, is that
11 something we're going to get a copy of because
12 our colleagues would, I'm sure, love to see
13 it?

14 MR. BRIGGS: We have a CD ROM that
15 we will submit to the record.

16 CHAIRPERSON MITTEN: Okay.
17 Thanks. Okay. Anybody else you want to talk
18 to? Anybody else? Okay. Thank you very much
19 and we'll have the record open for a week and
20 we will get your edits and we'll get page 43.

21 MR. BRIGGS: Excuse me, Ms.
22 Mitten. There was one additional request from

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1 Mr. Parsons concerning the section through on
2 the parking in relationship to the landscaping
3 on the esplanade.

4 CHAIRPERSON MITTEN: Yes.

5 MR. BRIGGS: And I need to ask Mr.
6 Buckley whether a week is going to be
7 sufficient to do that. Is that --

8 MR. BUCKLEY: Yes, we can do that.

9 MR. BRIGGS: Okay.

10 CHAIRPERSON MITTEN: Great.

11 MR. BRIGGS: We will accommodate.

12 CHAIRPERSON MITTEN: Could you
13 just tell me what the date is then?

14 MS. SCHELLIN: I was going to say
15 if they needed more time, because that's
16 cutting it close for our December meeting, I
17 don't --

18 CHAIRPERSON MITTEN: I don't see
19 this on the agenda though.

20 MS. SCHELLIN: Yes, I don't think
21 so either. So if they needed more time --

22 MR. BRIGGS: Let's give us two

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1 weeks.

2 MS. SCHELLIN: Okay.

3 CHAIRPERSON MITTEN: Okay.

4 MS. SCHELLIN: That would give
5 them until 3:00 p.m. on December 11th.

6 CHAIRPERSON MITTEN: Great. So
7 the record will be closed on December 11th and
8 it's only open for those few things that we
9 had asked for.

10 MR. BRIGGS: Yes.

11 CHAIRPERSON MITTEN: Okay.

12 MR. BRIGGS: Thank you very much,
13 Ms. Mitten, Members of the Commission. What?
14 Oh, yes. This would not include any proposed
15 findings of fact?

16 CHAIRPERSON MITTEN: No, not at
17 all.

18 MR. BRIGGS: We would get those
19 later. Thank you.

20 CHAIRPERSON MITTEN: Oh, and we
21 look forward to receiving those, too.

22 MR. BRIGGS: Thank you.

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1 CHAIRPERSON MITTEN: Okay. Thank
2 you very much and thank everyone for their
3 attention this evening, and we are now
4 adjourned.

5 (Whereupon, the Public Hearing was
6 concluded at 8:40 p.m.)
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