

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: |

CONSOLIDATED P.U.D. AND MAP		
AMENDMENT @ SQUARE 720, LOTS 178		Case No.
AND 179 -- STATION PLACE		01-09C

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Thursday
November 8, 2001

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

The Public Hearing of Case No. 01-09C by the
District of Columbia Zoning Commission convened at 7:00 p.m. in
the Office of Zoning Hearing Room at 441 4th Street, Northwest,
Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner
	(Architect of the
Capital)	
JOHN G. PARSONS	Commissioner

COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC

OTHER AGENCY STAFF PRESENT:

Ellen McCarthy, Deputy Director, Office of
Planning

David McGhettigan, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.

<u>AGENDA ITEM</u>	<u>PAGE</u>
PRELIMINARY MATTERS	6
<u>APPLICATION OF LOUIS DREYFUS PROPERTY GROUP:</u>	
<u>01-09C ANC 6A</u>	
WHAYNE QUIN, Esq. Holland & Knight	20
<u>WITNESSES</u>	
JEFF SUSSMAN	27
BOB BRAUNOHLER	30
KEVIN ROCHE	36
MARTIN WELLS	55
ERIC SMART	61
STEVEN SHER	63
PHIL KINSELLA	82
JACK CURTIS	84
ARTHUR VON ROEMER	96
JEFF SHELTON	121

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

7:03 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, November 8, 2001. My name is Carol Mitten. Joining me this evening are Vice Chairman, Anthony Hood, and Commissioners Peter May, John Parsons and James Hannaham.

Notice of today's hearing was published in the D.C. Register on August 17, 2001 and in the Washington Times on August 14, 2001. This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3022 for contested cases.

The subject of this evening's hearing is Zoning Commission Case No. 01-09C which is the request by Louis Dreyfus Property Group, the owner of the property, for a consolidated review and approval of a Planned Unit Development and Zoning Map Amendment under Chapter 24 of the District of Columbia Zoning Regulations, 11 DCMR.

The proposal is for a change of zoning from C-M-3 to C-3-C and construction of a ten story office building along the west side of 2nd Street between F and H Streets, N.E. Copies of today's hearing announcement are available to you and are located to my left near the door.

The order of procedure will be as follows: Preliminary matters followed by the Applicant's case, report of

1 the Office of Planning, reports of other government agencies,
2 the report of the Advisory Neighborhood Commission, in this case
3 it's ANC 6A, parties and persons in support, parties and persons
4 in opposition, rebuttal by the Applicant. The following time
5 constraints will be maintained during this hearing. The
6 Applicant will have one hour, is that suitable?

7 MR. QUIN: We had put one hour and a half. We'll
8 try to keep it around an hour though.

9 CHAIRPERSON MITTEN: Very good.

10 MR. QUIN: Thanks.

11 CHAIRPERSON MITTEN: That'll be our target.
12 Parties will have 15 minutes, organizations will have five
13 minutes, individuals will have three minutes. The Commission
14 intends to adhere to the time limits as strictly as possible in
15 order to hear the case in a reasonable period of time. The
16 Commission reserves the right to change the time limits for
17 presentations, if necessary, and notes that no time may be
18 ceded.

19 All persons appearing before the Commission are
20 to fill out two witness cards. These cards are located on the
21 table by the entrance door. Upon coming forward to speak to the
22 Commission, please give both cards to the reporter sitting to my
23 right.

24 All individuals or organizations that would like to testify,
25 please sign the witness list located at the table near the door.

1 The decision of the Commission in this contested
2 case must be based exclusively on the public record. To avoid
3 any appearance to the contrary, the Commission requests that
4 persons present not engage the members of the Commission in
5 conversation during a recess or at any other time. The staff
6 will be available throughout the hearing to answer procedural
7 questions. Please turn off all beepers and cellphones at this
8 time so as not to disrupt these proceedings. At this time the
9 Commission will consider any preliminary matters. Mr. Bastida,
10 does staff have any preliminary matters?

11 MR. BASTIDA: Yes, Madame Chairman, the staff has
12 two preliminary matters and a request. The preliminary matter
13 first is that the Applicant fulfilled the requirements of the
14 posting on the site.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. BASTIDA: And the other preliminary matter is
17 that the H Street Association has requested to change their
18 party status from people in opposition to people in support with
19 Application 01-09C. And you have their request for party status
20 as an opponent to the application.

21 CHAIRPERSON MITTEN: Very well.

22 MR. BASTIDA: That concludes my preliminary
23 matters and I have a request. Anybody who is planning to file
24 anything that is already printed, please provide it to me right
25 away so I can handle the matters and facilitate that and provide

1 it to the Commissioners in a timely fashion. I'm by myself
2 tonight and I anticipate a heavy workload and would be very
3 appreciative if you were to do so. Thank you.

4 CHAIRPERSON MITTEN: We'll take up first the
5 requests for party status. We'll take them up in two groups.
6 We have, with the change by the H Street Merchants and
7 Professionals Association, we have three parties in opposition
8 requesting party status in opposition and we have two requesting
9 party status in support. So we'll begin with the Stanton Park
10 Neighborhood Association, Capitol Hill Restoration Society and
11 the F Street Preservation Association. We have letters from
12 each of these groups and all were timely filed. What's the
13 pleasure of the Commission? I know we have some overlap among
14 these groups.

15 COMMISSIONER HOOD: Madame Chairman, are we going
16 to take them one by one?

17 CHAIRPERSON MITTEN: I think because of the fact
18 that we have some overlap, I think we probably need to discuss
19 them as a group. We will now begin. My feeling is that the
20 folks on F Street, the F Street Preservation Association have
21 outlined their unique circumstances and the effect that the
22 project would have on them and perhaps it would be helpful to
23 those present if I were to read the requirements for party
24 status.

25 We grant party status only if the person or

1 organization has clearly demonstrated that his or her interest
2 would be more significantly, distinctively or uniquely effected
3 in character or in kind by the proposed zoning action and those
4 of other persons in the general public. And I think the F
5 Street Preservation Association has met that test. I'm
6 concerned about the overlap between Stanton Park Neighborhood
7 Association and Capitol Hill Restoration Society. I think the
8 members of Stanton Park are, clearly they're not all effected,
9 but I think those along 2nd Street are uniquely effected and
10 that granting party status to those two groups would be
11 appropriate and the Capitol Hill Restoration Society, I find
12 redundant with the Stanton Park Neighborhood Association,
13 although we would certainly welcome their participation in the
14 hearing as an organization.

15 Excuse me? Please come forward. Now unless
16 there's something that you were going, we usually make our
17 rulings about party status based on the submissions because the
18 intent of the submission is to present your burden of proof for
19 qualifying as party status so that, is there something that you
20 would like to add?

21 AUDIENCE MEMBER: There is, Madame Chairman.
22 Stanton Park Neighborhood Association has cooperated with the
23 Restoration Society in the form of a joint task force.

24 CHAIRPERSON MITTEN: Yes.

25 AUDIENCE MEMBER: We have structured our

1 testimony such that it is not at all repetitive. I will, on
2 behalf of Stanton Park, address only the amenities package
3 portion of the presentation. The Historic District, the
4 historic context, the zoning, the comprehensive plan, these are
5 to be addressed by witnesses from Capitol Hill Restoration
6 Society. So I request respectfully that we both be allowed to
7 make presentations and that Capitol Hill Restoration Society go
8 first.

9 CHAIRPERSON MITTEN: Sir, I appreciate the fact
10 that you have structured your testimony, I think that will be
11 very helpful. Unfortunately, we grant party status based on the
12 unique relationship of those concerned to the project. And what
13 we're discussing is whether or not the membership of Stanton
14 Park Neighborhood Association meets that test and whether or not
15 the membership of Capitol Hill Restoration Society meets that
16 test and when we have overlap, that does not support the notion
17 of a unique relationship to the project, so that's what we're
18 struggling with.

19 I would, to the extent that you're granted party
20 status, I would ask you to, if you felt that it was helpful,
21 incorporate folks from Capitol Hill Restoration Society but that
22 doesn't necessarily mean that they will rise to the level of
23 being granted a party independently. So I thank you for your
24 input on the relationship that you have with them and the task
25 force.

1 AUDIENCE MEMBER: Thank you.

2 CHAIRPERSON MITTEN: Thank you. Members of the
3 Commission, what's your pleasure?

4 COMMISSIONER PARSONS: I would agree with F
5 Street and Stanton Park as you outlined it. I point out that F
6 Street Preservation Association seems to express only a concern
7 about construction, which is a valid concern, but I could hope
8 that they would contain themselves to that area of the case in
9 any cross examination they wanted to conduct.

10 CHAIRPERSON MITTEN: I think that's good advice.

11 COMMISSIONER HOOD: Madame Chair, I will make a
12 motion that we approve Stanton Park Neighborhood Association
13 along with F Street Preservation Association as parties in this
14 case.

15 CHAIRPERSON MITTEN: Please take a seat. Is
16 there a second?

17 COMMISSIONER HANNAHAM: Second.

18 CHAIRPERSON MITTEN: We have a motion and a
19 second to grant party status to the F Street Preservation
20 Association and the Stanton Park Neighborhood Association and to
21 deny party status to the Capitol Hill Restoration Society. All
22 those in favor, please say aye.

23 (Chorus of ayes.)

24 CHAIRPERSON MITTEN: Those opposed, please say
25 no. Now, we'll take up party status for H Street Merchants and

1 Professionals Association.

2 MR. BASTIDA: May I record the vote, Madame
3 Chair?

4 CHAIRPERSON MITTEN: Oh, I'm sorry, Mr. Bastida.

5 MR. BASTIDA: The staff will record the vote 5 to
6 0. Mr. Hood moving and Mr. Hannaham seconding. Mr. Parsons,
7 Mr. May and Ms. Mitten voting in the affirmative. Thank you.

8 CHAIRPERSON MITTEN: We're going to have to start
9 again because Mr. Hood just reminded me that I did not reiterate
10 his motion accurately. We will take the vote again and I will
11 repeat Mr. Hood's motion accurately.

12 COMMISSIONER HOOD: My motion was to grant party
13 status for Stanton Park Neighborhood Association and the F
14 Street Preservation Association. It did not include Capitol
15 Hill Restoration. Do I need to take it off the table or do we
16 just need to refine, I'm just trying to keep it clean.

17 CHAIRPERSON MITTEN: Let's vote again and I will
18 articulate your motion accurately this time.

19 COMMISSIONER HOOD: I guess what I did, Madame
20 Chair, I left out Capitol Hill for some more discussion.

21 CHAIRPERSON MITTEN: All right.

22 COMMISSIONER HOOD: I guess that's what I was
23 doing.

24 CHAIRPERSON MITTEN: That's fine.

25 COMMISSIONER HOOD: I was hoping from what the

1 gentleman just said they may be able to merge along with Stanton
2 Park. So what I did was to make a motion that we grant Stanton
3 Park Neighborhood Association and F Street Preservation
4 Association party status.

5 CHAIRPERSON MITTEN: Okay. And we'll take up
6 that motion. Sir, we really don't take any kind of --

7 AUDIENCE MEMBER: For F Street Preservation
8 Association, I want to remove myself --

9 CHAIRPERSON MITTEN: You're withdrawing your
10 request for party status?

11 AUDIENCE MEMBER: Withdrawing my request for
12 party status.

13 CHAIRPERSON MITTEN: Thank you.

14 COMMISSIONER HOOD: I make a motion that we grant
15 Stanton Park Neighborhood Association party status.

16 COMMISSIONER MAY: Second.

17 CHAIRPERSON MITTEN: All right, we have a motion
18 and a second to grant Stanton Park Neighborhood Association
19 party status. All those in favor, please say aye.

20 (Chorus of ayes.)

21 CHAIRPERSON MITTEN: Those opposed, please say
22 no. Mr. Bastida.

23 MR. BASTIDA: The staff will record the vote 5 to
24 0, Mr. Hood moving and Mr. May seconded. Mr. Hannaham, Mr.
25 Parsons and Ms. Mitten voting in the affirmative.

1 CHAIRPERSON MITTEN: Thank you.

2 COMMISSIONER HOOD: Madame Chair, I don't know if
3 this is appropriate but due to the comments of the gentleman
4 that just spoke, I was wondering if the Capitol Hill, well, they
5 can work along with Stanton Park Neighborhood Association since
6 they have apparently combine their testimony.

7 CHAIRPERSON MITTEN: Yes, I think we could
8 perhaps, with a bit of indulgence from Mr. Quin, we could give
9 them a slightly expanded period of time but still have only one
10 party. Would you be amenable to that?

11 MR. QUIN: That's amenable.

12 CHAIRPERSON MITTEN: Thank you. So we could have
13 Stanton Park, give them slightly more time to present their case
14 and incorporate the Capitol Hill Restoration Society testimony
15 without granting party status separately to the Capitol Hill
16 Restoration Society. Can I get a representative from Stanton
17 Park, the representative from Stanton Park back up? Take a seat
18 and turn on the mic. Would you be amenable to that arrangement?

19 AUDIENCE MEMBER: Yes, we would. As I said,
20 we've structured our testimony so that Capitol Hill Restoration
21 Society witnesses would go first, to be followed by my
22 presentation on behalf of Stanton Park Neighborhood Association.

23 Cross examination has been prepared by two members of the
24 Capitol Hill Restoration Society and not by me. That does
25 present a problem. If I concede my right to cross examine to

1 the two representatives from the Capitol Hill Restoration
2 Society, they would not be doing simultaneous.

3 CHAIRPERSON MITTEN: I understand. Would that be
4 all right?

5 MR. QUIN: Normally you would have just one
6 person cross examining for the parties.

7 CHAIRPERSON MITTEN: Right. Would you be willing
8 to accept one person who is actually a member of the Capitol
9 Hill Restoration Society.

10 MR. QUIN: I'd like to hear their questions first
11 but I won't ask that.

12 CHAIRPERSON MITTEN: I think it would actually be
13 more organized since they're actually prepared.

14 MR. QUIN: That's fine.

15 CHAIRPERSON MITTEN: Okay, great. And how much
16 time do you think you'll need to make this joint presentation?

17 AUDIENCE MEMBER: I think 15 to 20 minutes.

18 CHAIRPERSON MITTEN: Total?

19 AUDIENCE MEMBER: Total.

20 CHAIRPERSON MITTEN: Okay, we'll set 20 minutes
21 then when your time comes.

22 AUDIENCE MEMBER: Thank you.

23 CHAIRPERSON MITTEN: Thank you very much. We'll
24 now take up the request for party status by the H Street
25 Merchants and Professionals Association and the Securities and

1 Exchange Commission. What's the pleasure of the Commission as
2 it relates to H Street and the SEC?

3 COMMISSIONER PARSONS: Well, you should probably
4 note for the record that we've just received a letter from H
5 Street in which they withdraw their opposition to this
6 application. It's not clear whether they withdraw their request
7 for party status or not with this letter.

8 CHAIRPERSON MITTEN: Mr. Saleem, are you
9 maintaining your request for party status? Thank you.

10 COMMISSIONER PARSONS: Well, I think they're
11 certainly entitled to it.

12 CHAIRPERSON MITTEN: I would agree with that and
13 I would move that we grant party status to the H Street
14 Merchants and Professionals Association, a party in support with
15 conditions.

16 COMMISSIONER PARSONS: Second.

17 CHAIRPERSON MITTEN: We have a motion and a
18 second to grant party status to the H Street Merchants and
19 Professionals Association. All those in favor please say aye.

20 (Chorus of ayes.)

21 CHAIRPERSON MITTEN: Those opposed, please say
22 no. Mr. Bastida.

23 MR. BASTIDA: Madame Chairman, I apologize but I
24 was having a discussion with a potential witness and I didn't
25 record the vote.

1 CHAIRPERSON MITTEN: Okay. I made a motion and
2 it was seconded, I believe, by Mr. Parsons, to grant party
3 status to H Street Merchants and Professionals Association and
4 the vote was unanimous.

5 MR. BASTIDA: Yes. The staff would record the
6 vote then 5 to 0, Ms. Mitten moving and Mr. Parsons seconded.
7 Mr. Hannaham, Mr. May and Mr. Hood voting in the affirmative.
8 Thank you.

9 CHAIRPERSON MITTEN: Thank you. And now we have
10 the final request for party status which is from the Securities
11 and Exchange Commission who is the lessee of a portion of the
12 project. My reading of the request by the SEC for party status
13 is that they, the effect that our decisionmaking may have on
14 them is really not related to zoning issues but it's more
15 related to just whether we approve the project or not and I
16 don't find that that rises to meet the test for party status and
17 I would move that we deny the request for party status to the
18 SEC.

19 MR. HOOD: I'll second.

20 CHAIRPERSON MITTEN: You're going to need to sit
21 down and we just like to make our rulings about party status
22 based on your submissions but this will in no way impede your
23 opportunity to testify. We welcome that.

24 AUDIENCE MEMBER: Okay, we'll go ahead and
25 testify.

1 CHAIRPERSON MITTEN: Thank you. We have a motion
2 and a second to deny the request for party status by the SEC.
3 All those in favor please say aye.

4 (Chorus of ayes.)

5 CHAIRPERSON MITTEN: All those opposed, please
6 say no. Mr. Bastida.

7 MR. BASTIDA: Madame Chairman, the staff would
8 record the vote 5 to 0 with Ms. Mitten moving and Mr. Hood
9 seconded. Mr. Parsons, Mr. Hannaham and Mr. May voting in the
10 affirmative.

11 CHAIRPERSON MITTEN: Thank you. Are there any
12 other preliminary matters, Mr. Bastida?

13 MR. BASTIDA: No, but I failed to mention the
14 fact that our clock is not working and I will acting as the
15 clock so I will be chiming in and telling people when their time
16 is about to expire.

17 CHAIRPERSON MITTEN: Okay. And I would also
18 apologize for the fact that I believe it's as hot out there as
19 it is up here so anybody that wants to remove their jacket,
20 please do so. It's quite warm. All right. All those
21 individuals planning to testify this evening, please rise to
22 take the oath. Mr. Bastida?

23 MR. BASTIDA: Do you swear and affirm that what
24 you are going to about to testify is the truth and nothing but
25 the truth? Thank you.

1 CHAIRPERSON MITTEN: Now, we've been joined this
2 evening by Council Member Ambrose and I would ask the indulgence
3 of the Applicant to allow the Council Member to testify first if
4 she would desire to do that.

5 MR. QUIN: I have no objection.

6 MS. AMBROSE: Thank you, Madame Chair.

7 CHAIRPERSON MITTEN: Can you come forward so we
8 can get you on the record, I'm sorry.

9 MS. AMBROSE: Thank you, Madame Chair and thank
10 you to the Applicant but I think I would like to wait my turn.

11 CHAIRPERSON MITTEN: Very good, thank you. We
12 welcome your participation this evening. So we'll ask Mr.
13 Bastida to give you a heads up when an hour has passed noting
14 that if you need to take a few more minutes than that, you know,
15 we want to have a thorough presentation and we'll make an
16 assessment of where we are at 9:30 and see how we'll be able to
17 proceed through the evening. So, please, go ahead whenever
18 you're ready.

19 MR. QUIN: Thank you very much. Members of the
20 Commission, my name is Whayne Quin with Christine Shiker of
21 Holland and Knight, L.L.P. We represent the Applicant, the
22 Louis Dreyfus Property Group, in this P.U.D. application.

23 Members of the Commission, we believe this P.U.D.
24 is one of the most important and meaningful developments in the
25 city in the last 50 years. It's designed by a world class

1 architect, Kevin Roche, and John Dinkeloo and Associates but it
2 offers the opportunity to revitalize an area near the United
3 States Capitol that's been an eyesore, essentially non-
4 productive, for many years.

5 As O.P. put it in its report, this P.U.D. bridges
6 several discreet segments of our city and it's identifiable
7 those segments are the monumental core to the south and
8 southwest, Capitol Hill to the south and southeast and east, the
9 west with Union Station, Metro and to the downtown area and the
10 H Street corridor to the east, the commercial corridor. In many
11 respects, we believe that this case has similarities to the
12 catalytic effect that MCI Center has had in the area of F
13 Street, 7th and 8th Street in downtown Washington. Here will be
14 the home of the Securities and Exchange Commission or SEC, and
15 importantly, it is retained in the District of Columbia on the
16 immediate eastern side of the Union Station and tracks in Metro
17 and with the total build-out, in terms of hard and soft costs,
18 of about a half billion dollars and about a total over a period
19 of time of the build-out of 1.4, almost 1.4 million square feet.

20 It goes, as you identified in your opening
21 statement, from F Street along 2nd Street to H Street. And it
22 will have approximately 4,700 workers at full build-out. And
23 this will assist in the revitalization of the entire area. The
24 site, you have a lot of that information, just skimming that
25 briefly, it's 5.5 acres. It's zoned C-M-3. The existing

1 density, as you know, 90 feet, 6 FAR and the proposed height and
2 density are within the applicable constraints. We're 5.8 FAR,
3 lower than the 6, 89 feet as measured from H Street, 115.5 feet
4 from F Street all within the appropriate frameworks of this
5 P.U.D. restrictions. In fact, except for the reduction in
6 parking, there are no areas of flexibility that we're seeking.

7 And this, I believe, is consonant with a new
8 category or sort of a discreet category of cases that you're
9 starting to receive from a number of applicants because they
10 deem the P.U.D. process to be the best method of pulling
11 everyone together, neighborhood, city, governmental agencies, in
12 one process because that way they can be most certain that when
13 they have an approval, it's a good approval. And I think that
14 trend is going to continue. Hope so.

15 It has, as Mr. Sher will testify later, it's in
16 full accordance with all the Comprehensive Plan use restrictions
17 and guidelines that have been proposed and followed by the
18 Zoning Commission. The site was previously approved. If you
19 look at Tab H of our original submission, at a slightly higher
20 density and the same height essentially, a little higher, with
21 no setbacks along 2nd Street at all and with no architectural
22 detailing that allowed the separation or division of various
23 parts of the building.

24 We are very pleased with the support that we've
25 been able to obtain in the neighborhood and in this case, the

1 Commission of Fine Arts, the Office of Planning, the ANC, the H
2 Street Commercial Merchants, the H Street Development
3 Corporation, we hope the Ward 6 Council Member, who is here, and
4 many residents and commercial entities in the area. This
5 support was obtained after many, many hours of work, many
6 changes which will be described by the architect. I'm not going
7 to take my time and your time now to describe those changes but
8 the architect will describe them in detail including stone
9 changes, materials, heights, setbacks, separation,
10 configuration, landscaping, all the things that he will cover.

11 While there is some opposition based on differing
12 views of design and other aspects of the case, there is
13 virtually no opposition to the project itself. I think you'll
14 find that to be true in the testimony that's presented tonight.

15 We have submitted tonight a plan, sort of a cumulative package
16 of the plans that were submitted to you, the first section of
17 it, about 50 percent of the book, includes the plans that were
18 previously submitted and these were the ones that were approved
19 by the Commission of Fine Arts and they were submitted to you on
20 the 19th of October.

21 In addition, the second part, and you will see in
22 your package about halfway through, something that says response
23 to Fine Arts recommendation. That portion, you should know, is
24 a further response to the Fine Arts Commission's comments with
25 regard to the last part, the northern portion, of the project,

1 which the Fine Arts Commission did not approve and left for
2 further review. And the reason we are doing that is we wanted
3 to get that before you, it's pending before the Fine Arts
4 Commission now. It will be before them on the 15th of November
5 for their hearing.

6 Also, we omitted, I think, two documents
7 inadvertently from our October 19th submission and they were
8 submitted for the record to complete it. They related to pre-
9 construction survey process and soil borings and they have been
10 submitted. At this point, we'd like to call your attention, it
11 has been filed with the, and by the way, we have extra copies
12 for the parties and persons who might be interested in the
13 project. I suspect people are here because they are interested.

14 We do have extra copies for them to make sure that they have
15 these plans themselves that they can look at this. So anyone
16 that's registered as a party, we would like to give them copies
17 of it and Christy Shiker will give those copies out.

18 But there's a document that we have filed for the
19 record. It's a summary of public benefits and project
20 amenities. Most of these items we've discussed in our
21 pleadings. Some are items that we have added since we were able
22 to file our last submission in consultation with the ANC and
23 with other parties. And Mr. Braunohler of Dreyfus will describe
24 those in more detail later. But it consists of two parts. The
25 first is a summary of the public benefits and project amenities.

1 And secondly, commitments for project amenities that relate to
2 discussions with the ANC and their resolution. I'm not going to
3 take the time to go over those. Those will also be covered as
4 part of our presentation.

5 While, as I said, we are extremely pleased with
6 the support that we've been able to obtain, I'd like to call
7 your attention to one rather awkward statement which I'd like to
8 make for the record. And that is, this particular community has
9 many, many sides to it and it's been very difficult for us to
10 get a cohesive view. And you're not going to hear a cohesive
11 view. Even those who voted for us do not necessarily stick
12 together. And so we have approached our amenity package by
13 committing to you, as a condition to the P.U.D., all these items
14 that we've set forth. We think that's the best way to do it.

15 One of the items is an advisory, a community
16 advisory committee. And we now have, if you look at page two of
17 the second portion, you'll see the members that we've listed.
18 Our goal is to have the community tell us who they want on the
19 community advisory committee. It's been very difficult. We've
20 listed who we should list, it's been called to our attention
21 that the Near Northeast Neighborhood Association should be there
22 and maybe an additional ANC member. Whatever the community
23 wants, we're for. But someone has to reach a cohesive decision
24 and if there's any guidance that you can give us as we go along,
25 we would appreciate it because it's been very, very difficult to

1 pull this together.

2 We look forward to your questions, your
3 consideration. We're very proud of this case. I really think
4 that of the cases that we've handled in the last 20-25 years,
5 this has the potential of helping the city in so many ways,
6 probably more than any major case that we've tried in recent
7 years because of where it is, it's relationship to Metro, Union
8 Station and the whole community. It really puts a whole new
9 face on Washington. Unless there are questions about an opening
10 statement, I'd like to call our first witness, Mr. Jeffrey
11 Sussman, President of the Louis Dreyfus Property Group.

12 CHAIRPERSON MITTEN: Please go ahead and we'll
13 hold all our questions until you're done with your entire
14 presentation. Thank you.

15 MR. QUIN: Thank you.

16 MR. SUSSMAN: Good evening, Members of the
17 Commission and ladies and gentlemen. My name is Jeff Sussman
18 and I'm president of the Louis Dreyfus Property Group and we are
19 the owner of Station Place. Louis Dreyfus Property Group has a
20 30 year history of development of major properties in
21 Washington. The best known of our local developments is the
22 Four Seasons Hotel in Georgetown and we've also built 1220 19th
23 Street, 2001 K Street and we redeveloped 1801 K Street and 2100
24 M Street.

25 Louis Dreyfus Properties is an international real

1 estate developer. We have developed in New York city and the
2 New York suburbs and in Chicago, Portland, Oregon, South
3 Florida, London and in Washington. Of these markets, we are
4 most bullish on the District of Columbia due to its unique
5 position as the seat of the Federal Government. Since the
6 tragic events of September 11th, our confidence in Washington,
7 D.C. as the nation's strongest office market has only grown
8 stronger.

9 We were attracted to this site because of the
10 Station with its remarkable transportation network and its
11 commercial hub and the size of the site. It is very scarce in
12 the District to obtain sites of size so that buildings can be
13 created to house the larger users in order to keep them in the
14 District of Columbia. We saw a unique challenge to upgrade a
15 neglected wasteland by building a bridge between downtown,
16 Capitol Hill and H Street. The development of Station Place
17 involves no residential displacement, no demolition and no
18 adverse impact on historic properties. It offers the scale and
19 the prestige to attract major tenants to this important this
20 location and thereby bolster the renewal of the H Street
21 corridor.

22 When we became interested in this site, I was
23 cautioned that it was on the wrong side of the Station. But I
24 seem to remember that ten years ago, the west side of the
25 Station was the wrong side. And 15 years ago, the Station was

1 on the wrong side of itself. In answering the RFP for the SEC,
2 it was clear that the site was attractive because it was large
3 enough for their present requirement and would allow for
4 possible growth in the future. They also recognize the
5 transportation and other amenities of the Station and its
6 location on Capitol Hill.

7 In order to help us create Station Place, we
8 selected the premier architectural firm of Kevin Roche, Dinkeloo
9 and Associates. With their well documented understanding of
10 urban design and their track record of creating buildings and
11 spaces appropriate to their location, site and surroundings, we
12 believe that we will be able to create a project of which we can
13 all be proud. We're pleased to be here tonight to show you
14 their design for this exciting addition to Capitol Hill
15 community. I'd like to introduce Bob Braunohler, our Vice
16 President in charge of Development in Washington and he'll
17 describe the process we've used to engage the community, the
18 Office of Planning, Commission of Fine Arts over the past nine
19 months leading to the design that Kevin Roche will present
20 tonight. Thank you.

21 MR. BRAUNOHLER: Thank you, Jeff. Good evening
22 Members of the Commission. My name is Bob Braunohler and I'm
23 going to be the local Louis Dreyfus Property Group
24 representative responsible for developing Station Place. I've
25 worked in the Washington, D.C. real estate community for 28

1 years on projects as diverse as the Four Seasons Hotel and the
2 new Washington Convention Center.

3 I'm particularly excited about working on this
4 project because it combines a real wide variety of interesting
5 challenges. First, it's adjacent to a historic landmark, Union
6 Station. It has a tenancy of a major federal agency, the SEC.
7 It not only requires rezoning but approval by the Commission of
8 Fine Arts.

9 It has the opportunity to create a meaningful
10 interaction with the H Street commercial corridor. It involves
11 excavating and constructing next to an active rail yard. It
12 involves protecting adjacent properties and nearby properties on
13 Capitol Hill. It revitalizes a neglected industrial site. It
14 involves negotiating an air rights easement with a future
15 developer behind Union Station and it offers the opportunity to
16 create pedestrian connection into Union Station from H Street
17 and from 2nd Street N.E.

18 We're proud of the way we've addressed all of
19 these challenges and we believe you'll find that our proposal
20 meets the reasonable needs of each party involved in this
21 process. Our proposed development will be built in three
22 phases. We call them Buildings 1, 2 and 3. Building 1 is going
23 to be the headquarters of the Securities and Exchange Commission
24 and that contains about 650,000 square feet. Building 2 will
25 contain 320,000 square feet and is expected to serve as

1 expansion space not only for the SEC but also for the future
2 user of Building 3. Building 3, at the north end of site, will
3 contain over 500,000 square feet and is currently being marketed
4 to governmental and private users.

5 Our timetable for Building 1 is very tight as the
6 SEC must move out of its current headquarters by the end of
7 2003. If the SEC were to exercise its option on Building 2, we
8 will immediately commence construction of that building. We may
9 elect to develop Building 2 on a speculative basis as well. And
10 if our marketing efforts with Building 3 bear early fruit, that
11 building could be completed within a year or two after the
12 completion of Building 1.

13 The community involvement process we have
14 followed to arrive before you tonight began early this year.
15 We've talked and met on many occasions with the leadership of
16 the various and diverse interest groups who represent the
17 different sectors of the Capitol Hill, H Street and near
18 northeast neighborhoods. I'd like to hand out a list of the
19 contacts --

20 MR. QUIN: That's been filed.

21 MR. BRAUNOHLER: -- that we have had with
22 community groups and neighborhood representatives. You can see
23 that it's a single spaced list three and a half pages long.
24 We've met repeatedly with the Stanton Park Neighborhood
25 Association, the Capitol Hill Restoration Society, ANC 6A, the

1 ANC Zoning and Licensing Committee, the H Street Merchants
2 Association, the H Street Community Development Corporation, the
3 ANC single member district representative, Council Member
4 Ambrose, the Union Station Redevelopment Corporation, the
5 Federal Railway Administration, Congresswoman Norton and various
6 combinations of these parties in different settings.

7 Our approach consistently has been to make
8 ourselves available to meet with and listen to each effected
9 party. And as a result of the listening we've done, we've made
10 very, very many significant changes to our original building
11 design. We've made a good faith effort to respond to as many of
12 the community's concerns as possible while still maintaining the
13 economic viability of the project. As an example, we've worked
14 with the Washington Area Bicyclists Association to make our
15 building a model project from their perspective.

16 We're going to be performing a much needed
17 environmental cleanup of the site as a part of our excavation
18 process and, as recommended by the Office of Planning, we're
19 going to institute a vending program within the public space
20 created by the sidewalks and the courtyards adjacent to the
21 building. We've listened to the many voices of this community
22 with regard to the public amenities and benefits they'd like to
23 see flow from this addition to their neighborhood. Mr. Quin has
24 submitted a list of the project amenities that we've agreed to
25 provide and I would now like to have submitted an outline of the

1 Construction Management Plan that's a part of that amenity
2 package.

3 MR. QUIN: That also has been submitted for the
4 record and copies are being handed to those who would like
5 copies.

6 MR. BRAUNOHLER: In the interest of time, I'm
7 sure there are going to be a lot of questions on the amenities
8 package and the Construction Management Plan but I'm not going
9 to walk the entire Commission through that right now. I will be
10 happy to take questions later on in the evening.

11 We're excited by the opportunity that's presented
12 by Station Place to create a landmark in Washington, D.C., and
13 to revitalize a long neglected part of our city. We want to be
14 a good neighbor to Capitol Hill, to near northeast, to H Street,
15 to the Thurgood Marshall Building and to Union Station. We
16 sincerely believe that our development team has responded
17 meaningfully to the many demands it has faced. And we will be
18 happy to take your questions and respond to your concerns. Now,
19 I'd like to introduce Kevin Roche who will present the design of
20 the project as it has evolved over the last nine months. Thank
21 you.

22 CHAIRPERSON MITTEN: Mr. Quin, maybe before we do
23 that we should just deal with the issue of the expert witnesses
24 that you've proffered.

25 MR. QUIN: Yes, there are the four that we have

1 submitted, actually five. The architects, Kevin Roche and Phil
2 Kinsella; Marty Wells, a traffic consultant; Eric Smart,
3 economic benefits; John Isadorian whom we do not plan to call
4 unless there is a question with retail; and Steven Sher, urban
5 planner. We do have other people available for questions in
6 different areas as necessary and rather than qualifying them
7 now, we would just submit that later in the event they're
8 needed.

9 CHAIRPERSON MITTEN: Okay, so we'll do Mr. Smart,
10 Mr. Kinsella, Mr. Roche, Mr. Sher and Mr. Wells. And we've had
11 a chance to review their credentials. Any concerns?

12 COMMISSIONER PARSONS: I just wonder why Mr. Quin
13 skipped Mr. Curtis. He submitted his materials.

14 MR. QUIN: Oh, I did. He was really on call for
15 questions, that's the only reason.

16 COMMISSIONER PARSONS: But you did submit his
17 resume and so forth?

18 MR. QUIN: Well, why don't we go ahead.

19 COMMISSIONER PARSONS: Why don't we do that.

20 CHAIRPERSON MITTEN: That's fine. So while we're
21 at it then, we'll do Mr. Isadorian, Mr. Curtis and then we also
22 received credentials, I'm not going to get this name right,
23 Roman Iwasiw. All right, we've reviewed the resumes for all
24 these folks. Any concerns about their level of expertise. So
25 in the areas that you've proffered them, they're all considered

1 expert witnesses by this Commission.

2 MR. QUIN: Thank you very much.

3 CHAIRPERSON MITTEN: Thank you. If it would be
4 helpful, we have a hand-mic.

5 MR. ROCHE: It would also be great if we could
6 get the lights down for the slides.

7 CHAIRPERSON MITTEN: Who is near this? I'm sorry
8 we don't have a spotlight for you.

9 MR. ROCHE: Madame Chairman and Members of the
10 Commission, my presentation is a slide presentation. The first
11 slide is showing the site in relationship to the Station, the
12 Judiciary Building, the old post office and, of course, the
13 Capitol Hill.

14 The site is bounded by F Street, 2nd Street and H
15 Street and the tracks of the railway. The zoning for the site
16 is currently C-M-3. This proposal is to change to 3-C-3.
17 Across the street on 2nd Street, the area is zoned C-2-A which
18 is non-historic designation, which does not have a historic
19 designation and has a 50 foot height permitted. So it is
20 currently a parking lot and measures 933 feet along 2nd, 139 on
21 H Street and 326 on F Street. There is a hundred foot right of
22 way on F Street and a 90 foot right of way on 2nd Street.

23 When we started this project over a year ago, our
24 initial concern was to design a building that would be
25 acceptable to federal tenants and to make those to federal

standards means designing the building is a 45 foot leap span, 30 foot core, 45 foot leap span which gives you a building width of 120 feet. So we laid out the building as a series of 120 foot long buildings. This one running along the parallel to the tracks and then a series of lower buildings coming out from that spine which stretched out to 2nd Street separated by a series of courtyards.

The building that was developed from that, we see in this exometric, it was a fairly simple building mostly glass above the second floor and it had, at the sixth floor, it had a setback sloping roof, a kind of mansard glass roof. It had indentations at the corner in an effort to reduce the impact of the building onto 2nd Street. When we met with the community on several occasions, they voiced their concern about the impact and felt that we had not done enough to reduce that. So we went through a series of other studies and came back with a building which broke down the facade around 2nd Street into a series of smaller units with setbacks of smaller units and then the courtyards. And also on the seventh floor at the setback, the eighth floor 15 feet from the 2nd Street facade.

In addition, in subsequent meetings, we also set back the central building an additional 20 feet and joined these two courtyards together. So those were a number of the changes.

We also reduced the height of the mechanical penthouses and then developed this plan which has, again, the main spine and

1 the secondary buildings coming out onto 2nd Street and recessed
2 back in the central point. Since the building will be occupied,
3 the first building will be occupied by the SEC, we've located
4 their entrance in this location.

5 I'd like to quickly go through the plan so that
6 you will understand how the building is formed. This is a
7 section taken through the center of the building showing the
8 ground level at H Street. There is a level of office space
9 below grade, two and a half levels of parking and then there are
10 several levels as you come up here for the setback for the
11 eighth level. And then on the main spine, the ninth and tenth
12 floors are additionally set back.

13 This is the highest mechanical which is the
14 cooling tower which is in the center of the first building which
15 would be 80 feet high. The ground floor then has the main
16 entrance here. It has elevators and escalators which connect to
17 the Station on the third floor. It has a vehicular entrance at
18 this point on F Street for the cars going in to parking and
19 another vehicular entrance on the north end for cars
20 additionally going in to parking.

21 Trucks and the majority of cars will come off H
22 Street and come down this ramp system to service the loading
23 docks in this building complex. Also to service the loading
24 docks, existing loading docks, in the Station. There are a
25 number of entrances in addition to this entrance. There's an

1 entrance to this building off 2nd Street here and we show two
2 entrances for the Buildings 3 and 4 in the initial design.

3 This is the lower level plan and it shows the
4 connection from the elevators which connect up to the railroad
5 station. You can come from there and get into the cores of all
6 the buildings. So all three or all four of the buildings will
7 be connected directly to the Station. This is the parking, one
8 of the parking level plans and we have a total parking of 920
9 spaces and for parking for bicycles 190 spaces.

10 On the third floor, we see the connection from
11 the main concourse of the Station coming into these elevators
12 and escalators which bring the passengers down to the main
13 entrance level. And on the eighth floor, you'll see the setback
14 from 2nd Street of the east portions of the building all the way
15 down. And on the tenth floor, we see the setback again from the
16 south end and the setback from the north of the ten story spine.

17 This is an elevation on 2nd Street looking west,
18 we see the Judiciary Building, the Station in the background and
19 then a series of wings which project out on to 2nd Street, the
20 recessed wing will end of the building to the north. So that
21 you can meet the absolute elevations, I would close in on this
22 section here and we see that the height of the roof for the
23 building at the tenth story is set from a given line in the
24 center of F Street of 115 feet five inches. The height of the
25 building along F Street is 90 feet up to the roof of that. The

1 absolute roof elevation of the building then is 159 compared to
2 181 for the Station. The penthouse, which is 11 feet high is
3 168.75. There is a relationship of height between the building
4 as it comes down F Street and the Judiciary Building which is
5 119, this is 120 and the setback of the Judiciary Building which
6 is 131 to 132.

7 On the north end, this is the H Street overpass
8 and we are 90 feet to the top of the building from the H Street
9 overpass and, again, we see the setbacks here of 65 feet, 85
10 feet, 49 on the tenth floor respectively. Now we recognize that
11 this site offers a great number of opportunities for urban
12 design and we have been looking at and studying and listening to
13 the community and to the Fine Arts Commission and to the Office
14 of Planning regarding those opportunities and we break them down
15 into these four elements of the relationship to the monumental
16 buildings, the streetscape on 2nd Street, the architect of the
17 Capitol Master Plan, the development on H Street and we also
18 discussed the west facade which overlooks the rail tracks.

19 So starting in sequence with these with the
20 relationship to the monumental buildings, the relationship is
21 really established in this corner as viewed from Columbus
22 Circle. Here is the Station opposed to here is the Judiciary
23 Building. And we looked very hard at this for a long time to
24 see was there a justification, was there a reason, would it be
25 ideal to make the presence here a replication of this neoclassic

1 facade or of this derived neoclassic from the original building.

2 And we studied a number of different possibilities which is
3 very similar to the end pavilion over on which is a different
4 striking of character of that or a smaller more modest kind of
5 arch. We went through all of these and in discussion informally
6 with the Fine Arts Commission staff and with the Chairman of
7 Fine Arts and with our own personal convictions that this was
8 not the right way to go and that we decided to derive our
9 inspiration from the entrance into the Judiciary Building which
10 is a modern atrium type entrance flanked by the stone of the
11 derived classical detail.

12 We've ended up with an entrance which will be an
13 atrium entrance, again, flanked by the same stone as Judiciary
14 and we see it here in the relationship to the two buildings from
15 Columbus Circle. Part of our test has been to try to reduce the
16 presence of this building as much as possible to make what I've
17 described as a background building as much as possible.

18 The section through that atrium is a curved front
19 wall and a curved glass roof which is also glass on the west
20 side and would be planted in here similar to the Judiciary
21 planting also on the projecting floors as we go to the height of
22 the atrium. And if you were looking directly from the Station,
23 here is the atrium entrance.

24 The base of the Judiciary Building is projected
25 over to this point and we have a two story line near which is

1 carried throughout the first phase building which has stone
2 similar to the Judiciary which is the Chalmersford Brick and it is
3 set up as a granite arcaded base two stories high. And then
4 above that are five stories of glass and then the full set
5 setback for the eighth floor.

6 The streetscape on 2nd Street, we looked at,
7 again, the west east side of the Judiciary which, of course, is
8 quite different from the south and the west side and it's much
9 more simplified. And we wanted should we pick up some of the
10 detail here or should we continue this character. And, again,
11 we went through a series of studies to see if that were
12 possible, would it make sense and here is some views looking
13 down 2nd Street. We studied the same illustration as exists on
14 the Judiciary Building, the varieties on it there and here and
15 there are many other different combinations.

16 And we also looked at the possibility of doing it
17 in brick because the railroad express coming on the north end
18 was brick. But again, after consultation with the Fine Arts
19 staff and the Chairman in particular, it was decided to not try
20 to emulate this building but to do a center background building,
21 keep it in glass and to carry the two story line, which is the
22 base of this building, in the same granite with the same arcaded
23 detail and landscaping as it runs down 2nd Street.

24 In subsequent meetings, we set back the second
25 building the 20 feet and had a granite facade, a granite

1 articulated facade on that to show that in a little more detail.

2 Here is a plan at the corner of F Street and 2nd and, as you
3 can see, the bicycle part is incorporated into the sidewalk
4 running along north on 2nd Street. The sidewalk at this point,
5 is 30 feet wide, the right of way is 90 feet wide. The
6 courtyard, the first courtyard is 152 by 67 1/2. It will be
7 landscaped and I will get into the landscaping in a moment.

8 Unfortunately because of the security
9 requirements of SEC, we may not be able to open this to the
10 public but the landscaping will be visible and the landscaping
11 has a series of redbud trees, flowering redbud. The landscaping
12 is designed by Jack Curtis who is here tonight. He also
13 designed the landscaping for the Judiciary Building, a series of
14 boxes with ground cover and spring bulbs and planters and the
15 fountain in the center, grading with some granite articulation
16 on that. Raised planters here again with more of the flowering
17 redbud. And along the street line there is series of honey
18 locust trees which will be planted at 25 foot centers.

19 Going to the next courtyard, here is a view of
20 this one. And going to the view looking back showing the edge,
21 the code, the setback, the paving, the granite arcaded along
22 with the landscape on it and then the view back into the
23 courtyard. The next courtyard is combined with the third
24 courtyard and the setback of 50 feet from the curb of the center
25 building to make a large public space which will be planted, has

1 fountains and seeding around and some of the same detail
2 landscaping with the redbuds and the ropus along in this area
3 and the ornamental grasses along with the same kind of detail in
4 stone, brick and granite. And we have some samples of all of
5 those here to show you tonight.

6 And a view of that looking to the south showing
7 the entrance into the second building and also showing the
8 facade of the second building which is a stone granite facade
9 with a strip every, of five feet and where the construction of
10 the floor is. And another view of the same. And one of the
11 things that we would propose to do in addition to providing
12 benches and so on is to develop a program for street activities
13 such as vending or art exhibits or book sales or whatever that
14 might be, range like this whole area of the street. This was a
15 particular concern of the Office of Planning and so we're
16 responding to that and to make this very lively and active
17 pedestrian space.

18 And another view looking into the second
19 courtyard showing the fountains, the granite, the seat along the
20 edge of the fountains, the planting beyond and the depth of the
21 courtyard and then some of these exhibit and vending
22 possibilities.

23 MR. QUIN: Just for the record, Mr. Roche, these
24 courtyards, except for the first one coming from F, are all open
25 to the public?

1 MR. ROCHE: This is fully open to the public,
2 yes. And there is just a rendering showing the same kind of
3 possible street activity along in the widened area of the
4 courtyard.

5 Now the other aspect to consider was the
6 relationship of this to the Capitol Master Plan, the Architect
7 of the Capitol's plan. We see here and it shows the area
8 involved and along 2nd Street there are, of course, the Library
9 of Congress and the other Senate office buildings and so on.
10 And we come to the Judiciary Building and there is a specific
11 chapter in the book regarding this transition line between the
12 Capitol grounds and the residential areas. But it does end, at
13 this point, which is F and 2nd Street. It does not go to the
14 north across our site. It is truly along this rendering that
15 the building, which is shown here which is intended to be a
16 parking structure, was lined up with what will ultimately become
17 the Judiciary Building.

18 In the document itself it says that this
19 transition zone commences on 2nd Street and F Street and
20 continues along the south so we're eventually getting to 2nd
21 Street and F Street, it is not, though, along 2nd Street
22 adjacent to the site of this project. Nevertheless, because of
23 concerns by some members of the community, we took a look at is
24 it possible to set the building back 64 feet, which is the 64
25 foot setback of the Judiciary Building. And the problem with

1 doing that is that, it's certainly possible to do it, the
2 problem in doing it is that there's a loss of almost 200,000
3 square feet to the project. And since the project is already
4 less than the permitted 6 FAR, it seems like an unreasonable
5 penalty for that. We could, of course, fill in the courtyards
6 but then we did look at that and that renders the building which
7 is not acceptable to federal standards because the distance from
8 the inside of the building to the outside wall is in excess of
9 100 feet which would not be acceptable.

10 In addition, this particular time would simply
11 end up with a wall, a solid wall, running along 2nd Street
12 really without very much relief. So we don't believe that this
13 is a prudent proposal, certainly not put on this site. In
14 addition to that, to do this would be a loss of 108,000 square
15 feet and a very severe penalty to the overall project. Now, we
16 looked at, since we have a series of indentations and since we
17 break down the building into smaller parts, what is the average
18 setback and if you take the average setback and compute it, it
19 comes out to be 58 feet. So we're very close, the actual
20 average is very close to the 64 feet. What we are providing in
21 regard to public access activity space here which is not
22 provided at the Judiciary Building because the 64 foot setback
23 there is occupied by the kindergarten and by the entrances into
24 the park and so it's not really visually set back, true, but
25 it's not accessible to the public.

1 This will be on the other end. The development
2 on H Street, here is the elevation looking south of the H Street
3 overpass with the buildings which presently exist on 1st and the
4 parking garage for the Station. This is the proposed project.
5 As you can see, it's a substantially smaller presence on H
6 Street than any of these other developments.

7 Now, there is the GSA is mandated to sell the air
8 rights over the tracks in this area by 2002 and it is likely
9 that there will be a building developed on that, it could be a
10 mass which, of course, could be commercial space as well as
11 parking and could bring to life, could bring this area of the
12 bridge to life and then one would hope that these buildings
13 could be converted and, again, this is a concern with the Office
14 of Planning so that retail could be put on those. And to
15 accommodate their concerns, we've opened the building out onto H
16 Street at that point and made an entrance from the north
17 building onto H Street as we see here. So here is the atrium
18 entrance directly in and this, of course, would eventually
19 become a large building in here that could be developed over the
20 air rights pending.

21 The western side overlooking the rail tracks is
22 primarily a glass facade. These are the ramps going down to the
23 parking and to the loading dock under the Station. It will be
24 especially designed, a glass facade, to drown out the noise of
25 the track activities and we're trying to get as much light as we

1 can on the west side because here is a model looking at the
2 proposed building, the Station, the tracks and when the air
3 rights building goes in, it would block off pretty much all of
4 that view so that we need to get ample light into the west side
5 of the building.

6 So that was the project that was presented to
7 Fine Arts last Thursday and in review and after considerable
8 discussion, they approved the first two buildings which is the
9 building which will be occupied by SEC and the one on which will
10 be ultimately occupied down to this point. They did not approve
11 the buildings 3 and 4 on the north and they recommend that those
12 be separated out from the first two buildings and perhaps
13 combined into one building. And we have since worked on that
14 and the Fine Arts also approved the building of this ramp down
15 to the loading dock, going from this building and into the
16 Station itself.

17 And so we've worked on the separation which is
18 their recommendation and we are now proposing a building and the
19 proposal will go back to Fine Arts next Thursday because with
20 the separation cut through in line with the G Street and
21 combining the Building 3 and 4 into one building which would now
22 be called Building 3. This would have a different facade
23 entirely from these two other buildings.

24 Here is a section taken through the connecting
25 link which joins the lower portions of the separated buildings.

1 So it's three stories high and here is the landscaping again,
2 landscaping development on 2nd Street and the ramping system on
3 the west side. And here is a view of it in the model where
4 there's a very definite separation between these buildings. And
5 a further view setting back across 2nd Street showing the
6 landscaping from the overpass between those two buildings and
7 showing, again, the new facade for the corporate third building.

8 And so there is a roof plan, again, showing the
9 response to Fine Arts. Now, in order to achieve this, we set
10 this back on the ninth and tenth floors 20 feet from the edge
11 here and we had to move the penthouse here 20 feet south, so
12 actually it moves 20 feet closer to H Street. Instead of being
13 85 feet, it would now be 65 feet to the tenth floor. And here
14 is an elevation again showing the entire project in relationship
15 to the Judiciary. There was concern with the Fine Arts that
16 this building is too large, and maybe too large. This building
17 is 360 feet long. The facade of the Judiciary Building is 440
18 feet long. So we're substantially less in length to the
19 Judiciary Building. There is a separation here and then you
20 have this portion, the south portion, really the presence on 2nd
21 Street of the smaller wings.

22 A view looking, again, of the original building
23 on 2nd and F, then moving down to look at this building where we
24 see the pictures of the model, a portion of which you have
25 there, showing the articulation there, the granite articulation,

1 for the second building, the separation for the third building
2 and then the elevation of the third building which you see at
3 the central entrance. Very simple, straightforward buildings.
4 This would be done in a warm color granite and the other
5 buildings would be done in the cooler colors matching the
6 Judiciary Building. So this is really separating out this
7 building from the first two.

8 Looking at it from H Street, again, we've widened
9 the atrium and made more of a presence there as an entry from H
10 Street. And this is the west facade again and we see the cut
11 through of that line over the tracks. So this is the project,
12 as I said, this portion approved by Fine Arts. We're going back
13 next week to present this portion to them. And here it is back
14 to the relationship to the main classical building, the Station
15 and to the Judiciary Building and we feel that it does have a
16 good relationship to it.

17 We've related to appropriate parts of Judiciary.

18 We have a relationship here from Columbus Circle to the
19 Station. We have a very pleasant aspect and pedestrian level
20 aspect on 2nd Street, the facade is broken up as you go along
21 2nd Street. We have an independent building down on the north
22 end and it's still, with these buildings, there was concern that
23 the buildings were rather large but when you look at them, any
24 of these buildings in relationship even to Judiciary or to the
25 old post office or to any of these buildings on proper Capitol

1 grounds or even to this building, these are relatively smaller
2 buildings.

3 We believe that we have worked very hard. We
4 know that we've worked very hard to resolve the issues. We know
5 that there have been many who have tried to resolve with the
6 intent of the plan inside the parameters of creating a kind of
7 space that will be usable to the federal office tenant. We
8 believe that we have a good relationship to the existing
9 buildings, a very pleasant relationship to the edge of the
10 neighborhood and we think, all in all, a quite appropriate
11 answer to what is, in fact, a very difficult and arduous
12 process. Thank you very much.

13 Now, just one other slide and that is the changes
14 that we have made in relationship to the concerns of the
15 community and the Fine Arts and the Office of Planning. We've
16 reduced the penthouses from 18 1/2 now to 11 feet, setback from
17 F Street and tenth floor, setback from H Street and the tenth
18 floor, setback on Building 2, 50 feet from the curb, the large
19 public area created with trees, plantings, fountains, etc. This
20 small courtyard will increase to claim the setback on the ninth
21 and tenth floor. Basically from our articulations between
22 Buildings 1 and 2, the facades changed on Buildings 2 and 3, the
23 atrium entrance on the H Street has developed, the west facade
24 change, the buildings entrance change and Buildings 3 and 3
25 combined and separated from Buildings 1 and 2. So we have

1 really worked very hard to respond. Thank you.

2 MR. QUIN: Madame Chairperson, we have models
3 here but I don't want to take any more of our time so it's your
4 discretion as to how you would like to view the two models.
5 There's a more detailed, larger scale model to your left which
6 covers the area including Union Station. And then to your
7 right, is a model that deals with the landscaping for a portion
8 of the building just so you could get a feel. Because we're
9 running a little later, unless you want us to go through that
10 now, we could make them available at break or however you would
11 like to do this.

12 CHAIRPERSON MITTEN: I think that's a good idea
13 and then if they can be used in response to any of the questions
14 that the Commissioners have, that might be a good way to utilize
15 the models. But you'll be leaving them with us, right? No?
16 Don't they become, oh, you just take a picture, right?

17 MR. QUIN: That's what's in the photographs.

18 CHAIRPERSON MITTEN: That's right, okay. They're
19 so nice, we wanted them to stay.

20 MR. QUIN: I'd like then to --

21 MR. BASTIDA: Excuse me, Mr. Quin, I just want to
22 remind you that you have basically eight minutes left for an
23 hour. Thank you.

24 MR. QUIN: Your welcome.

25 CHAIRPERSON MITTEN: It's a guide.

1 MR. QUIN: Thank you, we're going to move as fast
2 we can. Our next to the last witness is our traffic consultant,
3 Mr. Marty Wells.

4 MR. WELLS: Thank you, Mr. Quin. This evening
5 I'd like to address the transit, traffic, parking and bicycle,
6 pedestrian impacts of Station Place. I'm not sure I can do this
7 in eight minutes but I'm going to be quick.

8 Station Place, as Kevin has indicated, is or
9 will be directly connected at the third floor with Union
10 Station. At Union Station there is Metro rail service, there is
11 Mark and VRE commuter rail service, there's Amtrak, inner city
12 rail service and there's Metro bus service as well. Three
13 quarters of the employees and visitors of Station Place are
14 going to use these services. The building is also served by the
15 six lane H Street, four lane Massachusetts Avenue, two lane F
16 Street and two lane on 2nd Street.

17 We're proposing three driveways. The one at H
18 Street is on the overpass and it would be built with the very
19 first built, not the second or third building as was proposed in
20 the previous application. It would be located at the existing
21 median break on the overpass. A new signal would be installed
22 there and that driveway would serve all of the truck traffic
23 that would be generated by Station Place as well as the trucks
24 that use the truck dock in the corner of Union Station adjacent
25 to the project.

1 We're proposing a driveway on 2nd Street which
2 would be located directly opposite the commercial parking lot on
3 the other side of 2nd and we're recommending a third driveway on
4 F Street which would be located directly opposite, if this is
5 the project, the F Street driveway here would be located
6 directly opposite the loading dock area to the Judiciary
7 Building. We think this location is the most efficient, the
8 safest and the least disruptive location for the F Street
9 driveway. It is well offset, it's about 130 feet offset from
10 the parking garage entrance to the Judiciary Building. We think
11 there would be fewer vehicle conflicts.

12 We understand that maybe one or two trucks a day
13 use the loading dock area that would be opposite our driveway,
14 about 130, about 75 to 130 cars an hour use the parking garage
15 entrance to the building. And also, I think this is the safest
16 location because a driver exiting onto F Street, which as you
17 know operates one way eastbound, can simply look to their right,
18 see oncoming traffic that is either coming off of Columbus
19 Circle or exiting the driveway to the Judiciary parking garage
20 as opposed to say, a location here directly opposite the garage
21 where you'd have to contend with the traffic exiting the garage
22 and then traffic on F Street which is very close to that curve
23 where the Circle reflectively becomes F Street.

24 And the design that Kevin presented to you, which
25 was approved by the Commission on Fine Arts, has the driveway at

1 this location rather than cheek to jaw with the very attractive
2 lobby. So the driveway is a well offset from that and it's well
3 offset for the utilities that are put in here. We also think
4 that three driveways is the best access form because it
5 distributes traffic over these three or multiple driveways
6 rather than concentrating it at one or two driveways. And it
7 provides the most direct access for the commuter routes leading
8 to the project and it minimizes the potential for traffic
9 cutting through nearby residential neighborhoods.

10 Our traffic analysis, which we reported to you,
11 included detailed analyses of seven intersections. That we
12 concluded, as you'll read in our report, that all of the offsite
13 intersections will operate within their capacities. We did find
14 that at F, excuse me, at 1st and Massachusetts Avenue, right
15 here, that this intersection would operate at a level service E
16 in the morning peak hour and C in the afternoon. All of the
17 other intersections would operate at D or better. That E
18 condition can be mitigated by retiming the traffic signals which
19 the District Division of Transportation, DDOT, tells us would be
20 at Dreyfus' expense. We understand that. The driveways
21 themselves leading to the project would operate at levels
22 service A or B.

23 In terms of parking, the proposal is to provide
24 948 parking spaces on two and a half levels. There's the
25 potential also to stack another 211 parking spaces in the aisles

1 for a total of 1159 spaces. Compare that to the Code parking
2 requirement of about 775 spaces. The former BZA approval for
3 another project of similar scale and size was approved at 910
4 spaces. And we estimate the market parking demand at about 863
5 spaces. So the amount of parking we're providing, be it the
6 self parking or particularly the self and stack parking would
7 more than adequately meet those needs.

8 The folks who park on this lot today, what would
9 they do in the future when they're displaced, about 300 folks on
10 average that park there in a day. We hope they'd take public
11 transportation. If they don't take public transportation, they
12 could park in Union Station. The commercial parking lot
13 directly across 2nd Street in legal, metered, short-term parking
14 spaces on 2nd Street or even at Station Place if space is
15 available.

16 Transportation demand management, Dreyfus is
17 proposing a program that consists of many elements. In the
18 interest of time I'm not going to go through each of those but
19 it is an ambitious plan. The centerpiece of the plan was
20 encouragement of public transportation. We think this is a
21 natural with the SEC. Three quarters of their downtown
22 employees participate in the federal transit program which
23 provides 65 dollars a month, soon to be 100 dollars a month, to
24 underwrite or subsidize the use of public transportation. The
25 SEC does have a ride sharing program or carpooling program and

1 they do have alternative work schedules. That's really the
2 centerpiece of this program. There are other items here as
3 well.

4 Finally, in pedestrians, as Kevin has described
5 and I won't go into anymore detail, wide sidewalks and a bike
6 path are proposed along the entire frontage of the project on
7 both 2nd and F Streets. The crosswalks, DDOT tells us the
8 crosswalks will be improved at our expense at F and 2nd Street
9 and the crosswalk which connects Union Station with the
10 Judiciary Building across the way, conditions will be improved
11 at least to the extent that the trucks that currently have to
12 cross that crosswalk to get to Union Station may, and in the
13 future will use H Street. The District may shorten that
14 crosswalk as part of their redesign of Columbus Circle. You may
15 be aware that that is being studied now by the Union Station
16 folks.

17 So, in a nutshell, our conclusion is that the
18 public street network will adequately accommodate Station Place
19 traffic. We think we have an adequate parking supply and we
20 think the TMP will help mitigate the transportation impacts of
21 Station Place.

22 MR. QUIN: Madame Chairperson, our next witness
23 is Eric Smart, economic consultant. He will be very brief.
24 We're trying to get him in two to three minutes.

25 MR. SMART: Thank you. I'll begin by echoing

1 what Mr. Quin has said that clearly this is the largest private
2 development the District has seen in recent memory. I'll
3 highlight the, in abbreviated form, what the economic benefits
4 are. Some you've heard before and I won't repeat them.

5 Ten million dollars in annual direct revenue.
6 Eighty percent from real estate taxes, 28 percent and another 20
7 percent from retail sales tax revenue, parking and other user
8 related fees. The employment benefits, of course, would be
9 immense. Of the 5,000 jobs, we estimate an additional 500
10 direct spinoff jobs which translate into the vicinity of 2,000
11 District jobs dependent directly on Station Place.

12 Neighborhood enhancement, 59 dollars in new
13 annual retail sales so it's needed with the increased
14 employment. For a special significance, major impetus to H
15 Street. The infilling of the current vacant lot in particular
16 is something that hasn't been mentioned is the 24 hour security,
17 of course, that would go as translated the difference from being
18 a parking, open parking lot now to a very active building. The
19 presence of all that on that parcel, we estimate will contribute
20 a minimum of five to ten percent increase in property values for
21 the dozen blocks or so east of 2nd Street. You can see that
22 that then would flow directly, as well, in enhanced tax revenues
23 to the District and benefit the property owners.

24 The commencement of the construction at Station
25 Place, one that's particularly interesting to us, I've watched

1 this in our practice for over 15 years, that it will resolve a
2 longstanding uncertainty to when and how this very large parcel
3 will be redeveloped. From reading other completed investments
4 to proceed with more surety as the future of the overall area is
5 determined. We're involved in some other projects which are
6 very much going to go forward at a more accelerated pace with
7 the approval of this one.

8 The kicker, one-time construction related
9 benefits. With respect to transfer fees and other development
10 related expense that could flow to the District directly, we're
11 estimating upwards of four million dollars of the one-time
12 benefit, 700 construction jobs and other, many other outflows
13 that you would anticipate from a 500 million dollar project.
14 And some saying, after again I mentioned before, after many
15 years of waiting for a development concept that matched market
16 opportunities which is really what's distinguished in what
17 you're seeing here today, we see this as an immense opportunity
18 for the District to benefit. Thank you.

19 MR. QUIN: Madame Chairperson, our last witness
20 is Mr. Steven Sher, urban planner.

21 MR. SHER: Good evening, Madam Chair and
22 Commission Members. For the record, my name is Steven E. Sher,
23 the Director of Zoning and Land Use Services with the law firm
24 of Holland & Knight, L.L.P. Unaccustomed as I am to having so
25 much time left at the end of the presentation, I think I have

1 about minus two minutes and I'm going to very quickly summarize
2 what you've been handed which is what I would have done anyhow
3 but I might have taken a little more time.

4 Existing zoning of the property is C-M-3 permits
5 6 FAR 90 feet in height and it's an industrial zone. In
6 addition to all of the commercial retail service office uses
7 permitted, it also permits wholesale, warehouse and light
8 manufacturing uses, frankly a carryover from 1958 when this
9 property was in active railroad use. Proposed zoning C-3-C 6
10 1/2 FAR, 90 feet under the P.U.D. allowed to go to 130 feet and
11 8 FAR. The proposed development before you is at slightly less
12 than 6 FAR, in fact, it's at 5.805 which is less than the
13 existing matter of right about 47,900 square feet less than the
14 existing matter of right and about 168,000 square feet less than
15 the matter of right under C-3-C.

16 Mr. Roche, in his presentation, went through the
17 heights from the various places. I'm not going to talk about
18 that, at this point. Though, I can if you want me to. Page 9,
19 compliance with P.U.D evaluation standards of Section 2403,
20 regulations require that the impact of the project be favorable,
21 capable of being mitigated or acceptable. We believe that the
22 project meets all of those requirements. It's less density than
23 currently permitted as a matter of right. The height and bulk
24 stepdown from west to east and let me just quickly run through
25 these numbers. The top of Union Station is elevation 181. The

1 top of the parking garage behind the Station elevation 158.67.
2 The top of our roof, the top of the highest part of the roof,
3 the tenth floor, is 157.57. The elevation, top of the eighth
4 floor is 132. The top of the seventh floor is 120. That
5 elevation turns out to be 78.25 feet from F Street. When you
6 step down across 2nd Street, you've got a 50 foot height in the
7 C-2-A District and 40 foot height in the R-4 District as you go
8 further to the east. So we have a constant progression of
9 heights stepping down from the highest point on the west to the
10 lower point on the east.

11 You just heard Marty Wells talk about traffic and
12 transit access and I'm not going to spend anymore time with
13 that. What we're doing here is taking a parking lot and
14 transforming it to a well-designed and productive office
15 building that, in fact, hides the view of the rail yards from
16 the east. We have a significant Construction Management Plan
17 which you've had submitted for the record in a variety of forms
18 and summarized again for you this evening. Under Section 2403.8
19 of the Regulations, the Commission is required to judge, balance
20 and reconcile the relative value of project amenities and public
21 benefits offered, the degree of incentives requested and any
22 potential adverse effect.

23 What we have here on the public benefits side, we
24 have a substantial amount in number and quality of onsite
25 amenities, the design, the streetscape, the open space and, let

1 me just pause on that for a second. We have a lot occupancy on
2 this project in its entirety of 72 percent, 100 percent is
3 permitted. The courtyards total more than half an acre, more
4 than 123,000 square feet on private property, and the total open
5 area along 2nd Street including both public and private
6 properties, more than 51,000 square feet. We have the
7 pedestrian connection onto the H Street overpass and the direct
8 connection to Union Station. We have the whole list of
9 community amenities which Mr. Braunohler talked about earlier
10 which has been submitted, again, so I'm not going to go over all
11 those individually. Those are balanced against development
12 incentives.

13 Well, what incentives are we getting here.
14 Remember, 48,000 square feet less than the existing matter of
15 right, 168,000 square feet less than the matter of right under
16 C-3-C. There's no increase in height measured from the
17 overpass. There's a 25 1/2 foot increase in height measured
18 from F Street which is achieved with significant setbacks from
19 2nd Street before you get to that height.

20 There is one area in all of this project that
21 there is some flexibility that we request from the zoning
22 regulations and that has to do with the heights of roof
23 structures. You may recall that in his testimony Mr. Roche
24 indicated that we've got the main penthouses at 11 feet in
25 height but we have two cooling towers, one for Buildings 1 and 2

1 and one on Building 3 that are at the normal 18 1/2 foot height.

2 So we do not have penthouses with walls of equal height and
3 that requires some relief from this Commission in approving the
4 project.

5 The cooling towers are well set back to the
6 middle of the site and the only reason that they weren't reduced
7 from 18 1/2 to 11 is we just need them that high to get the
8 equipment in them. So, other than that, the whole thing would
9 be 18 1/2 but we knocked the main part of the penthouses down to
10 11. With respect to the Comprehensive Plan, that is summarized
11 beginning on page 11 at the bottom and I'm just going to hit a
12 couple of points on that. The generalized land use map
13 identifies the site as a mixed use from the medium high density
14 commercial and production of technical employment categories.
15 The property is within the essential employment area. It's
16 within the northeast, No. 1 special treatment area which is
17 targeted for a new secondary lower ran office district south of
18 Florida Avenue. It's also in the development opportunity area.

19 A lot of other pieces of that in there.

20 I'd like to just also reference in the Ward 6
21 element of the plan, the land use piece of the Ward 6 element
22 talks about locating more intensive and active land uses in
23 areas of the Ward that by virtue of existing in a planned
24 infrastructure can accommodate and support those types of uses
25 and it talks about redevelopment of a Ward 6 portion of the

1 northwest one, sorry, northeast one special treatment area as a
2 primary and secondary commercial area. And that's at the bottom
3 of page 17.

4 In terms of capability with the area, the project
5 sits at the junction of four areas of different characters and
6 that basically corresponds to the four sides of the site and the
7 building. Union Station and Thurgood Marshall to the south, the
8 rail yards to the west, H Street to the north, 2nd Street to the
9 east. The building has been designed to reflect those four
10 different contexts. The height steps down from west to east.
11 The proposed FAR is less than the maximum amount permitted. The
12 site has long been identified in plans and policies in the
13 District of Columbia for development with large scale commercial
14 use.

15 I conclude, therefore, that the project is not
16 inconsistent with the Comprehensive Plan, that it's within the
17 applicable height and bulk standards of the zoning regulations,
18 that the project impacts can be accepted with the conditions
19 we've proposed, setbacks and Transportation Management Plan, the
20 Construction Management Plan. The project is compatible with
21 the existing and expected character of the area. The height and
22 bulk represent an appropriate transition from higher height and
23 density to the west to lower height and density to the east.
24 The project represents a substantial benefit to the area and has
25 long term potential to leverage the improvement of the H Street

1 commercial corridor and I suggest that this application should
2 be approved.

3 MR. QUIN: Madame Chairperson, one hour and
4 twelve minutes.

5 CHAIRPERSON MITTEN: Excellent. Mr. Bastida,
6 what time do you have?

7 MR. BASTIDA: I have an hour and 15 minutes.

8 MR. QUIN: That completes our direct testimony.
9 We do have the models as the only other issue, not issue, but
10 exhibit that would be part of our case and we can deal with that
11 whenever you'd like us to.

12 CHAIRPERSON MITTEN: Okay. Would any of the
13 Commissioners like them to bring forward the models now or just
14 in response to questions?

15 COMMISSIONER PARSONS: I just wanted to ask if
16 the model reflects these changes in response to the Fine Arts
17 Commission or --

18 MR. QUIN: Yes, they do.

19 CHAIRPERSON MITTEN: I guess they're willing to
20 wait. There's contained excitement over the whole thing. Do
21 the Commissioners have any questions for the witnesses of the
22 Applicant. Don't be shy. Mr. May.

23 COMMISSIONER MAY: Okay, I'll go first. I have
24 several questions. I'll try to do them in some sensible order.
25 Starting with traffic questions, the one issue that's been

1 raised somewhere in the masses of information we received on
2 this project is that crosswalk between the Judiciary Office
3 Building and Union Station and the impact of traffic through
4 that intersection and you made some reference to it. The, and
5 you gave us some pretty impressive numbers about the number of
6 vehicles going in and out of the Judiciary Office Building
7 garage on an hourly basis.

8 MR. WELLS: Correct.

9 COMMISSIONER MAY: And if you look at the size of
10 that building and the size of the Station Place building and we
11 can picture that number of vehicles which all have to come down
12 1st Street, which I think that's 1st Street there.

13 MR. WELLS: Well, let's agree to call it 1st
14 Street.

15 COMMISSIONER MAY: It's one of the two 1st
16 Streets that straddles Union Station. Well, whatever it is,
17 that, I know that there's an issue there already with pedestrian
18 traffic. You're taking some of the problem away by moving the
19 trucks away but there are a lot more cars there.

20 MR. WELLS: Correct.

21 COMMISSIONER MAY: Do you have a sense of how
22 much, how many more and what might be done to mitigate it other
23 than what's been discussed with the Columbus Circle plan which
24 is trying to narrow it and shorten it. I have seen those plans
25 so I know what's happening with that.

1 MR. WELLS: We thought about this long and hard.

2 In terms of the, recall our Station Place has three driveways,
3 the F Street driveway would carry, in rough terms, about a
4 quarter of the traffic; 2nd Street would carry about a quarter
5 of the traffic; and about half the traffic would use H Street.
6 In absolute terms, if memory serves, I believe the F Street
7 driveway in peak hours, the morning peak would be the most
8 critical peak for inbound traffic, if memory serves, it's about
9 167 cars that would be generated by, would want to get into the
10 F Street driveway. So that's what we would be adding there.

11 Now, the provisions for pedestrian safety now is
12 there's a marked crosswalk. I think it's too long. I think
13 there's too much pavement on 1st Street, it's just too wide for,
14 167 is not a lot of cars and at the end of the day, we think
15 there'd be roughly 500 cars there. That could be served with
16 much more narrow pavement. So we're in full support of
17 shortening that crosswalk. The traffic that crosses the
18 crosswalk today has to come to a stop because of a stop sign.
19 We talked in the course of this project perhaps even signaling
20 that crosswalk. Perhaps that signal could be coordinated, it
21 effectively would be part of the existing signal down at 1st and
22 Massachusetts Avenue. So, we think those are things that could
23 be done. We, respectfully, we don't think it should be closed.
24 I think that would be an overreaction to the issue but shorten
25 the crosswalk, better control it and narrow that pavement I

1 think is the ticket here.

2 COMMISSIONER MAY: Have you discussed this issue
3 with the Administrative Office of the Courts in particular?

4 MR. BRAUNOHLER: I'll answer that. Yes, we have
5 and, in fact, the Administrative Office of the Courts has asked
6 us to write a letter to the District Department of Public Works
7 supporting their request to narrow the pavement section at that
8 location and we have done that. We have sent that letter off
9 and we have agreed with the Administrative Office of the Courts
10 to work together with them to try to achieve that end.

11 COMMISSIONER MAY: Okay, next question I have is
12 the reference to the displaced parking.

13 MR. WELLS: Yes.

14 COMMISSIONER MAY: During construction and the, I
15 think you stated that some of that could be taken up by Union
16 Station and I know that at certain points they may have excess
17 parking. I don't know that they would have sufficient parking
18 for that. Do you have any numbers on that?

19 MR. WELLS: Yes. I'll have to look them up.

20 COMMISSIONER MAY: Well, okay, maybe you could
21 just summarize and tell me whether or not there is sufficient or
22 whether there's some periods or whether --

23 MR. WELLS: There would not be sufficient, the
24 numbers are as follows. On an average day, roughly 300 folks
25 park in that lot today, the existing commercial lot that's on

1 Station Place. If memory serves, the times we've observed the
2 Union Station garage, maybe as much half of that could park in
3 Union Station itself, the Union Station garage, not all of it.
4 Some of the slack could possibly be taken up by the commercial
5 parking lot that's on the east side of 2nd Street which would be
6 opposite our proposed driveway on 2nd Street. There is some
7 legal metered parking, albeit short-term parking, on 2nd Street.

8 That could happen. And there could be some excess parking
9 spaces within Station Place itself.

10 In an ideal world, those folks would take public
11 transportation. Undoubtedly some of them will. Undoubtedly all
12 of them will not. So that's our thinking about where the
13 overflow parking would be and how they would be accommodated.

14 MR. BRAUNOHLER: Let me just add to that. We have
15 also been in discussion with the Administrative Office of the
16 Courts regarding this issue in that they currently have about
17 160 spaces in that surface parking lot that they rely on. We
18 have talked to the SEC about the possibility of working out a
19 first right of refusal in the new building, in the SEC portion
20 of the building, such that any spaces of the 380 in phase one of
21 Station Place which are not leased by the SEC, would as of right
22 of first refusal go to the Administrative Office of the Courts.

23 There's been a positive reaction generally, although this is
24 not in writing at this point, but we think that we will be able
25 to work out the right of first refusal of one federal agency in

1 line behind another such that we could absorb some of that 160
2 which is currently on the lot.

3 COMMISSIONER MAY: Okay, the next traffic
4 question I have has to do with the intersection at H Street and
5 the entrance ramp to the Station Place building and has there
6 been any thought on how that would be signalized and will you be
7 able to come and go in all directions.

8 MR. WELLS: I'm so glad you've asked that
9 question. I carried around these exhibits to every meeting and
10 nobody has asked the question and I do have an exhibit on that.

11 CHAIRPERSON MITTEN: I have a hand mic for you
12 again if you'd like.

13 MR. WELLS: This exhibit shows the H Street
14 overpass. If you'd drive this today, you'll notice that there
15 is a median break here that, I believe, the buses from the Union
16 Station garage use to do a U turn. They can't turn left out of
17 there so they use this to make a U turn.

18 This is the 24 foot wide ramp that the Commission
19 of Fine Arts approved that leads down into a couple of the
20 levels of the Station Place parking garage. The loading area
21 for Station Place as well as the existing loading area in the,
22 let's call it the northeast corner of Union Station. This is
23 what that intersection would look like. H Street has three
24 through travel lanes in each direction. It's a wide lane on the
25 near side of Station Place.

1 Left turns, there would be a short term left turn
2 pocket, I believe if my memory serves, it's a little over 100
3 feet, 100-120 feet. So one would be able to turn left or right
4 into the driveway. One would be able to turn left or right out
5 of the driveway. We've shown here the proposed location for
6 signal points. We have submitted this to DDOT.

7 There's also a proposal, am I going into too much
8 detail?

9 COMMISSIONER MAY: Yes, I think a simple yes
10 would have done but I'm glad that --

11 MR. WELLS: Yes, yes is the answer. I was dying
12 to show this

13 COMMISSIONER MAY: I'm glad you got a chance to
14 use the board, I know how that feels. The next question I have,
15 I'm not sure whether this falls into traffic or into the Dreyfus
16 court but it has to do with the bike path and the input of the
17 bicycle association and I guess what I'm wondering, being
18 someone who rides his bicycle around town a lot as it is and
19 someone who has commuted by bicycle, I wonder how much input
20 cyclists have had on how that will actually work and is it
21 really a reasonable scheme to have that concrete bicycle path
22 within the sidewalk and not have it be overtaken by the large
23 numbers of pedestrians who hopefully will be walking on the
24 sidewalk there.

25 MR. BRAUNOHLER: Well, we believe we have the

1 endorsement of the bicycle association. A representative is
2 here tonight and, I think, will testify. They are very pleased
3 with our approach to accommodating bicycles on the project and
4 they have told us that they wish that every office building they
5 dealt with were as cooperative as we are.

6 As to issues of whether the ten foot wide path
7 would be overrun with pedestrians, I don't know what we could do
8 beyond what we've done. We don't want to put up chains
9 alongside it but I believe that it is a far cry some of the
10 other blocks that they will have to be traversing where there is
11 not room to create the ten foot path on the sidewalk.

12 COMMISSIONER MAY: Okay, I won't dwell on that.
13 I guess when whoever testifies from the bicycle association, if
14 they have an opinion subject, I'd like to hear it. Then I have
15 a handful of questions about the, that are really design
16 questions.

17 I'm a little bit confused about the entrance and
18 the way that has been articulated in the most recent drawings
19 and there were some references to changes and I'm wondering is
20 this, have we seen the final version of this. I was even
21 confused by the Fine Arts Commission's response to it in sort
22 of pushing back to an earlier version of it and, I mean, is that
23 really where we're settling in with the curved glass front and
24 the sort of skin of stone framing it.

25 MR. ROCHE: Yes, that was the design which was

1 approved by the Fine Arts Commission. As I indicated, we went
2 through many iterations of that particular portion of the
3 building and we had a version of that in the earlier designs
4 and, in the process of going through first several meetings with
5 Fine Arts, they suggested that we take that and modify it into
6 being the design that you're looking at right now.

7 COMMISSIONER MAY: One of the aspects of that
8 design that I find rather curious is the way the stone used on
9 either side of that glass entry and how it's, it seems like,
10 it's not glass framed in stone buildings the way the Judiciary
11 Office Building entrance is but it's just sort of a skin that's
12 laying on that same glass box or am I reading the elevation
13 wrong.

14 MR. ROCHE: No, that's correct. We had, again,
15 in early manifestations we had it as the glass, growing out of
16 the glass facade. But it was felt that it needed to be
17 articulated separately with the stone, the stone frames which
18 are rather strong, rather bold statements. And, in fact, are
19 detailed similar to the stone piers on the Judiciary.

20 COMMISSIONER MAY: Okay. Has there been any
21 thought with the very transparent nature of the building, at
22 least the way it's been shown and modeled, about the impact of
23 the lighting of the building and, in fact, how well the or the
24 extent to which the lights being on in the building at night or
25 late afternoon are going to effect the immediate neighborhood or

1 is the glass going to be sufficiently dimming in the direction
2 of the neighborhood to sort of mute that. I mean, it seems like
3 it's a very big, very transparent lantern, if you will, to the
4 neighborhood.

5 MR. ROCHE: Well, the lighting will be recessed
6 to reduce the amount of horizontal spillout through the windows.

7 The glass is, however, clear and this is very much at the
8 desire of the tenant to have that much openness and airiness to
9 the building. And it will brighten up the area I think at this,
10 it will be, you know, will bring, which is currently a rather
11 dark and gloomy spot along 2nd Street. This would brighten it
12 up. And it is for the first portion of the buildings. The
13 second portions and third portions are, as you saw, different
14 designs.

15 COMMISSIONER MAY: I think that's it for the
16 moment. There are a couple of things I'm still pondering.

17 CHAIRPERSON MITTEN: Thank you, Mr. May. Anyone
18 else? Mr. Parsons?

19 COMMISSIONER PARSONS: I guess all of my
20 questions are for Mr. Roche, sorry. I'm very comforted by your
21 new design. I really had a great deal of difficulty with the
22 first iteration that was submitted so long ago. I congratulate
23 you.

24 MR. ROCHE: Thank you.

25 COMMISSIONER PARSONS: You made a statement about

1 the first courtyard that might not be open to the public and I
2 just had an overall security question, which we're having
3 obviously a lot of discussion about security nowadays and
4 especially here, and I presume that this elevation on the model,
5 although planters have been installed and your fountains are
6 raised, are those in any way security devices or are we going to
7 have an add-on to your design later that may not be under your
8 control?

9 MR. ROCHE: I'd like to bounce that to my
10 partner, Phil Kinsella, whose been working on that particular
11 part of the problem.

12 MR. KINSELLA: Security has been discussed
13 several times and the SEC is currently, for their portion of the
14 building, evaluating their needs. At this point, there have
15 been no bollards in that end of the building. They were looking
16 more at hardening the loading docks, the concerns for
17 progressive collapse or redundancy. And that hasn't been
18 decided. But as far as the grade in the rest of the building,
19 and the fountains and benches and trees, they do act as security
20 devices but they have not been requested nor intend to put them
21 there for that purpose as yet.

22 COMMISSIONER PARSONS: Okay, then we'll go back
23 to Mr. Roche's question, statement, not that you to rise again.
24 He said that the first courtyard might have to be closed to the
25 public for security reasons.

1 MR. KINSELLA: Well, there is a colonnade. That
2 courtyard has a series of columns, double columns, progressing
3 across it. Within the planter, there's a raised element which
4 is, has a gorilla on top, it's two feet tall, set back behind
5 the benches. The courtyard itself, the SEC desires to be able
6 to close that which would become an iron, a metal, ornamental
7 metal grillwork within that colonnade, probably on the inner
8 line of the colonnade as we've discussed it so far.

9 COMMISSIONER PARSONS: Would it be open during
10 business hours?

11 MR. KINSELLA: No, it will be visually open but
12 not open for the public to go in and out. The other courtyards,
13 however, are completely open and available.

14 COMMISSIONER PARSONS: Now I wanted to talk some
15 about the west elevation which is, by necessity I guess, brutal.
16 I don't know how else to discuss it. Do you, you don't have a
17 model that would show the bulk of an air rights building
18 adjacent.

19 MR. ROCHE: Yes, we do but did we bring that.
20 I'm not sure.

21 CHAIRPERSON MITTEN: We need to get you on the
22 mic before, what happened to the mic.

23 MR. ROCHE: Is this on?

24 CHAIRPERSON MITTEN: No.

25 MR. ROCHE: This is a potential bulk, it doesn't

1 necessarily mean this is what's going to be done but this is
2 what could happen inside there. So, as you can see, it's a very
3 substantial possibility.

4 COMMISSIONER PARSONS: So you've obviously
5 decided a completely glass wall is the way you wanted to go on
6 this and I just thought if you could talk about that a bit. I
7 don't expect you to embellish it with stone but some relief. I
8 think the new insert you put between Buildings 2 and 3 is a
9 relief and the notch that you put in is good.

10 MR. ROCHE: We have, in fact, introduced other
11 projections and so on into it to relieve that facade. The
12 intent was to be able to get as much daylight as possible in
13 there because in the future, that would be a relatively
14 constrained view as you can see the possibility there.

15 COMMISSIONER PARSONS: Yes.

16 MR. ROCHE: So we wanted to keep it as open as we
17 could on that facade.

18 COMMISSIONER PARSONS: I've got to ask a silly
19 question about the Leyland Cyprus that are planted along the
20 boundary between you and the railroad and why on earth are they
21 there. Mr. Curtis may be able to help us with that. Twelve
22 foot high is just, just seemed to be --

23 MR. CURTIS: I'm Jack Curtis. It's an attempt to
24 at least create a buffer at a lower level. We have a very
25 restricted space for the trees to grow. Ultimately we would

1 hope those trees would obtain heights of maybe something in the
2 range of about 35 or 40 feet. But we just have very little
3 space to grow and support the trees. We're looking for
4 evergreens to give at least a year around screening effect at
5 least from the lower level for the service docks and the lower
6 portion of the building.

7 COMMISSIONER PARSONS: I was just trying to
8 figure out whose view you're trying to screen.

9 MR. CURTIS: I think it's from both sides.

10 COMMISSIONER PARSONS: So the lower floors then
11 wouldn't be able to see the trainyard, would they?

12 MR. CURTIS: The first level, the service areas
13 of the building, no, they would not.

14 COMMISSIONER PARSONS: Is that the purpose then?

15 MR. CURTIS: It's an attempt --

16 COMMISSIONER PARSONS: To deprive them of looking
17 at the oncoming trains and activity of the yard?

18 MR. CURTIS: It's an attempt to just give a break
19 along that property line.

20 COMMISSIONER PARSONS: Do you really think
21 they'll do that well?

22 MR. CURTIS: I think if we have them irrigated
23 and we have the proper soil conditions they will do well, yes.

24 COMMISSIONER PARSONS: Because I was going to
25 urge maybe an architectural screening device or something.

1 MR. CURTIS: Well, that would be the other option
2 but at this time, we opted for a natural screen.

3 COMMISSIONER PARSONS: All right, thank you very
4 much.

5 MR. CURTIS: Sure.

6 COMMISSIONER PARSONS: That's all.

7 CHAIRPERSON MITTEN: Thank you, Mr. Parsons.
8 Anyone else?

9 COMMISSIONER HOOD: I have a few questions Madame
10 Chair. Mr. Sussman?

11 MR. SUSSMAN: Yes.

12 COMMISSIONER HOOD: You obviously have done a lot
13 of development, as you stated in your comments, here in the
14 city. What is your track record on the, my colleague's laughing
15 because you're not the first person I've asked this to. When
16 the DOES and also the LSDBEs, what is your track record?

17 MR. SUSSMAN: I'm going to turn that over to Mr.
18 Braunohler who is involved in that process.

19 COMMISSIONER HOOD: Okay.

20 MR. BRAUNOHLER: We have, to be perfectly frank,
21 all of the, the three Louis Dreyfus ground-up development
22 projects historically done in the city have not included LSDBE
23 agreements. These buildings were built in the 70s in two cases
24 and they're in the downtown office buildings which did not have
25 the, they were matter of right buildings. We did not have

1 P.U.D. type processes. So this would be the first.

2 COMMISSIONER HOOD: Okay.

3 MR. BRAUNOHLER: However, my own personal
4 experience working on the Convention Center has been very
5 valuable in providing a template, if you will, on how these
6 successful programs can be put in place and implemented. And we
7 plan to borrow heavily from the success of the Convention Center
8 in working with Tompkins to put programs of first source and
9 LSDBE in place and if you look at our project amenity writeup,
10 we provide some detail on that.

11 COMMISSIONER HOOD: In your discussions with the
12 Office of Planning and the community upfront, did you let them
13 know what type of businesses you think you may need, what type
14 of jobs there may be, that people may get upfront so we can
15 start the training process as opposed to, what's been happening
16 is towards the end they come up and they say, well, no one was
17 qualified and we couldn't meet our 35 percent in local
18 disadvantage businesses and also we could not meet our 51
19 percent of District residents, was that done upfront. And if
20 not, could it be done?

21 MR. BRAUNOHLER: Yes, the answer is it has not
22 been done yet but it can be done and we have, again, I think
23 there is a provision in our commitment for project amenities,
24 number four, is that with JA Jones Tompkins we will implement a
25 fitness for duty policy which will include job training for

1 skilled and semi-skilled professions. And we also will have a
2 drug testing program, borrowing again from the Convention
3 Center, which will work, we'll have a full time person working
4 with these trainees and the people who come from the community
5 seeking jobs to not only get them work but to keep them in the
6 work and not have a short-term work experience which then
7 relapses back into a substance abuse problem.

8 We feel that we have, again, a very good model to
9 follow at the Convention Center and we're going to implement a
10 similar program.

11 COMMISSIONER HOOD: Okay. So, again, not to put
12 words in your mouth, as we progress, we will have something more
13 specific?

14 MR. BRAUNOHLER: Yes.

15 COMMISSIONER HOOD: Okay, thank you. I guess,
16 Mr. Wells. If you could, we've taken the easel down now but you
17 put up a rendering that had the F Street, as you come down F
18 Street, come off of --

19 MR. WELLS: Yes, sir.

20 COMMISSIONER HOOD: Okay. Could you put that
21 back up for me?

22 MR. WELLS: Yes.

23 COMMISSIONER HOOD: And you can put it right
24 there, that's fine. I just want to make sure we're on the same
25 page. You stated the entrance on F Street, if I'm coming,

1 that's not exactly the one, there was another one. There was
2 another one but that's okay, that's okay. That'll do. It was a
3 larger one but that's fine. If I'm coming down F Street.

4 MR. WELLS: Yes.

5 COMMISSIONER HOOD: Maybe the lights were out
6 because that's not the one either. That's fine, let's just go
7 on.

8 MR. WELLS: Do you want to see the H Street
9 overpass?

10 COMMISSIONER HOOD: No, no, no, I don't need to
11 see the whole piece. If I'm coming down F Street and I'm going
12 to turn into the garage, can you kind of just run me through
13 that orientation?

14 MR. WELLS: Yes. F Street operates one way
15 eastbound.

16 COMMISSIONER HOOD: Right.

17 MR. WELLS: From Columbus Circle adjacent to
18 Union Station, the Thurgood Marshall Building, that operates one
19 way, eastbound. Now, east of 2nd Street it's two way and 2nd
20 Street is two way.

21 COMMISSIONER HOOD: Okay.

22 MR. WELLS: So to get into either the Marshall
23 Building or Station Place, you have to come from this direction,
24 you must do that.

25 COMMISSIONER HOOD: Yes.

1 MR. WELLS: Because it's one way eastbound. So
2 in the case of the Marshall Building, you turn right. In the
3 case of Station Place, you turn left.

4 COMMISSIONER HOOD: I'm sure it's going to be
5 improved if this is approved and once the development starts but
6 if you come down that way now and if I stop to make a right and
7 there are cars behind me, what precautionary measures have you
8 taken to prevent them from running into the back of me?

9 MR. WELLS: There's no reason for you to stop
10 there. There's no opposing traffic.

11 COMMISSIONER HOOD: Okay, but I'm going to stop
12 and I'm going to turn into that entrance.

13 MR. WELLS: You're going to turn here. To the
14 Judiciary?

15 COMMISSIONER HOOD: No, yes, well, all of it
16 because what happens is you're going to have more of an influx
17 of traffic because you do have a driveway there, I mean an
18 entrance. And my concern is for F Street, Judiciary, if I'm
19 going to stop and come in there, what precautionary measures do
20 we have to kind of build the traffic issues on F Street or has
21 it been --

22 MR. WELLS: You have today's condition, today's
23 condition is just exactly what you say. You turn right and one
24 does not have to come to a stop. You have to rely on your
25 widths and this is uncontrolled at the moment.

1 COMMISSIONER HOOD: That's my point.

2 MR. WELLS: We think it's a great advantage. We
3 think it's an advantage, a traffic advantage, to have our
4 driveway farther to the east because, frankly, I don't like the
5 proximity of this driveway to that rather sharp curve. So I
6 prefer the location farther away from it.

7 COMMISSIONER HOOD: While I know that it's not
8 your product, I still think you need look at that because I try
9 just to protect the safety and health of the residents of the
10 city and I don't see, like you said, you said out of your own
11 words it is uncontrollable and I see a problem there.

12 MR. WELLS: It's uncontrolled.

13 COMMISSIONER HOOD: Well, it may be
14 uncontrollable, too, at one point if we don't do something about
15 it. I just think that's something you maybe want to look back
16 into.

17 MR. WELLS: Let me disclose we are discussing
18 with DDOT the operation of F Street. This is not a closed issue
19 at this point.

20 COMMISSIONER HOOD: Okay.

21 MR. WELLS: We are under discussions with them
22 about the proper operation.

23 COMMISSIONER HOOD: Okay. Whatever you can do
24 probably to help that situation, mitigate that, I think will be
25 great.

1 MR. WELLS: I think Dreyfus has pledged to be a
2 good corporate neighbor.

3 COMMISSIONER MAY: Can I follow that. With the
4 discussions regarding F Street, does that mean considering
5 whether it should remain one way?

6 MR. WELLS: All of our work is predicated on the
7 one way operation of F Street. We think that's the right thing
8 to do. The community has told us they think that's the right
9 thing to do also. I think what the community is concerned
10 about, in part, is that if F Street were to be two way, they see
11 that as an invitation to use F Street through their community to
12 get to that driveway.

13 So the community has, we'll hear from them
14 directly, but they've told us they want it to be one way
15 eastbound. Now, I have to be honest with you, the subject of
16 closing 1st Street and operating F Street as two way, that has
17 been, that subject has been broached. We think the right thing
18 to do is keep F Street, to keep this open, to keep F Street one
19 way eastbound. We think that's the right thing to do.

20 COMMISSIONER MAY: Thank you.

21 COMMISSIONER HOOD: Mr. Wells, the H Street
22 entrance, and I'm trying to remember, you know you don't think
23 about these things and when you're driving hopefully there isn't
24 a traffic light because if it is, I've never stopped.

25 MR. WELLS: There is not a light there now.

1 COMMISSIONER HOOD: Now, we have another interest
2 coming on H Street. My concern is, again, in the evenings if
3 I'm going towards North Capital and I want to make a left into
4 the development, what the time of the signal and taking all that
5 into consideration and the traffic that's going out of the city
6 on H Street, how hard will it be for me to, have those things
7 been looked into, and I know you can't predict the future, but
8 have those things been looked into as far as making a left with
9 all the influx of traffic that's going out of the city?

10 MR. WELLS: Yes, sir. We've looked at the
11 traffic, the intersection, it's there today. There's a median
12 break today on the overpass. This model's great. If you, you
13 can see here at this driveway out of the garage you can only
14 turn right. You cannot cross this median and turn left. So
15 traffic that does that that wants to go towards North Cap will
16 bang a U turn at this median, this median break.

17 In the future that will be signalized. We have
18 looked at the volumes, we've looked at the capacity, we've
19 looked at the cums, we've looked at the traffic that will want
20 to come in and out of both Station Place as well as this air
21 rights development. We prepared the drawings that I'd like to
22 present to you in detail. But we have submitted the capacity
23 analyses and the drawings and a concept of how to signalize the
24 intersection. We have submitted those to DDOT. We think it'll
25 work and we believe DDOT will use them.

1 COMMISSIONER HOOD: Okay. And we also, I think
2 you mentioned the parking. In the residential area, is there
3 zoned parking?

4 MR. WELLS: There is, yes.

5 COMMISSIONER HOOD: How many blocks away is it
6 from the site? Is it on 2nd Street?

7 MR. WELLS: Oh, yes. 2nd Street, I do not
8 believe it's on 2nd Street. It is 3rd Street and to the east.
9 2nd Street is agent parking.

10 COMMISSIONER HOOD: Okay, thank you. The
11 construction plan, Mr. Quin, I'm not sure who?

12 MR. QUIN: Mr. Braunohler will address them. If
13 necessary, we can talk to the representative from Tompkins who
14 is also here tonight.

15 COMMISSIONER HOOD: Okay. My concern is it says
16 parking for trade foreman will be on site. All others will park
17 in nearby parking lots and utilize mass transit. No parking by
18 construction personnel will be permitted on the adjacent
19 residential streets. Most construction workers, and I'm just
20 throwing this out there for discussion, usually have their
21 individual tools and you don't normally see them on the subway.

22 They usually drive their personal cars. So I think that's
23 something we that need to look into in your Construction
24 Management Plan. I may be incorrect but I don't usually see
25 them on the subway in the mornings with all their tools around

1 their belts and that's going to be a concern because if they
2 don't have, not provided parking onsite, they will eventually
3 flow over into the residential areas.

4 MR. BRAUNOHLER: We have Art Von Roemer here who
5 is the project executive for JA Jones Tompkins and I think he
6 can address that.

7 COMMISSIONER HOOD: Madame Chair, if that's in
8 order?

9 CHAIRPERSON MITTEN: That's fine.

10 MR. VON ROEMER: Is there a specific question?

11 MR. QUIN: Would you identify yourself for the
12 record?

13 MR. VON ROEMER: I'm Art Von Roemer, Construction
14 Executive for JA Jones Tompkins.

15 MR. QUIN: And may I also qualify him briefly as
16 an expert. I don't think his resume was submitted but how many
17 years have you been in the construction business?

18 MR. VON ROEMER: Thirty-one.

19 MR. QUIN: Where?

20 MR. VON ROEMER: The last 11 in Washington, D.C.
21 and prior to that, all over the country.

22 CHAIRPERSON MITTEN: As an expert in construction
23 management?

24 MR. QUIN: Construction management, yes.

25 CHAIRPERSON MITTEN: Any objections? That's

1 fine, thank you.

2 MR. QUIN: Thank you.

3 MR. VON ROEMER: Your question had to do with
4 construction parking?

5 COMMISSIONER HOOD: Right.

6 MR. VON ROEMER: As we designated in the
7 Construction Management Plan, the foremen will generally park on
8 the site. There's parking for 35 to 40 vehicles designated on
9 the site as in our construction utilization plan. As you say, a
10 lot of the workmen bring tools to the job but generally if
11 they're going to be stationed there for a period of time, which
12 most of them are, for instance, the concrete crews will be
13 working for a matter of eight months, they bring their tools in
14 when they arrive at the job, when they're assigned there and
15 then they go home without them each night. So a lot of them do
16 access public transportation.

17 There will be some parking in public lots in the
18 vicinity. And they have to find, generally, parking. They'll
19 be parking in Union Station and other places where the general
20 public does. But the restrictions on the parking in the
21 neighborhood will be upheld. Generally, they come in very early
22 in the morning when most of the residents are still parked in
23 their spaces, so we don't usually have a lot of that problem.

24 COMMISSIONER HOOD: Okay, you answered my
25 question. There will be 35 or so spaces provided.

1 MR. VON ROEMER: Yes, for supervisors, yes.

2 COMMISSIONER HOOD: And the first day they'll
3 drop their tools off because they will drive in the first day.

4 MR. VON ROEMER: Generally, the workmen, they
5 drive in, drop their tools off and they're there for a period of
6 time, usually months.

7 COMMISSIONER HOOD: I think that's it Madame
8 Chairperson. Also, let me just ask Mr. Quin, the liaison group,
9 how long is that, I don't believe it's in effect now.

10 MR. QUIN: No, it is not. It is to be formed and
11 it would be through, certainly, the construction period of the
12 building and our experience has been, frankly, is that by the
13 time the construction period is over, they don't really want to
14 have anymore meetings. At least that's what we've had in other
15 situations but I think that's something that, having spoken to
16 the Dreyfus Company, I believe they would be willing to continue
17 that as well over a period of time depending on the phasing
18 because the phasing may not go into the first three to four
19 years, five years.

20 COMMISSIONER HOOD: I will say this, Mr. Quin, I
21 was concerned with the materials that I read when you said that
22 the community people were not involved with the process but
23 apparently things have changed because now I see that you have a
24 full meeting list, and that did disturb me, but I think this
25 answered my question.

1 MR. QUIN: I think we've always had an open,
2 different people have different views.

3 COMMISSIONER HOOD: Okay, thank you. Thank you
4 Madame Chair.

5 CHAIRPERSON MITTEN: Thank you, Mr. Hood. I'd
6 like to follow up on a question that Mr. Parsons asked regarding
7 the courtyard and the security of the courtyards. Given that
8 the whole thrust of the design is to attract government tenants
9 and you, in fact, have with the SEC and I presume that you're
10 goal or one of your targets is to attract perhaps another agency
11 to the project, are you prepared to make a commitment that
12 you'll keep the other courtyards, besides this first one, open
13 to the public in light of the fact that another government
14 agency might want the same kind of security measures that the
15 SEC has requested.

16 COMMISSIONER PARSONS: I'm glad you did that,
17 Madame Chairman, because I was not persuaded at all by the
18 testimony we've got so far, that I was going to ask for some
19 more elaboration as to why that courtyard, which is a major
20 amenity, has to be closed to the public. It was just described
21 as, well, there's colonnades there and we'll close it and I
22 don't find that persuasive. So I'd like to find out why we
23 can't mandate that that be open at all times. And maybe not
24 tonight.

25 CHAIRPERSON MITTEN: So now we have a, now we

1 have a two-prong question.

2 MR. BRAUNOHLER: As to Commissioner Parsons
3 question, the SEC will be here as a witness momentarily and they
4 can address that, the issue regarding the first courtyard. As
5 to the second courtyard, which is in fact a combination of two
6 courtyards and a setback of the second building, we can commit
7 that that will remain open and that, if it is necessary at some
8 future date that some government agency that we would like to
9 lease to is requesting that to be closed and they're making that
10 a demand, we would have to come back to this body for approval
11 of that.

12 CHAIRPERSON MITTEN: Okay. Let me just ask you a
13 question about where you are with the SEC. Have they, in fact,
14 signed the lease?

15 MR. BRAUNOHLER: A lease is signed.

16 CHAIRPERSON MITTEN: Okay. Because I just want
17 to be sure. There's a lot of things in the proposals that are
18 very reliant on the SEC in particular and I just wanted to be
19 sure that you had advanced to the point of actually signing a
20 lease. And the next question I had relates to what Mr. Smart
21 had, part of what he had quantified as benefits. Does the SEC
22 have a purchase option. And I'm asking that in light of the
23 fact that we're talking about generating real estate tax
24 revenues which, I assume, if they owned the building they would
25 not continue to pay. Do they have a purchase option?

1 MR. BRAUNOHLER: Yes, there is a purchase option
2 structured as an installment sale basically over the term of the
3 lease. And as to what the real estate tax implications of that
4 would be, I don't know. Do you? We'd have to check into that
5 and get you that information.

6 CHAIRPERSON MITTEN: Okay. I'd like to talk a
7 little bit about the phasing of the project because typically a
8 P.U.D. would be done in a single phase, although I know there
9 have been others that are done in multiple phases, but usually
10 there's a time limit on the P.U.D. approval and the project is
11 either built or not built. In this case, I assume that once the
12 project commences and say Building 1 is built, there is nothing
13 on the back end, you're not proposing anything on the back end
14 to guarantee when, by a date certain that Buildings 2 and 3
15 would be constructed.

16 Can you speak first to what does the first phase
17 include because I've seen some reference to the fact that the H
18 Street ramp, I'm not clear about whether the H Street ramp would
19 be included. I'm not clear about whether the totality of the
20 parking garage would be included and then, and this may be
21 something you'll have to provide later, I'd be very interested
22 in seeing a representation of if only Building 1 is built, what
23 are we looking at or if only phase one is built.

24 MR. BRAUNOHLER: We have given that a lot of
25 thought. And to answer your question, the H Street ramp is

1 built with phase one, with Building 1, so that that ramp will be
2 fully operational when the SEC moves in. I can't answer the
3 question as to when phases two and three will be built. We are
4 optimistic given the number of large users that we hear rumored
5 to be in the marketplace that it will be sooner rather than
6 later. However, I can't say it's two years or four years or
7 five years. We are certainly going to be doing everything we
8 can to market the other two buildings as soon as we have our
9 zoning in hand. I mean, the hurdle, frankly, is the zoning to
10 being able to market the remainder of the project.

11 As to the interim condition, it is our intention
12 to utilize the remainder of the site, on an interim basis, as a
13 surface parking lot to the north of the Building 1 until such
14 time as the other phases are constructed. And, of course, to
15 make it a much more attractive surface parking lot than the one
16 that's there now. And we would also dress up the 2nd Street
17 curb and sidewalk area but we would not put in the final curb
18 and sidewalk because that would just be destroyed when we go in
19 to build phases two and three. But we would, certainly,
20 visually and in terms of neighborhood impact, it would be a much
21 improved situation over what is there today.

22 CHAIRPERSON MITTEN: Do you think that you could
23 provide us with some kind of representation, visual
24 representation of what the completion of phase one would look
25 like and how much of the landscaping would be installed, what

1 you would propose in terms of an upgraded surface parking lot
2 and so on.

3 MR. BRAUNOHLER: Yes, we would be happy to do
4 that.

5 CHAIRPERSON MITTEN: One thing that, this is just
6 perhaps for a subsequent submission, but we had some discussion
7 at the sit down about some difference between the number of
8 employees that were being projected by the Applicant and then
9 the number of employees that were being referenced by the Office
10 of Planning in their sit down report, I think this is 4690 and
11 the Office of Planning had talked about 6000 and some. And in
12 Mr. Smart's written submission, which I've lost track of the
13 tab, oh, here it's at Tab C reference is made to 6,195 employees
14 and I was just hoping we could get all the numbers on the same
15 basis so that we have an accurate representation of the benefit
16 in terms of revenue.

17 Now, I had a few questions related to the traffic
18 for Mr. Wells. In estimating the demand for parking from the
19 863 spaces, I think, you had that bar graph that showed the, I
20 know you'd love to put that one up. A nice color graph. I
21 can't find the page in your report at the moment where you go
22 through your calculation of the 863 but I do remember that that
23 was based on the same level of utilization of mass transit or
24 non-auto transportation that the SEC uses and given that the SEC
25 is only occupying a portion of the project, I was wondering if

1 you could speak to whether or not they're non-auto usage is
2 typical.

3 MR. WELLS: Their non-auto usage is high and I
4 think when DDOT looked at our numbers, they commented about that
5 but thought the estimates were appropriate given the location
6 immediately adjacent to the Union Station which, I guess,
7 arguably is the most transit rich hub in the city. Three
8 quarters of the SEC employees use transit. The 863 spaces, that
9 assumes that level of usage for the entire building. I would
10 note that 863 is significantly less than the 1159 which is the
11 total potential, total parking potential.

12 So I think we have some, if other tenants, if
13 they have different mode splits, they're likely to have lesser
14 than 75 percent non-auto use but nonetheless we have some play
15 in the numbers, in the demand numbers. Again, compared to the
16 863 with the 948 which is just the self parking spaces, and
17 there's the potential to park in the aisles, stack some spaces
18 which is 211, so you have 1159. So we feel like we have a
19 buffer.

20 CHAIRPERSON MITTEN: I understand.

21 MR. WELLS: To answer your question directly,
22 this number, the 863, is for 75 percent for the entire building.

23 CHAIRPERSON MITTEN: All right. I just want you
24 to explain one calculation to me because I think it's just one
25 of those numbers that you get out of one of your guidebooks. On

1 page 22 of your July 30th submission, it's at Tab B.

2 MR. WELLS: Yes.

3 CHAIRPERSON MITTEN: Or we could look at, well,
4 let's just look at that one. When you take the number of
5 employees that would be associated with 1,590,000 square feet,
6 we get 4690, we get 4,690 employees. And then we get, in terms
7 of vehicle trips, 1,492 coming in. Now, how do you make that
8 transition. What's that represent?

9 MR. WELLS: Well, we, to be honest with you,
10 we've kind of hedged our bets on the traffic portion of this.
11 We were less aggressive with the non auto-mode split. We based
12 this on 50 percent transit share. So I guess we could be
13 accused of making different assumptions for different
14 calculations but we, as an engineer, I was being conservative on
15 the traffic side. I didn't want to underestimate traffic. If
16 anything, I wanted to overestimate it.

17 CHAIRPERSON MITTEN: But let me just, my
18 understanding is because the non auto-mode split of 50 percent
19 is applied when you go to the third section down, Station Place
20 vehicle trips.

21 MR. WELLS: Yes.

22 CHAIRPERSON MITTEN: And that number is a
23 function of the ITE vehicle trips. So how do you get the ITE
24 vehicle trips based on 4,690 employees. How do you derive that
25 number?

1 MR. WELLS: Well, you derive, you're quite right.
2 The first row here is based on standard ITE, Institute of
3 Transportation Engineers, trip generation rates. Now, those
4 rates are derived based on suburban rates, basically no transit,
5 very little ride sharing. And that's based on a square footage
6 number. The independent variable for this calculation is not
7 number of employees but rather it's thousands of gross square
8 feet.

9 CHAIRPERSON MITTEN: Okay.

10 MR. WELLS: Now, the same database has, if memory
11 serves, about 2.95 employees per thousand square feet.

12 CHAIRPERSON MITTEN: Right.

13 MR. WELLS: Which is what we used to calculate
14 number of employees. So the first row is the ITE vehicle trip
15 generation based on the building size and suburban
16 characteristics. We then translate that in the second row into
17 person trips.

18 CHAIRPERSON MITTEN: Right.

19 MR. WELLS: It compares how many people.

20 CHAIRPERSON MITTEN: Right.

21 MR. WELLS: And then we allocated them to modes
22 in the final bottom line here. That's how we did those
23 calculations.

24 CHAIRPERSON MITTEN: Okay. I'm still not quite
25 sure what the number represents although I'll accept the fact

1 that it's some kind of factor that you get based on typical
2 relationships. Now here's where I don't understand how you
3 would apply a different relationship, given that there is this
4 relationship, whatever it is. When you added in, in your
5 supplemental report, when you added in the traffic potentially
6 generated by the Department of Education building on 1st Street.

7 MR. WELLS: Yes.

8 CHAIRPERSON MITTEN: And the ATF building.

9 MR. WELLS: Yes.

10 CHAIRPERSON MITTEN: And New York and Florida,
11 the relationship, and I focused on the ATF building because it
12 will have a direct connection to a Metro station just like this
13 building will, the relationship between the amount of traffic
14 generated and the size of the building is a different
15 relationship. There's more traffic supposedly generated at the
16 ATF site than you're projecting here. Whatever that
17 relationship is, why is there a different relationship?

18 MR. WELLS: We assume less transit use. We think
19 Union Station is unique. You've got not just the Metro rail,
20 you've got the commuter rail and you've got all the feeder bus
21 service. We think that rich combination of public
22 transportation will translate into higher usage of public
23 transportation here than it would have farther away even though
24 you might be near a Metro station.

25 CHAIRPERSON MITTEN: But that's not represented

1 by the non auto-mode split? That aspect is not represented by,
2 I mean, it seems to me there's some kind of double counting
3 going on.

4 MR. WELLS: Yes.

5 CHAIRPERSON MITTEN: If you're applying what, if
6 you're applying a non auto-mode split to a number that already
7 recognizes mass transit, aren't you minimizing the number of
8 trips twice?

9 MR. WELLS: No, ma'am. When we --

10 CHAIRPERSON MITTEN: Okay. This is obviously the
11 part I don't understand.

12 MR. WELLS: When we start out, our industry
13 standard is ITE. That's our bible, that's our industry bible.

14 CHAIRPERSON MITTEN: Right.

15 MR. WELLS: It's an imperfect tool though for an
16 environment like this because all the data, by and large, almost
17 all the data at ITE is based on our suburbs. These ITE
18 estimates are great for Fairfax County, Loudoun County, upper
19 Montgomery County, Prince George's County, they don't represent
20 the kind of environment we have in at Union Station. That's why
21 we have to go through the process of translating these vehicle
22 trips into person trips and then taking out the folks who are
23 going to use transit so we can calculate what ultimately would
24 be the actual auto trip generation for this site.

25 Now, we assumed a higher mode split at Station

1 Place than we did for ATF and the Department of Education. I
2 don't have those numbers off the top of my head but the reason
3 we did that is Union Station is such a rich transit environment
4 and we know from actual experience from the one tenant, a large
5 tenant that's going to be there, what their transit
6 characteristics are today. That's why we used the 75 percent as
7 opposed to something lower. Seventy-five percent is an
8 aggressive number but an appropriate number for this location
9 particularly knowing what we know about the tenant of this
10 project.

11 CHAIRPERSON MITTEN: Okay. I'm going to ask you
12 a question about that and if you can't answer the question, I'll
13 just ask it when the SEC fellow comes up.

14 MR. WELLS: Okay.

15 CHAIRPERSON MITTEN: Where they're located now,
16 do they have parking on site?

17 MR. WELLS: They do have parking in the building
18 and the SEC representative can tell you how few parking spaces
19 are actually used by their employees. They know how many people
20 use transit because they issue those 65 dollar credits. I
21 believe it's on a monthly basis or maybe bi-monthly basis. So
22 they know that and if you get that credit, you're not parking in
23 the building. They're not going to allocate a parking space to
24 you but I prefer that you speak directly to the SEC.

25 CHAIRPERSON MITTEN: Okay, great.

1 MR. WELLS: There is parking in the building.

2 CHAIRPERSON MITTEN: Okay. Thank you. Any other
3 questions before we go to cross examination by, well, we're
4 passed our time for our assessment. Maybe we'll just do that
5 quickly. Let me find out, do we have cross examination by the
6 ANC. Anyone here from the ANC that would like to ask questions
7 of the Applicant? Would you like to ask any cross examination
8 questions.

9 MR. FERRELL: Can we reserve that at a later
10 date?

11 CHAIRPERSON MITTEN: No, it's now or never.

12 MR. FERRELL: We have to do it now?

13 CHAIRPERSON MITTEN: Yes. Well, right now I'm
14 just trying to get an assessment of whether or not you have any
15 cross examination questions.

16 MR. FERRELL: We do.

17 CHAIRPERSON MITTEN: And if you could come
18 forward and just identify yourself and tell me if you have any
19 questions and how many so I get a sense of what kind of time
20 we're talking about. Could you push on the, there you go.

21 MR. FERRELL: My name is Commissioner Greg
22 Ferrell. I represent ANC 6A. I'm the Chair for our Zoning and
23 License Sub-committee.

24 CHAIRPERSON MITTEN: And do you think you're
25 going to have any cross examination questions this evening?

1 MR. FERRELL: My questions are more related to
2 concerns that I don't really think that either the developer or
3 the attorney can answer.

4 CHAIRPERSON MITTEN: So those are things that you
5 want to actually just testify about as opposed to ask them
6 questions, is that correct?

7 MR. FERRELL: They would be concerns that need to
8 be addressed. I don't think they can be addressed here by a
9 simple yes or no answer.

10 CHAIRPERSON MITTEN: Okay. Because that's
11 basically what cross examination is for.

12 MR. FERRELL: Right.

13 CHAIRPERSON MITTEN: Is just to ask questions for
14 clarification.

15 MR. FERRELL: Right.

16 CHAIRPERSON MITTEN: Okay, thank you. Any
17 questions on cross examination by Stanton Park Neighborhood
18 Association.

19 AUDIENCE MEMBER: Yes, we had one other ANC
20 commissioner.

21 CHAIRPERSON MITTEN: Well, who is representing
22 the ANC here this evening.

23 AUDIENCE MEMBER: Well, they want me to ask them
24 some questions so I think better ask them.

25 CHAIRPERSON MITTEN: We're probably going to take

1 a quick break so maybe you can decide during the break if you
2 have any questions.

3 AUDIENCE MEMBER: Okay.

4 CHAIRPERSON MITTEN: But I'll assume that you
5 don't have very many to the extent that you have any. Okay?
6 I'm just trying to get an assessment of how much time we need
7 for cross examination and whether we're going to get to the
8 Office of Planning report tonight. Are there any questions on
9 cross examination from the Stanton Park Neighborhood
10 Association.

11 AUDIENCE MEMBER: Yes, there will be and they
12 will be done by Lyle Shower.

13 CHAIRPERSON MITTEN: Could you come forward and
14 put this on the mic, please.

15 AUDIENCE MEMBER: Stanton Park Neighborhood
16 Association's cross will be done by Lyle Shower.

17 CHAIRPERSON MITTEN: And are there very many
18 questions on cross examination?

19 AUDIENCE MEMBER: I can ask Mr. Shower right now.

20 MR. SHOWER: Five, Madame Chairman.

21 CHAIRPERSON MITTEN: Okay, great. I'm just
22 getting a sense. Any questions on cross examination by the H
23 Street Merchants and Professionals Association? No, okay. So I
24 would say that I'm sure we'll finish with the cross examination
25 by 10 p.m.

What I'd like to do is then quickly go to the Office of Planning report and at least get through their report and I think we should target going no later than 10:30 this evening because we're clearly going to have to go into another session and when we come back, we're going to take a five minute break during which time Mr. McGhettigan is going to set up his power point presentation. The ANC can prepare whatever cross examination questions they have and Mr. Bastida will get us a date for which we could continue the hearing. Five minute break, thank you.

(Whereupon, the foregoing matter went off the record at 9:40 p.m. and went back on the record at 9:45 p.m.)

MR. SHOWER: My first question is for Mr. Roche.

You said that if you pulled the building back to 64 feet you would 200,000 square feet of usable office space, is that correct? I just want to verify that I heard that right.

MR. ROCHE: Yes, actually about 196,000.

MR. SHOWER: Now suppose instead of pulling the whole building back you pulled back only the first two wings.

MR. ROCHE: That would be a loss of 65,000.

MR. SHOWER: About 65,000, thank you. Now, you mentioned in your remarks several times federal standards. Could you tell us what those federal standards are because I'm not familiar with them.

1 MR. ROCHE: The ideal and the experience we've
2 had with training consultants in Washington is a leap span which
3 is to say the distance from the core to the outside wall of 45
4 feet and then if you allow 30 feet for the core, which is the
5 circulation part and the internal office part and then another
6 45 feet, that gives you 120 feet.

7 MR. SHOWER: Are these published standards?

8 MR. ROCHE: No, no, this is what is, in terms of
9 planning layout, this is what it's considered at the moment to
10 be ideal.

11 MR. SHOWER: Should we say it's a practice then?

12 MR. ROCHE: It's a practice, yes.

13 MR. SHOWER: Now this is a private building, is
14 this subject to federal standards?

15 MR. ROCHE: No, no, this is, as was said a couple
16 times, the buildings are really being designed to attract
17 federal tenants and so we take, we start with the point of
18 trying to give them the kind of space that they can layout most
19 efficiently.

20 MR. SHOWER: I think that's all I have for you,
21 thank you.

22 MR. ROCHE: Thank you.

23 MR. SHOWER: The next question I have is about
24 the measurement of height on this project. Steve, is that you?
25

1 MR. SHER: If you want it to be me, it'll be me.

2 MR. SHOWER: You said that the height on the C-3-
3 C is 90 feet allowable height and yet I think Mr. Roche
4 mentioned 115 feet off F Street and how do we get there. Where
5 are you measuring from.

6 MR. SHER: We have given a series of calculations
7 and measurements of height in any number of places. The plans
8 that Kevin showed, I have them in my report on, sorry, they're
9 on the bottom of pages 5 and 6 for the Commissioner's reference
10 and yours if you have it, if you measure the height of the
11 building from the H Street overpass which is the datum or
12 measuring point as elevation 68.25. To the highest point of the
13 roof, the height is 89.32 feet. To the roof of the eighth
14 floor, the height is 63.82 feet. To the roof of the seventh
15 floor, the height is 52.07 feet.

16 If you measure from F Street, which is the
17 opposite end of the site where the datum or measuring is 42.07,
18 the highest point of the roof is 115 1/2. The roof of the
19 eighth floor is 90, the roof of the seventh floor is 78.25.

20 MR. SHOWER: Now, if you have to measure from F
21 Street rather than from the H Street overpass, you will have to
22 seek flexibility under the P.U.D., will you not?

23 MR. SHER: I'm not sure what the term flexibility
24 means in that regard. The P.U.D. standard for a C-3-C district,
25 let me try that again. Under Chapter 24, the standard for

1 height in a C-3-C district in a P.U.D. is 130 feet. We are at
2 115 1/2 feet if you measure from F Street. So that is within
3 the standards set forth in Chapter 24.

4 MR. SHOWER: But you need flexibility from the 90
5 foot that would be allowed without the P.U.D.

6 MR. SHER: Yes, if this were not a P.U.D. and if
7 you had to measure the height from F Street, it would not be 90
8 feet.

9 CHAIRPERSON MITTEN: You would need flexibility.

10 MR. SHER: If you didn't have a P.U.D. and you
11 had to measure from F Street, we couldn't do it.

12 CHAIRPERSON MITTEN: Well, you'd have to seek
13 some --

14 MR. SHER: We'd have to be here asking for a
15 P.U.D.

16 CHAIRPERSON MITTEN: Right.

17 MR. SHER: Or we'd have to be somewhere else
18 doing something else.

19 CHAIRPERSON MITTEN: I think that's the, he's
20 just trying to sort out where the flexibility comes in and it's
21 relative to matter of right.

22 MR. SHER: If you assume that you can't measure
23 from the overpass and you have to measure from F Street, then we
24 are at 115 1/2.

25 CHAIRPERSON MITTEN: Okay, I think we got that

1 Mr. Shower.

2 MR. SHOWER: Thank you. That's all. I do have
3 one question on construction management. The Construction
4 Management Plan calls for a survey of properties within a 200
5 foot range of the site and the primary risk that's identified is
6 the subsidence of the water table. But is there, do you see
7 there's any problem with the extent of risk caused by pile
8 driving?

9 MR. QUIN: Madame Chairperson, this question
10 really goes beyond the scope of the direct testimony. We can
11 call someone to answer that question if you'd like.

12 CHAIRPERSON MITTEN: I'm assuming that this is in
13 the documentation, that Mr. Shower's getting this from the
14 documentation that you submitted. Is that correct or not? This
15 is not in your proposed Construction Management Plan?

16 MR. QUIN: No, it says a survey but it doesn't
17 get into the geotechnical aspects of it which form the basis of
18 the 200 foot radius.

19 CHAIRPERSON MITTEN: All right.

20 MR. QUIN: We have an expert who can address that
21 and is here tonight, Jeff Shelton, if you would like us to call
22 him. He has not been a witness yet but we listed him as a
23 potential witness.

24 CHAIRPERSON MITTEN: Okay. I think just in order
25 to save time, Mr. Shower could craft a series of questions to

1 get to that point based on your Construction Management Plan,
2 given that it wasn't mentioned directly, he could ask a series
3 of questions about what is meant by the survey and so on and we
4 could get there. So if we can bring Mr. Shelton up, that would
5 help.

6 MR. QUIN: Yes. May I first have Mr. Shelton
7 identify himself and his expertise, areas of expertise, and ask
8 that he be submitted as an expert.

9 MR. SHELTON: My name is Jeff Shelton. I'm with
10 Engineering Consulting Services and I am a licensed professional
11 engineer in the District of Columbia and a geotechnical
12 engineer.

13 MR. QUIN: How long have you been in practice?

14 MR. SHELTON: Six years.

15 MR. QUIN: And what projects have you worked on?

16 MR. SHELTON: 901 New York Avenue is the major
17 one in downtown D.C. I've also worked in various projects
18 throughout Maryland and Virginia.

19 MR. QUIN: And your degrees?

20 MR. SHELTON: I have a Bachelor of Science degree
21 from Penn State in civil engineering and I am currently a
22 candidate for a Masters Degree in geotechnical engineering from
23 the University of Maryland.

24 MR. QUIN: I submit Mr. Shelton as an expert.

25 CHAIRPERSON MITTEN: Let me just ask one question

1 given that 901 New York Avenue hasn't actually been built yet.
2 Have you been involved with the construction, the actual
3 construction of buildings as opposed to just the plans to
4 construct buildings.

5 MR. SHELTON: In D.C., no, I have not.

6 CHAIRPERSON MITTEN: No, but in your background.

7 MR. SHELTON: Yes, yes, in my background, yes.

8 CHAIRPERSON MITTEN: Okay. Are there any
9 objections to declaring Mr. Shelton an expert in construction
10 management. Any concerns?

11 COMMISSIONER MAY: Is that what we're qualifying
12 him for, in construction management or geotechnical engineering.

13 CHAIRPERSON MITTEN: I'm sorry, did I say the
14 wrong thing? Geotechnical engineering, my mistake. Any
15 concerns about that? No, fine, thanks. Did you hear Mr.
16 Shower's question or would you like him to rephrase it?

17 MR. SHELTON: I did. Concerning vibrations
18 during pile driving?

19 MR. SHOWER: Well, let's start with, just there's
20 a reference here to a preconstruction survey for properties
21 within 200 feet.

22 MR. SHELTON: Yes.

23 MR. SHOWER: What will you be surveying?

24 MR. SHELTON: The surveying program would
25 include, prior to construction, doing a very detailed analysis

1 of the properties, the streets, the buildings within the 200
2 foot radius. That would include photographs, written
3 documentation, a checklist that is filled out detailing
4 everything up to an including separation of the trim around a
5 window pane. It's interior and exterior on the houses and it
6 just details, very detailed, the existing conditions on all the
7 structures within the perimeter.

8 MR. SHOWER: Now, if there is some peculiar
9 characteristics about this neighborhood, what is this 200 feet
10 based on. Is there a general rule of thumb?

11 MR. SHELTON: It is in a way, the 200 foot
12 perimeter, actually we recommended 150 feet, and that was based
13 on a very conservative estimate of the existing groundwater
14 level and the depths to which we'll be lowering the groundwater
15 level. Based on the readings that we took at the time of our
16 subconstruction exploration for the groundwater level, we
17 estimate that we're going to be lowering the groundwater
18 anywhere from 15 to 30 feet in order to install the below grade
19 levels of the building.

20 Taking the maximum of that, which would be 30
21 feet, the zone of influence for the groundwater dewatering is
22 typically at a ratio of five horizontal to every foot vertical
23 that you're lowering the groundwater. Which at 30 feet lowering
24 would correspond to 150 feet. And that again is based on the
25 most conservative estimate of groundwater lowering and a rule of

1 thumb of five to one. At that five to one distance, which would
2 be 150 feet, the result of or the effective lowering of the
3 groundwater table is considered to be negligible and approaching
4 zero. So that is where the 150 feet comes from.

5 And that's also, based on our experience as a
6 company with all the other projects in D.C. that we've done. As
7 a corporation we've done approaching 100 projects in the
8 downtown D.C. area and typical on each project is the
9 preconstruction survey we're talking about and the monitoring
10 during construction. So we've been able to validate these
11 correlations that we use based on our experience on all these
12 projects.

13 MR. SHOWER: Your main concern then is with water
14 tables.

15 MR. SHELTON: The main concern would be with
16 water table. You know, the pile driving for the installation of
17 the temporary excavation support, we would only consider that
18 zone of influence to be about 50 feet. So the groundwater is
19 going to out further than that. And I hear some people
20 snickering. You will feel vibrations beyond 50 feet, don't get
21 me wrong, but the zone of potentially damaging vibrations we
22 feel is 50 feet and less.

23 MR. SHOWER: The zone of temporary vibration
24 thought was based on what, general experience?

25 MR. SHELTON: It's based on experience and again,

1 the monitoring that we do during construction. One of the
2 things that we'll do during construction is monitor the
3 vibrations at the perimeter that we're looking at and our
4 experience on other projects has been that beyond 50 feet
5 they're at a frequency that would not damage, it does not cause
6 damage.

7 MR. SHOWER: Now, if this neighborhood has some
8 special characteristics, are you going to make some study of the
9 soil, the characteristics more than 50 feet or 200 feet from the
10 site to see how much a shock might propagate.

11 MR. SHELTON: Well, we really wouldn't do any
12 exploration per se. What we would do is we would set up during
13 our monitoring program. We would be monitoring those vibrations
14 and if we see anything out of the ordinary at that 50 feet, we
15 would then expand that radius to see where exactly the
16 potentially damaging vibrations would go out to. If they're
17 below what we consider to be damaging at 50 feet, then we would
18 consider them to be below that beyond 50 feet. So if they are
19 damaging at 50 feet, yes, we would expand that outward until we
20 found, you know, a comfort zone as to where that would extend
21 to.

22 MR. SHOWER: But wouldn't that be too late to
23 assess damages. You wouldn't have a baseline then from which to
24 know whether you have any damage.

25 MR. SHELTON: Well, we would because we would

1 have the precondition survey out to 200 feet.

2 MR. SHOWER: But if it goes beyond 200 feet.

3 MR. SHELTON: It's not, the vibrations will not
4 go beyond. The 200 feet for the precondition survey is actually
5 beyond what we would typically do and what we would typically do
6 is conservative. So the 200 foot perimeter I feel is very
7 conservative. So I'm really not concerned with it going beyond
8 that.

9 MR. SHOWER: Thank you. I think the only
10 question I have is whether the Dreyfus team would consider
11 surveys going farther out than that even beyond what your
12 technician here tells us is needed.

13 MR. BRAUNOHLER: I would just address that to say
14 that there's no question that any damage that we cause is our
15 responsibility. I mean, as a matter of law, as a matter of
16 neighborliness, as a matter of doing business, if we damage
17 someone's property, it's our responsibility. There's no
18 question about that.

19 What we're talking about here is how far out are
20 we going to do a survey. When the geotechnical engineer says
21 that for vibration purposes 50 feet is as far as you need to go
22 and we're going to 200 feet, when the geotechnical engineer says
23 that for dewatering purposes 150 feet is as far as you have to
24 go and we're going to 200 feet, we believe we're going more,
25 we're doing everything that's reasonably possible to be a good

1 neighbor and a responsible developer.

2 MR. SHOWER: The only thing I wonder about is
3 when somebody comes --

4 CHAIRPERSON MITTEN: Is this a question or is
5 this just a --

6 MR. SHOWER: Yes. When somebody comes to you
7 later, they're outside the 200 foot limit, and they say we have
8 a problem. How are they going to prove it.

9 MR. QUIN: May I object to the question.

10 CHAIRPERSON MITTEN: Yes, I think that's fair.

11 MR. QUIN: We're getting into, number one, this
12 whole issue. I started to raise it earlier. We're in a Zoning
13 Commission category.

14 CHAIRPERSON MITTEN: Yes, you're right.

15 MR. QUIN: This is not a building code review
16 process. Besides, the question that's asked really calls for a
17 legal answer and I think that's not appropriate.

18 CHAIRPERSON MITTEN: Okay. Mr. Shower do you
19 understand that?

20 MR. SHOWER: I do object to that because the
21 Commission has a responsibility for environmental control.
22 There is no other. This is the only environmental control on
23 this project in the city.

24 CHAIRPERSON MITTEN: Okay, let's just say we
25 understand the position of the Dreyfus Company in terms of the

1 efforts that they're making and we understand that there's a
2 concern on the part of the community that that may not be a
3 sufficient scope for the survey.

4 MR. SHOWER: Exactly what I wanted to hear.

5 CHAIRPERSON MITTEN: Okay. Let me just ask a
6 follow up question. In dealing with things like this where
7 there is this sort of tangential damage that's caused to other
8 folk's properties, is that something you carry insurance for or
9 is that just something that you -- the reason that I'm asking is
10 I'm wondering if you're also satisfying the concerns of an
11 insurer in terms of the efforts that you're making.

12 MR. BRAUNOHLER: Well, yes, there will be
13 liability insurance and builders risk coverage on the property
14 and I would imagine that what we're dealing with here is a
15 liability insurance question. And given that we're doing our
16 survey beyond the recommendation of our geotechnical engineer, I
17 would believe that would satisfy the insurance company as to
18 establishing the baseline.

19 CHAIRPERSON MITTEN: Okay, thank you. Mr.
20 Ferrell, did you have any questions on cross examination?

21 MR. FERRELL: Yes, ma'am.

22 CHAIRPERSON MITTEN: Could perhaps Mr. Shelton
23 maybe make room at the table there for Mr. Ferrell. Thank you.
24 And you're going to need to push that button. There you go.

25 MR. FERRELL: And again, for the record, my name

1 is ANC Commissioner Greg Ferrell. I'm the Chairman of the
2 Zoning and Licensing Sub-committee for ANC 6A. During your
3 presentation, you spoke about building a ramp to the west during
4 the commencement of the southernmost portion of the building.
5 Will that access ramp be used to haul the excavated materials
6 from the site once it's built?

7 MR. BRAUNOHLER: No, you're talking about the
8 ramp from H Street down to the project?

9 MR. FERRELL: Yes, someone spoke about a ramp on
10 the western side of the building that would be built to provide
11 access onto H Street and it would begin at the southernmost
12 portion of the building.

13 MR. BRAUNOHLER: That ramp would not be there at
14 the time of excavation. The reality of constructing that ramp
15 is that we have to dig the hole first and then build the
16 subgrade structure up to grade before that ramp has a base from
17 which to be built. So we will not be able to use that ramp to
18 take out the excavation spoils.

19 MR. FERRELL: So, for clarity, the route that
20 you're proposing to use to haul the excavated materials would be
21 2nd Street to M Street to 3rd Street onto Florida out to New
22 York Avenue to 50.

23 MR. BRAUNOHLER: That's correct. That's what we
24 have proposed.

25 MR. FERRELL: Are you aware that there's no

1 traffic signal at 3rd and Florida Avenue and that is a major
2 artery for commuters and for going to work and it would cause
3 tremendous problems having huge dump trucks hauling dirt away
4 during rush hour without having some control of the traffic at
5 that particular intersection.

6 MR. BRAUNOHLER: We have selected that site, not
7 that site, that route because it is the one that passes the
8 fewest residences on its way to New York Avenue and provides the
9 adequate clearance for the trucks that are going to be leaving
10 the site. As one travels north on 2nd Street, the railroad yard
11 is immediately on the left and then 2nd Street stops at M at the
12 Uline Arena, you take a right and then you take an immediate
13 left on 3rd. There's nowhere north of K along that route do you
14 pass in front of a residence and that's why that route was
15 selected.

16 As to the situation at 3rd and Florida, I can
17 only say that the trucks that are utilizing the trash facility
18 in the Uline Arena are using that intersection right now and so
19 I don't know. Those trucks are just as big as the trucks we're
20 going to be putting out there and it's a question of a temporary
21 situation and I can't address whether, you know, a signal would
22 be necessary there.

23 MR. FERRELL: Would it be plausible to do a
24 traffic survey at that particular intersection to see whether or
25 not a signal would be necessary?

1 MR. WELLS: It's certainly possible, yes.

2 MR. FERRELL: With regards to the issue of your
3 liability insurance. You briefly spoke about liability
4 insurance but to what extent would the residents in that
5 community would be able to make a claim if they feel that their
6 homes were damaged based on your constructing of this building.

7 MR. BRAUNOHLER: Well, as a part of our proposed
8 commitment to the project, we have agreed to setting up a
9 community advisory committee and we would think the community
10 advisory committee is the right forum for taking any kinds of
11 complaints of that nature from the community and dealing with
12 them. I believe that, again, I can't sit here and say exactly
13 how any individual situation would be addressed because we're
14 speculating. However, we're going to be there. We're going to
15 be there, we're not hiding. We're going to be at these meetings
16 every month.

17 JA Jones Tompkins is going to be at these
18 meetings every month and if there are complaints of damage,
19 we're going to deal with them and we're going to deal with them
20 responsibly and we're not going to refuse to answer phone calls
21 or hide behind attorneys. We're going to be there. So I don't
22 know what else I can say.

23 MR. FERRELL: Madame Chair, I think my question
24 was more related to the liability insurance that the Applicant
25 spoke about and even the community advisory committee would have

1 to be privy to how that liability insurance could provide some
2 protection for the community we represent.

3 CHAIRPERSON MITTEN: I think what Mr. Braunohler
4 is saying is that they will address every claim of damage that's
5 related to this construction project and there will be no claim
6 that is not addressed. And, in terms of the specifics, I think
7 he's saying it's going to depend on a case by case basis but
8 they're prepared to fulfill their responsibility for any damage
9 that they have caused. Are there any --

10 MR. FERRELL: Outside of the survey area would be
11 the question that the community is concerned with in particular.

12 CHAIRPERSON MITTEN: Well, and I don't think that
13 there's any suggestion that they would not consider claims
14 outside the survey area if they were related to the trucks.

15 MR. FERRELL: But could we have the Applicant to
16 represent for the record, will they entertain claims outside of
17 the survey area?

18 CHAIRPERSON MITTEN: Sure.

19 MR. BRAUNOHLER: For the record, yes. We would
20 certainly entertain claims outside the survey area.

21 MR. FERRELL: And that's inclusive of the 50, I
22 think it's 50 feet radius, for pile driving?

23 MR. BRAUNOHLER: Yes, the 50, yes.

24 MR. FERRELL: Now, the issue of the 35 off street
25 parking spaces for supervisors during the construction phase of

1 the program project, you did represent that the supervisors
2 would have the off street parking facilities at their disposal.

3 But there will be semi-skilled, laborers and others that would
4 have a need to park to and from work. There are residential
5 streets, E Street, F Street, there is restricted parking there,
6 Ward 6 zone, two hour limitation. I haven't heard the
7 construction plan address the issue of the other employees need
8 for parking during the construction phase.

9 MR. VON ROEMER: Actually, what I said was that
10 we don't anticipate a problem in the residential areas. They
11 are restricted areas. Most of the construction workers come in
12 early when the residents are still at home and that precludes a
13 lot of it. There will be construction workers that will need to
14 park in other places other than Union Station or surface lots
15 that are close to the jobsite.

16 What will happen in a lot of cases, the larger
17 public lots, they'll commune there, they'll meet and drive in in
18 groups. In other words, a number of people driving in in
19 individual cars down to the site and then they'll find parking.

20 Actually, as the construction executive on construction of the
21 Thurgood Marshall Federal Judiciary Building and we had very few
22 incidences of construction workers parking in the residential
23 areas. When they did, they were ticketed by D.C. police and we,
24 in any case, we could penalize those people also and will do the
25 same thing here. We'll maintain that as much as possible. The

1 construction workers will find places to park and they have to
2 do it legally.

3 MR. FERRELL: I think that's the issue.
4 Construction workers will find places to park but the issue is
5 where they will park. Will they infringe upon the residents
6 along E Street, F Street and other residential streets. And I
7 think, my question to you was have you investigated or have you
8 entered into an agreement with a company or facility that
9 provides off street parking for your construction employees so
10 that we can have more of a surety that they will not violate
11 parking ordinances during the construction phase and process on
12 non-residential corridors.

13 MR. VON ROEMER: We have not, to date, entered
14 into any such agreement.

15 MR. FERRELL: Is that plausible?

16 MR. VON ROEMER: Yes, that's very feasible to
17 look into that and find out where the local lots are and try to
18 make an arrangement such as you're talking about.

19 MR. FERRELL: That concludes my questions.

20 CHAIRPERSON MITTEN: Thank you, Commissioner
21 Ferrell. We're a little bit farther along in terms of time than
22 I had anticipated. I know the Office of Planning, you said you
23 need about 15 minutes. What I think, we have two ways to
24 proceed. One is to conclude now or to have you just do your
25 direct presentation and hold cross examination for the next time

1 we convene. Do you have a preference?

2 MS. MCCARTHY: We, certainly whatever the
3 Commission would like. It probably would be difficult for
4 people if we're doing our presentation then to necessarily
5 remember all of the questions that they had wanted to ask. So
6 if it would be easier to wait, we can certainly do that.

7 CHAIRPERSON MITTEN: Okay. Mr. Bastida, do you
8 have a date for us to continue this hearing?

9 MR. BASTIDA: Yes, Madame Chairman, I have
10 surveyed all the Commissioners and they will be available on
11 Thursday, November 29. But Mr. Parsons would be out of town all
12 that week and he had proffered to read the record, if we
13 conclude that evening, to participate in the decisionmaking.

14 CHAIRPERSON MITTEN: Okay. So that's Thursday,
15 November 29 and we could start a little bit earlier that night?

16 MR. BASTIDA: Yes, you want to start at 5:00?

17 CHAIRPERSON MITTEN: I was thinking 6:30.

18 MR. BASTIDA: Okay.

19 MS. MCCARTHY: Madame Chair, I guess I had
20 forgotten that that was the alternative date which Mr.
21 McGhettigan is going to be out of town then. He's been the one
22 that's been most closely involved but certainly we can get up to
23 speed and answer those questions or, if you'd like his personal
24 flavor in delivering it, we could go ahead and do it now.

25 CHAIRPERSON MITTEN: Well, I mean, even though I

1 do love the melodiousness of Mr. McGhettigan's voice, I think
2 the issue that you raised about the continuity of the
3 presentation really outweighs that. Mr. Hood, did you have --

4 COMMISSIONER HOOD: Madame Chair, I was concerned
5 about when you said 5:00. I'm sure that there are community
6 folks and myself and others who have other jobs and I wanted to
7 make sure that it was fair to those folks who stood down here
8 tonight who have jobs who may not get off until 6:00.

9 CHAIRPERSON MITTEN: Well, Mr. Bastida was the
10 one who said 5, just so we're placing the blame.

11 COMMISSIONER HOOD: Well, see, Mr. Bastida's
12 already here. I just wanted to make sure that we kind of viewed
13 the crowd who stayed tonight and see exactly if 6:30 is fine or
14 if we need to still do it at 7. I just want to make sure we're
15 fair.

16 CHAIRPERSON MITTEN: Okay. Is that going to
17 cause a problem if we start at 6:30 for anyone that evening.
18 Okay. And Council Member Ambrose, I'll give you a last shot if
19 you'd like to testify tonight before we conclude.

20 MS. AMBROSE: Yes. Thank you, Madame Chair. I'm
21 happy this evening to appear before you to offer my comments on
22 this very important project. I am pleased, as are all the city
23 elected officials, that the United States Security and Exchange
24 Commission has chosen to remain in the District of Columbia.

25 We are particularly delighted that this was,

1 excuse me, particularly delighted that this federal agency will
2 continue to provide support to the District's economy at a
3 critical juncture in its economic development. I am personally
4 excited that this most important financial regulatory body
5 remain in our city as I, in my work with our local Department of
6 Securities and Insurance Regulation, strive to create a climate
7 fostering a thriving financial services center.

8 The Station Place development is also critical in
9 respect to its impact on the immediate area surrounding the
10 site. The addition of the Thurgood Marshall Judiciary Office
11 Building to Columbia Circle has created a marvelous new
12 aesthetic in conjunction with Union Station. The Station Place
13 project will be visually an integral part of Columbia Plaza.
14 Because the project also borders the Capitol Hill Historic
15 District at the project's southern end, it clearly has an
16 important impact on that residential community. At its northern
17 extension, the project abuts H Street N.E. and it is hoped that
18 the close to 6,000 people who will be working at Station Place
19 will become the critical mass necessary to revitalize the H
20 Street commercial corridor.

21 The neighborhood impact of mass and design of the
22 project has been somewhat mitigated during the colloquy that has
23 taken place between the developers and architect and the staff
24 to the Commission on Fine Arts. There remain, however, some
25 important neighborhood concerns. These include one, a parking

1 garage entrance off F Street it is felt will encourage more
2 traffic on residential F Street. We've talked about that a
3 little bit tonight. I'm sure you'll hear more about it.

4 Two, a strong desire for a clear Construction
5 Management Plan that will assure some form of indemnification
6 for any property damage attributable to construction. Three, an
7 insistence on a clearly articulated and properly signaled
8 traffic management plan for both construction and occupancy
9 phases of the project with a designated development contact.
10 Four, a pedestrian link to H Street N.E. which will provide easy
11 access and the potential for large numbers of SEC employees to
12 patronize H Street businesses. While the entrance from the
13 building to H Street is now much more clearly articulated than
14 it had been in earlier designs, a strong partnership between
15 D.C. agencies and the developer must be forged to achieve a 2nd
16 Street access to H Street.

17 Five, a continuing concern remains about setting
18 back the property as far as possible from 2nd Street in order to
19 allow as much clearly defined space as possible between the
20 project and the western edge of the historic district. Six, an
21 interest in creating a green buffer around the building with as
22 many trees as possible. Trees for Capitol Hill should be a
23 resource for advice on varieties of trees comfortable in our
24 urban environment.

25 Whenever large developments are planned within a

1 community and the P.U.D. process becomes operative, there arises
2 an expectation that developers will spread largesse in every
3 direction. Expectations that amenities of sizable proportions
4 accruing from the project will be available far and wide can
5 foster a lack of objectivity in ANC and neighborhood comments on
6 the project and its merits. I urge the Office of Planning to
7 construct and the Zoning Commission to consider guidelines for
8 the development of amenity packages. It would seem that a rule
9 of thumb dictates that an amenity should be commensurate with
10 mitigating any adverse impact on the most directly effected
11 neighborhood. For that reason, I have consistently urged that
12 in this case, the most valuable amenities are to step back the
13 project from 2nd Street and provide access to H Street.

14 In addition, the value of the project to the
15 abutting community at large will come from leveraging the
16 development with other available funds to improve the H Street
17 corridor. The direction such an extension of opportunity might
18 take can be best determined by a broadly representative citizen
19 group. I am grateful to Dreyfus Development and the SEC for
20 their willingness to respond to community concerns and to you,
21 Madame Chair, and the Commission for what I think are excellent
22 questions this evening. Thank you very much.

23 CHAIRPERSON MITTEN: Thank you Council Member
24 Ambrose. Any questions for the Council Member? Any questions,
25 Mr. Quin? Any questions, Commissioner Ferrell? And Mr. Shower,

1 any questions? Thank you very much. There were a few
2 additional submissions that we were seeking and I'm sure that
3 you and Mr. Bastida could run down the list and I look forward
4 to seeing everyone back on November, what is the date?

5 MR. BASTIDA: Thursday, November 29 at 6:30 p.m.

6 CHAIRPERSON MITTEN: At 6:30 p.m. and we'll try
7 not to all sweat it out that night, too. Thank you.

8 (Whereupon, the foregoing matter was concluded at
9 10:25 p.m.)