

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 29, 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 6:30 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 Capitol)

COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC

OTHER AGENCY STAFF PRESENT:

Ellen McCarthy, Deputy Director, Office of  
Planning

Jennifer Steingasser, Office of Planning

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

(6:32 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 29th, 2001.

My name is Carol Mitten. Joining me this evening are Vice Chairman Anthony Hood and Commissioner Peter May. We expect to be joined by Commissioner James Hannaham shortly.

This evening's hearing is a continuation of the November 8th, 2001 public hearing. This hearing will be conducted in accordance with the provisions of 11 DCMR Section 3022.

The subject of this evening's hearing is Zoning Commission Case Number 01-09C. This application is a request by the Louis Dreyfus Property Group 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 for the property to be known as Station Place located at 2nd and F Streets, Northeast.

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. First, we'll take up preliminary matters, and we'll pick up where we left off with the report by the Office of Planning; reports of other government agencies; report of Advisory

1 Neighborhood Commission 6A; parties and persons in support;  
2 parties and persons in opposition; and we'll follow that up with  
3 rebuttal by the applicant.

4 The following time constraints will be maintained  
5 in this hearing. Parties will have 15 minutes, and we've  
6 already made some accommodation of that for the Stanton Park  
7 Neighborhood Association. Organizations will have five minutes.

8 Individuals will have three minutes.

9 The Commission intends to adhere to these time  
10 limits as strictly as possible in order to hear the case in a  
11 reasonable period of time. The Commission reserves the right to  
12 change the time limits for presentations if necessary and notes  
13 that no time may be ceded.

14 All persons appearing before the Commission are  
15 to fill out two witness cards. These cards are located on the  
16 table by the entrance door. Upon coming forward to speak to the  
17 Commission, please give both cards to the Reporter sitting to my  
18 right. All individuals or organizations that would like to  
19 testify, please sign the witness list located at the table near  
20 the entrance, and also please indicate whether you're in favor  
21 or in opposition because it matters in the order of testimony.

22 The decision of the Commission in this case must  
23 be based exclusively on the public record. To avoid any  
24 appearance to the contrary, the Commission requests that persons  
25 present not engage the members of the Commission in conversation

1 during any recess or at any other time. The staff will be  
2 available throughout the hearing to discuss procedural  
3 questions.

4 Please turn off all beepers and cell phones at  
5 this time, so as not to disrupt these proceedings.

6 At this time, the Commission will consider any  
7 preliminary matters. And I would like to acknowledge that  
8 Commissioner John Parsons will not be present this evening, but  
9 he will read the record. Does the staff have any preliminary  
10 matters, Mr. Bastida?

11 SECRETARY BASTIDA: Yes, Madam Chairman. The  
12 staff has several preliminary matters. You have received a  
13 letter from Capitol Hill Restoration Society requesting  
14 revisiting the party status situation. You have also received a  
15 letter from the Near Northeast Neighborhood Task Force  
16 requesting party status.

17 You also have received a letter from Stanton Park  
18 Neighborhood Association requesting more time for the hearing.  
19 You also have received a letter from GSA requesting, for lack of  
20 a better word, to put a protection of their easement rights in  
21 this property.

22 CHAIRPERSON MITTEN: All right. Let's take these  
23 up in order. I'd like to just begin by addressing the request  
24 from the Capitol Hill Restoration Society, because I think there  
25 was some lack of clarity -- perhaps it was on my part -- that it

1 wasn't a redundancy of testimony that we were seeking to avoid.

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It was that when organizations have overlapping memberships, we look to the organization that has the most -- the persons as their members who are -- most meet the test for party status in that they will be more significantly, distinctively, or uniquely affected, in character or kind, by the proposed zoning action. And that is why Stanton Park was given party status and Capitol Hill Restoration Society was not.

But I will put the question to the Commission: is anyone interested in reconsidering the request for party status by CHRS? Okay.

Next we have a request for party status from Helena Dardin, a Ms. Parker, and the Near Northeast Neighborhood Task Force, who this -- although they acknowledge that their request for party status was submitted after the time for filing, the request arises out of the testimony that they heard at our November 8th public hearing.

Mr. Quin, did you have any response to the request?

MR. QUIN: No, I have no response.

CHAIRPERSON MITTEN: Okay. I think that -- I think it would be appropriate, given the scope of the Near Northeast Neighborhood Task Force membership --

1 MR. QUIN: Oh, Madam Chair, I did mean to say one  
2 thing. What we noticed is that in the letter, the three persons  
3 that were identified as -- in the report -- in their request for  
4 party status --

5 CHAIRPERSON MITTEN: Yes.

6 MR. QUIN: -- live on 3rd Street, and our truck  
7 route is not on 3rd Street. We think there was some  
8 misunderstanding, and I just bring that to your attention. The  
9 truck route goes 2nd Street to M and over and then north.

10 CHAIRPERSON MITTEN: Thank you. Particularly in  
11 light of what Mr. Quin said -- and this was the direction that I  
12 was going in -- is I think that the scope of the Near Northeast  
13 Neighborhood Task Force membership warrants granting party  
14 status to the task force as it relates to their concerns  
15 regarding the truck route, and that the individuals' interest  
16 would be represented by the group. So I would move that the  
17 Near Northeast Neighborhood Task Force be granted party status.

18 VICE CHAIRPERSON HOOD: Second.

19 CHAIRPERSON MITTEN: Is there any discussion?  
20 All those in favor, please say aye.

21 (Chorus of ayes.)

22 Those opposed, please say no. Mr. Bastida?

23 SECRETARY BASTIDA: The staff would record the  
24 vote three to zero, Ms. Mitten moving and Mr. Hood seconded, and  
25 Mr. May voting in the affirmative. Mr. Hannaham not voting,

1 just arriving to the proceedings.

2 CHAIRPERSON MITTEN: Thank you.

3 Next, we have a request from the Stanton Park  
4 Neighborhood Association for more time, although that amount of  
5 time is unspecified. Could Mr. Friedman or whoever is  
6 representing the group this evening -- please sit down, state  
7 your name for the record, and speak into the mike.

8 MR. EDWARDS: Monty Edwards. I am Co-Chair of  
9 the Land Use Committee of the Stanton Park Neighborhood  
10 Association. At the time we wrote the letter, we were in the  
11 process of considerably revising our presentation to see if we  
12 could stay within the 20-minute time that you have allotted us.

13 We had over 30 people that had worked on the  
14 presentation. At one time, we had six witnesses. We have now  
15 compressed it down to, I believe, two witnesses. We think we  
16 can proceed within 20 minutes. We just ask for some flexibility  
17 in the event that something comes up, questions during the  
18 presentation. That's our only request.

19 CHAIRPERSON MITTEN: Of course. That's fine.  
20 That's fine. Our target is still 20 minutes, though. Thank  
21 you.

22 And now we'll take up this letter from GSA. I  
23 think basically what we need is, Mr. Quin, if you could just  
24 explain to us the nature of --

25 MR. QUIN: Yes.

1 CHAIRPERSON MITTEN: -- the relationship that you  
2 have with them and what's going on exactly.

3 MR. QUIN: Yes. The letter that was filed today  
4 by GSA essentially says that, since our plan calls for a  
5 modification to the easement on the west side of the project for  
6 use of a portion of that space, and we work -- we're working  
7 together on the access and a bunch of other things that we  
8 explained at the last hearing, and we have no objection to  
9 making the case approved -- if it's approved, conditioned upon  
10 GSA's request.

11 CHAIRPERSON MITTEN: Very good. Thank you.

12 Let me just say a few more things. One is I just  
13 want to advise the folks from the Capitol Hill Restoration  
14 Society that we welcome any amount of written documentation that  
15 you would like to provide. We will read everything that you  
16 provide to us. So you won't -- I don't -- you should not feel  
17 shortchanged by not having a lengthy opportunity to make a  
18 presentation. We'll read everything that you submit.

19 And I'd like to, Mr. Quin, give the folks from  
20 the Near Northeast Neighborhood Task Force an opportunity to  
21 cross examine your witnesses, to the extent that they have any  
22 questions right now, since that would be where we had left off,  
23 if they had --

24 MR. QUIN: No problem with that. We have tried  
25 to meet earlier with one of the representatives to explain the

1 route, which seemed to be their major situation or concern.

2 CHAIRPERSON MITTEN: Okay. Who's here  
3 representing the Near Northeast Neighborhood Task Force? Could  
4 you come forward and state your name for the record, please.

5 MR. PARKER: Yes. I'm Venious I. Parker, Jr.

6 CHAIRPERSON MITTEN: Where we left off at our  
7 hearing the last time was that the applicant had put on their  
8 case and everyone had had the opportunity to cross examine. So  
9 I don't know if you have had a chance to examine the record.  
10 You clearly know something about the truck route. So if -- this  
11 would be the time, to the extent that you have any questions of  
12 the applicant --

13 MR. PARKER: We did speak off record, and  
14 everything was cleared up then.

15 CHAIRPERSON MITTEN: Okay.

16 MR. PARKER: Yes.

17 CHAIRPERSON MITTEN: Great. Okay. Terrific.  
18 Thank you.

19 Now, it's going to be a little tricky to proceed  
20 to the Office of Planning Report without an Office of Planning  
21 representative here.

22 MR. QUIN: Madam Chair, we do have some  
23 preliminary matters.

24 CHAIRPERSON MITTEN: Oh, okay. I'm sorry. I  
25 didn't mean to exclude you.

1 MR. QUIN: We want to make sure we follow up with  
2 the questions that the Commission asked us last time, and  
3 probably it's better to do it at the beginning so that if there  
4 are questions later -- we're trying to do it very quickly,  
5 because we all want to move forward with the case and hopefully  
6 finish tonight.

7 CHAIRPERSON MITTEN: Okay.

8 MR. QUIN: First, you may recall that as we  
9 presented our case the last time, the North Building, or  
10 Building 3, was pending additional review before the Commission  
11 of Fine Arts. That was on November 15th.

12 We are pleased to point out -- and you have in  
13 the record the CFA recommendation or its approval of our  
14 Building 3, subject to further and final review of the 2nd and  
15 -- 2nd Street and the south facade of that North Building.

16 CHAIRPERSON MITTEN: Is that something that you  
17 just submitted or --

18 MR. QUIN: No, it should have been in the record.  
19 I have a copy of the letter dated the 27th of November. If you  
20 do not, we can certainly send -- I'd be glad to furnish my copy.

21 CHAIRPERSON MITTEN: I don't think we have copies  
22 of that, Mr. Bastida.

23 SECRETARY BASTIDA: I haven't seen it on the  
24 record. I'm sorry.

25 MR. QUIN: Well, why don't we -- it is the -- it

1 was addressed to Mrs. Kress, Ms. Kress, Jerrily Kress, Director.  
2 Unfortunately, it went to BZA as opposed to Zoning Commission.  
3 But it's very clear what case it pertains to.

4 CHAIRPERSON MITTEN: Okay.

5 MR. QUIN: So we are pleased to report that that  
6 -- that the CFA, Commission of Fine Arts, did approve the third  
7 building, and we do have to go back for final approval of the  
8 elevations of that building and --

9 CHAIRPERSON MITTEN: Okay.

10 MR. QUIN: So we are -- and we would put in our  
11 draft order that it's conditional upon approval by the  
12 Commission of Fine Arts of those exterior elevations. They did  
13 approve the massing and the blocking and the modifications we've  
14 made.

15 So we have those plans that the architects have  
16 prepared pursuant to that approval, which we'd like to just file  
17 for the record. If you want the architects to describe it, they  
18 can. But it's -- they're -- it's just essentially what you had  
19 the last time with certain additional setbacks. I'm trying to  
20 expedite things, so --

21 CHAIRPERSON MITTEN: I understand.

22 MR. QUIN: -- we can handle that on rebuttal if  
23 you want to, or any way you'd like to. I just want to get the  
24 plans of record, and you can see immediately, if you compare  
25 them, that they're not significantly different from where they

1 were in terms of the massing.

2 CHAIRPERSON MITTEN: Okay. Thank you.

3 MR. QUIN: The second matter that you all asked  
4 for was a plan showing the interim conditions -- interim  
5 conditions after Building 1, if that's built, with the parking  
6 lot, so that you would be able to see what the building would be  
7 like with the parking lot and the landscaping. And we'd like to  
8 file that for the record.

9 The third item is you asked for clarification  
10 concerning the employee -- number of employees, the projection.

11 You may remember that there was a --

12 CHAIRPERSON MITTEN: Yes.

13 MR. QUIN: -- disparity. One was 5,000, and one  
14 was 6,000. And we have an exhibit from Wells and Associates,  
15 the traffic consultant, who will file his report, and that  
16 report gives the rationale for the approximately 5,000  
17 projection, which is also followed by the economic consultant in  
18 the next report which you requested.

19 CHAIRPERSON MITTEN: Okay.

20 MR. QUIN: That request describes the impact as  
21 well of the possible SEC purchase. You remember you asked the  
22 question if it went off the tax rolls after 14 years, that -- so  
23 we have a report that answers that question.

24 The next report -- maybe I'm going too fast right  
25 now. The next report is you asked, where are there parking lots

1 and parking availability for construction workers in proximity  
2 to the site? And so we -- the contractor, general contractor,  
3 has made a list of those parking lots with a map that shows  
4 where they are, including, I might say, Union Station's own lot  
5 which is adjacent to the site.

6 The last exhibit that we have is -- deals with  
7 the LSDBE memorandum of understanding. At the time we were here  
8 before, we had not -- it was not executed. So we are submitting  
9 today the executed, fully signed copy.

10 But, importantly, what we have done to show that  
11 we are on our way to compliance -- and I think this is more than  
12 I'm aware of any other applicant in a PUD -- I probably  
13 shouldn't say that, but --

14 CHAIRPERSON MITTEN: You're setting the bar  
15 higher every day.

16 MR. QUIN: Right. Well, I think you all are. At  
17 any rate, is a listing of the types of jobs required for phase  
18 1, with an estimate of the total number of workers per month  
19 required for each type of subcontract.

20 It's fairly complicated when you look at it  
21 first, but it -- on the left-hand side it tells -- it shows the  
22 months across the top, 22 months for the total construction. On  
23 the right-hand side, it lists the type of jobs, and it also has  
24 the number of months total, their working months, which I think  
25 should be helpful.

1           So that our general contractor has already  
2 started, and we anticipate that there will be some more comments  
3 by Commissioner Hood on reporting, and so we will be prepared to  
4 do what we are -- we think we can report on a periodic basis on  
5 how we proceed.

6           The last item is simply to reference that DPW has  
7 filed a supplemental report removing its objection to the  
8 location of the access on F Street, saying that the applicant is  
9 in the best position to make that determination. And that's not  
10 an exhibit; that's just one that you all should have in the  
11 record.

12           CHAIRPERSON MITTEN: Okay.

13           MR. QUIN: That was filed. And that's all I had  
14 in response to the previous questions and directions of the  
15 Commission.

16           CHAIRPERSON MITTEN: Okay. So have copies of all  
17 of this information that you've submitted been given to the ANC,  
18 the Stanton Park Neighborhood Association, and now the Near  
19 Northeast Neighborhood Task Force?

20           MR. QUIN: They're being given right now.

21           CHAIRPERSON MITTEN: Okay.

22           MR. QUIN: Yes.

23           CHAIRPERSON MITTEN: Why don't we -- depending on  
24 how things play out this evening, perhaps at the end, if there  
25 are any questions that any of the parties have or that we have

1 related to anything that we've received after we have a chance  
2 to look at it as the hearing proceeds, then we'll take some  
3 questions at the end.

4 MR. QUIN: Yes.

5 CHAIRPERSON MITTEN: Okay.

6 MR. QUIN: And we'll have all our witnesses  
7 ready.

8 CHAIRPERSON MITTEN: Great.

9 MR. QUIN: Thanks.

10 CHAIRPERSON MITTEN: Thank you.

11 MR. QUIN: Thank you.

12 CHAIRPERSON MITTEN: Anything else, Mr. Bastida?

13 SECRETARY BASTIDA: Yes, Madam Chairman. There  
14 is a list of -- there is a sheet for witnesses to sign by the  
15 entrance door. And please, anybody who would like to testify as  
16 a witness, would you kindly sign that. And also, prepare two  
17 cards for the Reporter, so it will be handed to them prior to  
18 you giving your testimony.

19 Staff has no -- any other matters to discuss,  
20 Madam Chairman.

21 CHAIRPERSON MITTEN: Okay. Is anyone here from  
22 DPW?

23 SECRETARY BASTIDA: Yes.

24 CHAIRPERSON MITTEN: Oh, great. I'm sorry. I  
25 was looking for you, didn't quite see you.

1 I think, Mr. Laden, if you wouldn't mind going  
2 first. Since the Office of Planning is not here, we'd  
3 appreciate it if you would go next. Whenever you're ready.

4 MR. LADEN: We were not sworn in on the 8th. Do  
5 we need to be sworn in?

6 CHAIRPERSON MITTEN: Oh, you know what? I'm  
7 sorry. I apologize. That's the one little bit that I forgot to  
8 do.

9 Any individuals that wish to testify this evening  
10 that were not sworn on November 8th, please rise now to take the  
11 oath, anyone that wants to testify this evening.

12 Mr. Bastida?

13 SECRETARY BASTIDA: Yes. Do you swear and affirm  
14 that the testimony that you are about to give is the truth and  
15 nothing but the truth?

16 ALL: I do.

17 SECRETARY BASTIDA: Thank you.

18 CHAIRPERSON MITTEN: Thanks for reminding me  
19 about that.

20 MR. LADEN: Anytime.

21 (Laughter.)

22 Good evening. My name is Ken Laden. I'm the  
23 Associate Director for Transportation Planning. With me this  
24 evening is Ms. Heather Brophy, who is a transportation planner  
25 with our office, and she'll be presenting our testimony this

1 evening.

2 Thank you.

3 MS. BROPHY: Hello. Ladies and gentlemen,  
4 members of the Zoning Commission, members of the community, my  
5 name is Heather Brophy, and I'm here representing the District  
6 Department of Public Works, the Division of Transportation.

7 I appreciate the opportunity to come and share  
8 our concerns and thoughts about the Station Place planned unit  
9 development application. I will be addressing the  
10 transportation impacts of the application only, and I know that  
11 you already have our report so I'll be brief.

12 The District Division of Transportation has  
13 reviewed the application regarding trip generation and level of  
14 service, project access, parking and loading facilities,  
15 pedestrian and bicycle access, and the transportation management  
16 plan. We concur with the applicant's analysis that the level of  
17 service will not be impaired by the proposal, with the exception  
18 of one intersection located at Massachusetts and 1st Street,  
19 Northeast.

20 We also believe pedestrian and bicycle access,  
21 parking and loading facilities, provided in the proposal are  
22 sufficient. We further found that the transportation management  
23 plan proposed by the applicant is an ambitious plan, and we look  
24 forward to its implementation.

25 So DDOT supports the Station Place planned unit

1 development proposal with the following improvements. The first  
2 is that any modification to the Massachusetts Avenue/1st Street,  
3 Northeast, intersection signal cycle will be borne by the  
4 applicant. Modifications, further, should be in place by the  
5 time any part of the development is operational.

6 Second, the development of a more detailed  
7 construction traffic management plan, including truck routes for  
8 accessing the site during the construction phase. We also are  
9 going to strongly encourage the applicant to utilize rail for  
10 the delivery and removal of construction materials and extracted  
11 materials.

12 Third, that the applicant move forward with  
13 implementation of the transportation management plan included in  
14 the application.

15 Fourth, that the applicant continues with its  
16 commitment to work with DDOT, Division of Transportation, in  
17 constructing portions of the Metropolitan Branch Trail, which  
18 runs along the site adjacent to the Station Place planned unit  
19 development.

20 Fifth, the construction of the H Street ramp will  
21 require the Federal Highway Administration, in addition to  
22 DDOT's, review and final approval to the design and construction  
23 plans for the proposed H Street overpass driveway.

24 Within our initial report, as was stated, we had  
25 recommended that the applicant move the placement of its F

1 Street garage access. We have since revised our position and  
2 believe there are pros and cons of either placement of the  
3 garage access.

4 The eastern placement of the garage location  
5 across from the Thurgood Marshall Judiciary Building's loading  
6 docks would lead to less potential conflicts, because there is  
7 less volume of truck access during peak hours. However, the  
8 proposed driveway would also be located a very short distance  
9 from the stop bar for the eastbound approach on F Street,  
10 Northeast, and this allows for, again, very short distance for  
11 stacking space.

12 As there is no clear preferred location for the  
13 entrance, we concur with the applicant's placement.

14 Finally, we have also been studying what we call  
15 the Columbus Circle extension. I think other folks have called  
16 it 1st Place or 1st Street, but it's actually the road in  
17 between Union Station and Thurgood Marshall Judiciary Building.

18 There have been a number of concerns about pedestrian safety in  
19 this area, and so we've been considering narrowing of this  
20 street, a possible narrowing of this road, to allow for wider  
21 pedestrian refuge between the Thurgood Marshall Building and  
22 Union Station. And we are continuing to look at that.

23 In the short term, we have just installed a yield  
24 to pedestrians sign in that crossway leading to the Thurgood  
25 Marshall Building. And I would be -- thank you, and I would be

1 happy to answer any questions.

2 CHAIRPERSON MITTEN: Thank you.

3 Mr. May?

4 COMMISSIONER MAY: Yes. You mentioned using  
5 train rail for removal of excavated soils and delivery of  
6 construction materials. Have you actually discussed that with  
7 the applicant?

8 MS. BROPHY: We have mentioned it to the  
9 applicant in our earlier sitdowns with them. We have not  
10 discussed it in detail, nor have we discussed it with Amtrak or  
11 Union Station.

12 COMMISSIONER MAY: Have you gotten any feedback  
13 from them on how feasible that might be?

14 MS. BROPHY: I think they said that they would  
15 take it under consideration.

16 COMMISSIONER MAY: Okay. Ultimately, I would  
17 like to ask that question of the applicant, but -- and with  
18 regard to the street with no name --

19 (Laughter.)

20 -- who has -- actually has jurisdiction over that  
21 street?

22 MS. BROPHY: Well, that's a unique street. You  
23 know, Union Station Redevelopment Corporation is curb back to  
24 Union Station. On the other side, it's Architect of the  
25 Capitol. But the actual pavement is the District's.

1 COMMISSIONER MAY: And Park Service doesn't have  
2 any role in it?

3 MS. BROPHY: National Park Service actually has a  
4 role with the Columbus Circle. My understanding is Columbus  
5 Circle Island.

6 COMMISSIONER MAY: Okay. Many owners. Thank  
7 you.

8 CHAIRPERSON MITTEN: Mr. Hood, did you have any  
9 questions?

10 VICE CHAIRPERSON HOOD: Yes. I was just -- in  
11 the last report we received, the last statement -- and I think  
12 you mentioned in your comments --

13 CHAIRPERSON MITTEN: I don't think your mike is  
14 on.

15 VICE CHAIRPERSON HOOD: Oh.

16 CHAIRPERSON MITTEN: But I hear you well.

17 VICE CHAIRPERSON HOOD: Thank you. You can hear  
18 me? Yes, I'm loud enough I guess.

19 You also mentioned in your comments, and also in  
20 the report, the last statement in the conclusions says, "The  
21 applicant will bear the burden of time delays and restrictions  
22 to traffic mobility." Could you elaborate on that for me, help  
23 me understand that a little more? Because I'm a little confused  
24 with that.

25 MS. BROPHY: So essentially that would be the

1 cost of changing the signal cycle. And if that were to also  
2 occur, cost of a new actual traffic signal or any electronics  
3 associated with that. Then the --

4 CHAIRPERSON MITTEN: I think he's making  
5 reference to your -- in your supplemental report, the placement  
6 of the entrance to the garage for the project. And your  
7 conclusion is --

8 MS. BROPHY: Oh, okay.

9 CHAIRPERSON MITTEN: -- that there is no perfect  
10 solution, but that the -- the burden will be borne by the  
11 applicant in terms of the adverse conditions. So --

12 MS. BROPHY: Exactly. I'm sorry. I  
13 misunderstood. Yes. So, essentially, what we're saying is that  
14 the people turning out of Station Place planned unit development  
15 would -- will come out onto F Street, and they're going to have  
16 the most difficult time getting into the stream of traffic and  
17 going to have less space for stacking, as well as limited  
18 ability to make a right turn onto 2nd Street from F Street.

19 VICE CHAIRPERSON HOOD: Okay. So it's not the  
20 applicant, it's the pedestrians and those who are going to be  
21 using that as a right-of-way to maneuver. It's not going to be  
22 the applicant that's going to be having --

23 MS. BROPHY: Right. It's going to be those  
24 people using it, right.

25 VICE CHAIRPERSON HOOD: It's going to be those of

1 us who are going to be traveling.

2 MS. BROPHY: However, it doesn't cause increased  
3 stacking on the roadway is really our point. Versus there will  
4 be queuing within the Station Place garage entrance itself.  
5 They will have a limited ability to get out onto the road, but  
6 the point is is that it's not going to cause the stacking up  
7 that it could have if it was in a different place.

8 VICE CHAIRPERSON HOOD: I still don't follow. I  
9 just want to -- I'm still trying to find out or figure out how  
10 the applicant is going to be the one who is going to be affected  
11 with those time delays.

12 MR. LADEN: I think you're correct in that it's  
13 really the employees working in Station Place --

14 MS. BROPHY: Right.

15 MR. LADEN: -- may have a difficult time getting  
16 out of the garage at certain peak hours because there won't be  
17 as much place to queue up on F Street. That's what we're  
18 saying. So it may back up into the garage a little bit, but it  
19 won't be backing up into the street.

20 VICE CHAIRPERSON HOOD: Okay. So in other words,  
21 we have no solution and no recommendation.

22 MR. LADEN: Well, I think as we indicated in our  
23 memo, there are pros and cons on either approach. If it's moved  
24 further east, they've got more room to move out onto F Street.  
25 But the down side is they're right opposite the Thurgood

1 Marshall garage, which is going to impose more traffic on that  
2 situation.

3 So it's -- I think after looking at the analysis  
4 we figured it's six of one, half dozen of another. So we  
5 thought, you know, it's the applicant's decision as to which of  
6 those difficulties they want to deal with.

7 MS. BROPHY: As well as when I was at the  
8 November 8th hearing, there was mention of coming around that  
9 corner and the potential of backing up traffic around that  
10 corner, because you come around that and then there would be two  
11 garage exits at the same place. So this actually allows a lane  
12 of traffic that would be freer on that side, on the -- yes, that  
13 line of traffic would be free.

14 VICE CHAIRPERSON HOOD: Okay. Thank you.

15 CHAIRPERSON MITTEN: I'd like to just follow up  
16 on that just a bit, which is I have two questions. One is, in  
17 terms of that little congestion that would result on F Street  
18 during the peak hour, and that you -- that section of F Street  
19 would be fed by two garages and the extension of Columbus  
20 Circle. Is that right?

21 MS. BROPHY: Right.

22 CHAIRPERSON MITTEN: So what -- if you start  
23 stacking up the little section of F Street, what does that do to  
24 Columbus Circle if -- if people who would normally take that  
25 little extension, if they can't get through there and cars back

1 up there? What's the sort of domino effect into Columbus  
2 Circle?

3 MS. BROPHY: I think that it -- because that  
4 intersection still operates at acceptable levels, the  
5 intersection of 2nd and F, I think our determination was that we  
6 wouldn't have necessarily any stacking at that point.

7 There is not a high volume of traffic through  
8 that area, but, I mean, there's the potential that it -- there  
9 could be more congestion but not so much that we would see it  
10 stacking up into Columbus Circle intersection.

11 MR. LADEN: I think we also need to remember this  
12 is not the main entrance to this facility. It's an auxiliary  
13 entrance if you will, or a limited entrance. So I don't think  
14 we're going to see the traffic backing up into the circle.

15 CHAIRPERSON MITTEN: Okay. Did you have any  
16 questions, Mr. Hannaham?

17 COMMISSIONER HANNAHAM: No, I haven't.

18 CHAIRPERSON MITTEN: Okay. Is Mr. Ferrell here  
19 from ANC? Did you have any questions on cross examination for  
20 the folks from DPW or the Division of Transportation? Please  
21 come forward now. Please just identify yourself for the record  
22 when you get started.

23 MR. FERRELL: My name is Advisory Neighborhood  
24 Commissioner Greg Ferrell. I'm the Chairman of ANC-6A Zoning  
25 and License Subcommittee.

1                   During the presentation from DPW, if I'm not  
2 mistaken you mentioned having reviewed a draft construction  
3 plan. Is that correct? Did you mention something about a  
4 traffic plan for the construction debris?

5                   MS. BROPHY:           Actually, a transportation  
6 management plan. And there was less detail related to the  
7 construction management plan. They do have some, but it was  
8 less detailed.

9                   MR. FERRELL:   So what specifically have you all  
10 came up with for a transportation construction plan --  
11 management plan, in terms of the route that the trucks will be  
12 taking the debris?

13                   MS. BROPHY:   I think I said in my testimony that  
14 we would look to more discussion with them on the truck routes,  
15 because we have not discussed the truck routes with them.

16                   MR. FERRELL:   So that's open.

17                   MS. BROPHY:   Yes.

18                   MR. FERRELL:   Have you studied the impact that  
19 the route that was proposed coming out from M Street off to 2nd  
20 Street onto Florida Avenue, as it relates to the Metro being  
21 developed, ATF, the already existing U-Line Arena, and now  
22 Station Place. That's an intersection that is, east/west,  
23 heavily traveled during rush hour by commuters.

24                   Then, to have an impact with construction trucks,  
25 tractor-trailers, dump trucks, coming from three construction

1 sites, possibly simultaneously, needs to be looked at. That  
2 intersection would be very dangerous.

3 The Near Northeast community is around in that  
4 neighborhood, and we need to address that issue -- three major  
5 development projects, Metro, ATF, Station Place, and already the  
6 trucks that come from U-Line Arena. And that's the same route  
7 that everybody is planning to take to get onto 50 --

8 CHAIRPERSON MITTEN: Commissioner Ferrell, this  
9 is the time to ask them questions, not to --

10 MR. FERRELL: Okay.

11 CHAIRPERSON MITTEN: -- not to testify.

12 MR. FERRELL: All right. But that's the -- have  
13 you looked at that?

14 MS. BROPHY: No, we haven't looked at that.

15 MR. FERRELL: Is it a possibility that that can  
16 be looked at?

17 MS. BROPHY: Absolutely.

18 MR. FERRELL: Okay.

19 MS. BROPHY: We actually look forward to that  
20 discussion with the applicant.

21 MR. FERRELL: Okay. That's it.

22 CHAIRPERSON MITTEN: Thank you.

23 Mr. Edwards or Mr. Schauer, whoever is going to  
24 cross examine for Stanton Park this evening.

25 MR. SCHAUER: Lyle Schauer appearing for Stanton

1 Park. I wonder if the Department has received a truck routing  
2 plan for the construction phase. You have not?

3 MS. BROPHY: No, we have not. Or at least I'm  
4 not aware of any review of that.

5 MR. SCHAUER: Okay. That's all. Thank you.

6 CHAIRPERSON MITTEN: Thank you.

7 Mr. Parker?

8 MR. PARKER: Good evening. Venious Parker, Near  
9 Northeast. We are -- the neighbors of my community are  
10 concerned about the truck route near the U-Line Arena. We are  
11 more than --

12 CHAIRPERSON MITTEN: This is the time to ask  
13 questions.

14 MR. PARKER: Okay. Excuse me.

15 CHAIRPERSON MITTEN: So if you had any questions.

16 MR. PARKER: Okay. I think that question has  
17 already been posed concerning the U-Line Arena and the truck  
18 traffic along with the other activities that's going to occur.

19 CHAIRPERSON MITTEN: Okay. Sounds like it's a  
20 little premature to be discussing the route, since you haven't  
21 all decided what it's going to be yet.

22 MR. PARKER: Okay. Thank you.

23 CHAIRPERSON MITTEN: Thank you.

24 I did have one additional question. What can you  
25 tell us about the -- this potential air rights project that

1 we've heard something about that would be north of Union Station  
2 and how -- what would the access for that be, and how would that  
3 relate to the access to Station Place from the H Street  
4 overpass?

5 MR. LADEN: That I'm not really sure. It's  
6 something that we'd have to be looking at, and it depends upon  
7 what kind of air rights are negotiated with General Services  
8 Administration. I know the District government has approached  
9 GSA about use of the air rights for construction of additional  
10 parking in that area.

11 It's part of our general plan that we're trying  
12 to find locations for short-term queuing or storage of tour  
13 buses. And that was originally part of the design, I think, of  
14 the Union Station parking garage. We'd like to perhaps look at  
15 expanding the garage to accommodate that use and other needed  
16 parking in that area of the city, and that would use some of  
17 this new air rights which is being offered by GSA.

18 But that will probably compete with other uses as  
19 well potentially for that location, and I think we'll, you know,  
20 obviously need to work with both Station Place and the Union  
21 Station Redevelopment Corporation and other users of that  
22 section of H Street to make sure that the access is coordinated  
23 in such a way that you don't have significant traffic problems  
24 there.

25 But it's still very speculative at this point as

1 to what's going to be built there and what the traffic impacts  
2 would be.

3 CHAIRPERSON MITTEN: In terms of just access  
4 points, I mean, as I think of it, I can't imagine that there  
5 would be any other means of access other than H Street to the --  
6 to an air rights project. Is that -- do you think that's an  
7 accurate statement?

8 MR. LADEN: I think that would probably be the  
9 main one, absolutely. It would sort of depend upon how much  
10 further north it went and whether there were other streets that  
11 might provide access as well. But, again, this is all  
12 speculation, but I would think H Street would probably be one of  
13 the corridors that we would need to look at or that GSA would  
14 need to look at, or any other developer would need to look at in  
15 using that parcel.

16 CHAIRPERSON MITTEN: Do you think realistically  
17 there is the potential that there would be yet another access  
18 point on H Street, you know, to the overpass from another  
19 development, or that -- or that an access would be either -- it  
20 would be either the proposed access for this project or the  
21 existing access for the Union Station garage?

22 MR. LADEN: I would think that what we would want  
23 to look at is incorporating it into either of those two access  
24 points -- the Station Place or the Union Station parking garage  
25 -- so that you could signalize it and control it somewhat. I

1 don't think we'd want a third access road somewhere midway on  
2 the bridge.

3 CHAIRPERSON MITTEN: Does the design for the  
4 Station Place access -- is it conducive to adaptation to another  
5 project? I mean, if it were -- if that were to be the access  
6 point, is the design as it exists -- would that preclude it or  
7 make it relatively easy to add on to it, or -- if I've made  
8 myself clear.

9 MR. LADEN: Well, you --

10 CHAIRPERSON MITTEN: If I haven't --

11 MR. LADEN: -- you've made yourself clear enough.

12 CHAIRPERSON MITTEN: Okay.

13 MR. LADEN: Ms. Brophy is going to give it a  
14 shot.

15 MS. BROPHY: Yes. Actually, they have planned  
16 for that, and I think that their design allows very well. They  
17 even have kind of a dotted line in their design of GSA air  
18 rights ramp that go -- would go along with their access as well.

19 CHAIRPERSON MITTEN: Okay.

20 MS. BROPHY: So I think that would work fine.

21 CHAIRPERSON MITTEN: Okay. Thank you.

22 Any other questions? Thank you.

23 In the interest of keeping our momentum, I'm  
24 going to ask -- we'll continue to hold off on the Office of  
25 Planning report while they get their technology set up, and ask

1 that Commissioner Ferrell come forward and make the report for  
2 Advisory Neighborhood Commission 6A.

3 You know, I'm sorry. I neglected to ask Mr. Quin  
4 if he had any cross examination.

5 MR. QUIN: I have no questions.

6 CHAIRPERSON MITTEN: Okay. Sorry.

7 MR. FERRELL: For the record, Madam Chair, my  
8 name is Advisory Neighborhood Commissioner Greg Ferrell. I'm  
9 the Chair of ANC-6A Zoning and License Subcommittee.

10 Advisory Neighborhood Commission 6A Subcommittee  
11 had an extensive three-hour meeting with the developers. We  
12 also had a full ANC meeting, and the ANC adopted the  
13 recommendation of the subcommittee that this planned unit  
14 development be approved with certain conditions.

15 This is a major project. The primary concerns  
16 that ANC-6A has is we want to make sure that there's a detailed  
17 construction transportation management plan in place. As I  
18 stated earlier, there will be quite a bit of congestion for the  
19 Near Northeast community as it relates to current proposals for  
20 development around our neighborhood.

21 We have a tremendous problem with trucks from the  
22 U-Line Arena, and with the ATF slated for groundbreaking very  
23 shortly, and also Metro, the intersection of Florida Avenue,  
24 3rd, and 2nd Street, as it relates to transportation during the  
25 rush hour, evening and a.m., could be a disaster.

1           We strongly urge that this body make sure that a  
2           suitable construction management transportation plan -- if  
3           that's the correct phrase or terminology -- is in place prior to  
4           any action from the Zoning Commission to ensure that the  
5           residents of Near Northeast won't wake up in the morning with  
6           all kinds of traffic problems coming in and around the  
7           residential areas trying to bypass the traffic gridlock that  
8           will occur with these huge trucks. And it will infringe upon  
9           that community's quality of life severely.

10           We also have strong concerns with regards to the  
11           actual radius for the surveys of the homes near the project. We  
12           would really like this Commission to make sure that if the  
13           residents have concerns about property damage that there's a  
14           mechanism where the residents and homeowners would not have to  
15           trigger some civil litigation, which is very costly and time-  
16           consuming.

17           I don't know exactly how that can be worked out,  
18           but I would like to have some assurance that the residents  
19           wouldn't have to go to civil litigation to have these issues  
20           addressed by the developers.

21           Also, with regards to the northern phase of the  
22           project, phase -- I guess we would call that phase 3 -- I was  
23           privy to -- to what was spoken by Mr. Quin today regarding the  
24           pending approval from the Commission of Fine Arts on phase 3.  
25           However, because of short notice, I haven't really taken an

1 opportunity to look at the documentation that was presented to  
2 me tonight.

3 But from what I know about the timetable for this  
4 development project, any amenities or economic impact positively  
5 will not affect H Street during the first phase of this project.

6 But we will be affected for two to three years during the first  
7 phase of the project in the Stanton Park Near Northeast  
8 community during the construction phase.

9 We are left with a promise that Dreyfus  
10 Corporation will build once the tenant is secured. That could  
11 be five, six, seven, eight, nine, 10 years away, until we  
12 actually realize some economic benefit or spilloff from the  
13 northern phase of the project.

14 Having said that, my suggestion to the developers  
15 were that a Community Advisory Board be placed that will be  
16 representative of the community and that they would provide  
17 other amenities to help us improve that area that will be  
18 impacted by the construction phase, but yet and still not  
19 realize the economic potential gain is just -- it's a promise  
20 that's out there.

21 So I don't agree with the \$200,000 flat amenity  
22 to do some improvements in and around the community. I believe  
23 that the developers will be making money once this project is  
24 built, and we would still be suffering in terms of some economic  
25 benefits. If we are supporting this project as an ANC, then we

1 need to have some real amenities to -- new to the community, not  
2 just a flat fee of \$200,000 to be used in two years.

3 This project could be expanded for a 10-year  
4 period of time. We don't know. So we believe that they should  
5 be willing to contribute on a yearly basis for projects in and  
6 around the community, and that the -- once the project reaches  
7 the seven-year stage, or whatever -- seven years could be a  
8 target -- if they have not constructed the northern phase of the  
9 building, then I think there should be some conditions or some  
10 conditions that would give them an incentive to make sure that  
11 they build the northern phase of the building.

12 If they haven't done it in seven years, I don't  
13 know what conditions can -- something that will hold their feet  
14 to the fire. Let me say it like that.

15 I believe that it has already been noted that the  
16 Near Northeast community should be represented on any Community  
17 Advisory Board. And I would also strongly suggest that someone  
18 from the development team and the general contractor be  
19 appointed to attend these meetings in a non-voting capacity, but  
20 they will be there in order to assist us informationally and to  
21 hear the concerns of the community, if this project is approved  
22 for construction, throughout the duration. I think they should  
23 be required to do that as a -- as conditions.

24 That's basically it.

25 CHAIRPERSON MITTEN: Okay. Thank you very much.

1 Let me see if anyone has any questions for you. Any questions  
2 for Commissioner Ferrell? Mr. Hannaham, why don't you go first.

3 MR. FERRELL: Also, I did submit a statement for  
4 the record that outline first source jobs for D.C. residents,  
5 which is not a real issue because they've already consented and  
6 agreed to do that.

7 CHAIRPERSON MITTEN: Right.

8 MR. FERRELL: To deal with minority and  
9 disadvantaged businesses here in the District of Columbia for  
10 subcontracts and things of that nature. But I didn't want to  
11 waste time because that's already been agreed upon.

12 CHAIRPERSON MITTEN: We appreciate that. Thanks.

13 Mr. Hannaham?

14 COMMISSIONER HANNAHAM: Thank you.

15 Mr. Ferrell, Commissioner Ferrell, I was just  
16 interested, can you be more specific about what would the nature  
17 of the amenities be that you would like to see considered?

18 MR. FERRELL: I use -- I use inexact figures, not  
19 exact figures. But I figure that, based on the square footage  
20 of a lease, Dreyfus Corporation can probably revenue-wise  
21 annually maybe \$30 million. My suggestion is to do a percentage  
22 of that \$30 million a year to the community. And I think I  
23 suggested .5 percent, something like that.

24 It doesn't have -- they don't have to necessarily  
25 provide the funds directly to the community. It could be funds

1 that could be used for in-kind projects -- streetscape  
2 improvement, low interest rate loans to the elderly that are  
3 having a difficult time in our neighborhood maintain the  
4 property with the increase in property taxes in D.C., and also  
5 there's greater enforcement to maintain your property so it  
6 won't become nuisance property. And we have a lot of senior  
7 citizens that are just not able to afford a \$4,000 or \$5,000  
8 loan to do some minor repairs to their homes.

9 Streetscape improvements for H Street. We have a  
10 terrible problem at the corner of 3rd and H. BP Amoco acquired  
11 a large tract of land, and the BZA did not approve their  
12 application for a variance. That corner is desolate and very  
13 dark, I mean absolutely frightening, especially for single  
14 females who have to travel along that corridor.

15 We have a lot of abandoned buildings on --  
16 between 3rd and 4th and H Street. We need lights there  
17 desperately. BP Amoco has shut down their station. We don't  
18 know when they're going to build it. It used to provide some  
19 illumination, but right now it's dark.

20 These are just for some instances of certain  
21 things that we need to have done to improve the H Street  
22 corridor, and our neighborhood in particular. I just don't  
23 think that a \$200,000 in-kind project for a project that the  
24 developers represent will bring economic development on H Street  
25 is enough, because, as I said before, that could be 10 years

1 from now. We don't know.

2 The southern portion will be built perhaps in  
3 two, two and a half years, if everything goes right. But the  
4 northern portion -- there's a promise maybe five, seven, 10. We  
5 don't know.

6 COMMISSIONER HANNAHAM: Have you had any  
7 discussions with the developer?

8 MR. FERRELL: Yes, we have. We talked  
9 extensively.

10 COMMISSIONER HANNAHAM: Have you written anything  
11 down? Have you drafted something to work on?

12 MR. FERRELL: Yes, we have.

13 COMMISSIONER HANNAHAM: Okay.

14 MR. FERRELL: As I said before, my position,  
15 which I submitted for the record, was a formula, .5 percent of  
16 the projected revenue, and I shared that with the developers and  
17 they didn't agree with that.

18 But my rationale for that is that the impact that  
19 our community will suffer far exceeds \$200,000. And we don't  
20 have a promise for any economic revitalization or benefit from  
21 Station Place on H Street until someone is -- until the building  
22 is built and occupied, and that could be a decade from now.

23 COMMISSIONER HANNAHAM: Okay. Thank you very  
24 much.

25 CHAIRPERSON MITTEN: Mr. Hood, did you have a

1 question or two?

2 VICE CHAIRPERSON HOOD: Yes, Madam Chair.

3 Commissioner Ferrell, I just wanted to ask you,  
4 you seem to be very confident in the first source agreement and  
5 the local small disadvantaged businesses. Could you elaborate  
6 for me what your negotiations have been with this applicant that  
7 put you in that very comfort level?

8 MR. FERRELL: Let me say that I'm not very  
9 confident, but that's the mechanism that the city uses for major  
10 development projects. I have office buildings half a block from  
11 the new Convention Center, and I have been very actively  
12 involved with that development project.

13 The first source agreement has worked to a  
14 certain extent with the Washington Convention Center project.  
15 My recommendation to the developer was that there's a high  
16 attrition rate for employers -- employees, because of substance  
17 abuse.

18 And the way we worked that situation out with the  
19 Convention Center, we did in-house substance abuse tracking and  
20 screening. The attrition rate became much lower. They have a  
21 more efficient staff and it worked pretty well.

22 I also asked in my recommendation that -- not  
23 only that the D.C. Department of Employment Services be the  
24 first source for potential employees, but that the Community  
25 Advisory Committee be apprised on a monthly basis as to the job

1 opportunities and who we need to contact for referrals for  
2 members of our community that are in need of a job.

3 Also, we asked that they would start an  
4 apprentice phase for the project.

5 We all agree that with major development  
6 happening in the District of Columbia the only way it can be  
7 built is if we satisfy the units of labor -- skilled -- semi-  
8 skilled and skilled, in order to have them built. We do have a  
9 changing in terms of careers. With 9/11, many people are out of  
10 work and will be looking for other careers. Construction could  
11 be an option.

12 There's other areas in the construction phase  
13 that are more skilled and technical that people may opt out to.

14 So the first source agreement with the District of Columbia  
15 government is the way that we do business in the city. I'm not  
16 saying that it's fool-proof, but it's what we have to work with.

17  
18 And if they will cooperate with the community and  
19 give the community the same respect and the same opportunity as  
20 they give DOES, and with regards to referrals, I think that that  
21 would give us some assurance that members of our community will  
22 get a fair shot at jobs.

23 VICE CHAIRPERSON HOOD: Here's where I would like  
24 to see the leadership in that neighborhood take it. My  
25 colleagues and everyone will tell you, and Mr. Quin will tell

1 you, I've been asking this question forever, and I probably will  
2 as long as I'm here.

3 They have raised the bar, as the Chair said  
4 earlier. I have here something that you probably just received,  
5 which is talking about the different type of jobs that are  
6 needed. I would encourage the leadership in the community, as  
7 well as the community, to get their package together, go down to  
8 DOES.

9 This applicant has put something in place of  
10 what's needed. That has not been -- I haven't seen it done  
11 before. Maybe it has. So I would encourage the community  
12 folks, "Hey, let's step up to the plate. Let's go down there.  
13 The applicant has an offer here. Let's go down and see where we  
14 can put some of those folks in the Washington, D.C. area, that  
15 live in the District, in some of these positions as well as the  
16 local businesses."

17 So I guess now the onus is back on us. Let's  
18 make sure we have a package together. And when I say "us," I'm  
19 talking about District residents. Let's make sure we have a  
20 package together. Let's go down to DOES, and then the local  
21 small disadvantaged business.

22 I'm interested in seeing what response you get,  
23 because this Commission is in the process of putting together a  
24 meeting with all of the parties involved to try to make sure  
25 that this stuff actually happens, because, Commissioner Ferrell,

1 I can tell you it doesn't work.

2 MR. FERRELL: Yes.

3 VICE CHAIRPERSON HOOD: It's not working. But  
4 we're working on it, and there's no putting anything -- whose  
5 fault it is, because it hasn't been the applicant's. I think  
6 from what I'm finding it has been more of the District's.

7 MR. FERRELL: Right.

8 VICE CHAIRPERSON HOOD: So we just need to hold  
9 folks accountable, and I would encourage you, as a community  
10 leader, to make sure you take the neighborhood, go down there  
11 with your package, because I can assure you Commissioner Hood,  
12 as well as my colleagues, we will be following up on some of  
13 this.

14 My next question is, with all of the development  
15 that's going on in your community, has anyone mentioned to you  
16 about infrastructure -- the infrastructure?

17 MR. FERRELL: Yes. Infrastructure was also a  
18 part of the Metro station development and ATF as well. The  
19 issue with the Metro station was entrance and exit ways. They  
20 were more germane to satisfy the personnel at ATF as opposed to  
21 satisfying the needs of the community. It was like a Metro  
22 station that was designed for those that work from 9:00 to 5:00.

23 And after the hours of 9:00 to 5:00, along L  
24 Street it was still desolate and dark. But I believe they may  
25 redirect that, and I think they're going to put in some new

1 sidewalks, new lights, and things of that nature, for the Metro  
2 and also for ATF.

3 But as I said before, 3rd and H Street is  
4 problematic in that BP Amoco has shut down the gas station. And  
5 the gas station did provide some illumination on the corridor  
6 between 3rd, 4th, and H. Now it's absolutely desolate, and it's  
7 dark, and it's quite dangerous.

8 As I said before, we spoke with the developers,  
9 and we have some ideas about some lighting, and that's just one  
10 of the aspects of lighting on the corridor that will improve the  
11 infrastructure.

12 VICE CHAIRPERSON HOOD: Okay. I guess I have  
13 another opportunity if I have some other questions. Thank you.

14 CHAIRPERSON MITTEN: Anybody else? Okay.

15 Mr. Quin, did you have any questions?

16 MR. QUIN: Not questions. I just wanted to make

17 --

18 CHAIRPERSON MITTEN: Could you just get on a  
19 mike, please.

20 MR. QUIN: Just to make sure that the Commission  
21 realizes -- and Commissioner Ferrell realizes -- that we did  
22 file with you the response to the ANC's request that deal with  
23 the type of programs that Mr. Ferrell has been mentioning there  
24 in paragraphs 4 and 5 of our submission that we submitted at the  
25 last hearing.

1 CHAIRPERSON MITTEN: And you have a copy of that,  
2 Mr. Ferrell? Yes?

3 MR. FERRELL: Yes.

4 CHAIRPERSON MITTEN: Okay. Mr. Schauer, did you  
5 have any questions for Mr. Ferrell? And I overlooked Mr.  
6 Saleem. Is he here? For the H Street merchants. Did you have  
7 any questions on cross examination, Mr. Saleem?

8 MR. SALEEM: No.

9 CHAIRPERSON MITTEN: Okay. And Mr. Parker, any  
10 questions?

11 MR. PARKER: No.

12 CHAIRPERSON MITTEN: Okay. Thank you,  
13 Commissioner Ferrell.

14 MR. FERRELL: Thank you.

15 CHAIRPERSON MITTEN: How's the Office of Planning  
16 doing over there?

17 (Laughter.)

18 DEP. DIR. McCARTHY: Well, every time we solve  
19 one technical problem, we move on to the next.

20 CHAIRPERSON MITTEN: Can you do it without your  
21 -- I guess it's just -- it's going to get awkward if we -- I  
22 mean, I think we're at a point here where we're going to go into  
23 parties, and I think it's going to be awkward if we don't hear  
24 from you first.

25 DEP. DIR. McCARTHY: Okay. Everyone in the back

1 can here?

2 First of all, Madam Chair, members of the  
3 Commission, members of the audience, let me say I am so sorry.  
4 Obviously, we had a mixup and thought that the session started  
5 at 7:00 this evening, and we actually did test two computers  
6 just so we were really sure that we would have no technical  
7 glitches tonight, and they worked like a charm back in the  
8 office.

9 So I'm sorry for the delay, and I'm sorry for  
10 disrupting the flow of the meeting. And I'm also sorry because  
11 the slides would have helped I think illustrate some of the  
12 points that I wanted to make tonight. But I know that Ms.  
13 Steingasser will keep trying.

14 Basically, as an overall observation about this  
15 project, we -- I see Mr. Roche is not here this evening, because  
16 we -- I was realizing last session as we were going through the  
17 presentation that I was thinking of the -- of the moniker that's  
18 attached to I believe it's Wayne Newton -- that they say in Las  
19 Vegas he's the hardest working man in show business.

20 And to a certain extent, we could probably say  
21 that Mr. Roche and his team have been the hardest working  
22 architects that we have dealt with in quite a while, because  
23 there are some times are the Office of Planning that you have  
24 the feeling you're living through the movie Groundhog Day, and  
25 that you sit down with an applicant, and you raise some concerns

1 and some objections, and they listen and they nod, and the next  
2 time they come back it's just -- the alarm clock goes off, you  
3 feel like, and you're reliving the same day again, and no  
4 changes have been made, and you make your points over again, and  
5 you go through this time and time again.

6 But in this case, as you know from the documents  
7 that the applicant passed out the last time, we have met several  
8 times with the Station Place team. We expressed a number of  
9 concerns with the original version of the design. And, you  
10 know, while it's not a perfect project, it's not a perfect  
11 design, but it is substantially improved from the design that we  
12 began working with.

13 And I guess -- I thought what would help to put  
14 our comments in context would be to mention what we had  
15 experienced or what we had expressed as some of our major  
16 reservations and some of the major constraints in context that  
17 we were dealing with, and then talk a little bit in our report  
18 about how those had been dealt with.

19 Obviously, it's a very large site, and any  
20 building that's on that is a very large building. And our major  
21 concern, and I think the major concern that the Commission of  
22 Fine Arts had had as well, is the scale and the presence along  
23 2nd Street, particularly since that immediately abuts a very  
24 small scale -- at least in portions a very small scale  
25 residential neighborhood.

1                   We had expressed concern to the developer about  
2                   the height measuring point and had indicated from our early  
3                   meetings that measuring from the H Street overpass we thought  
4                   was inappropriate and not a good precedent. And, as you know,  
5                   the application was modified to measure from F Street and to  
6                   include that height flexibility in the request for their  
7                   flexibility in the planned unit development.

8                   We were concerned about street life, and the  
9                   tension between having street retail, which would animate the  
10                  building at the street level, versus not wanting to compete with  
11                  the retail either at Union Station or on H Street, so the  
12                  courtyard, the trellis, the vending program were all instituted  
13                  to try to deal with those concerns.

14                  We were extremely concerned about the connection  
15                  to H Street, as had been Council Member Ambrose and a number of  
16                  the members of the community that we had talked to. So we were  
17                  pleased when the connection to H Street was instituted.

18                  And we were also always mindful, as we've  
19                  discussed with the Capitol Hill Restoration Society Subcommittee  
20                  and others, of the tension between the fact that this project  
21                  could be built as a matter of right project or as a matter of  
22                  right project with variances as indeed the last project proposed  
23                  for this site had been proposed to be, and that there was a  
24                  limit to how much we could request or demand of the developer in  
25                  terms of changes and concessions before it became more

1 economical and more practical to be built as a matter of right  
2 project with a variance to reduce the amount of parking.

3 So with that as a context, let me proceed. In  
4 terms of the overview, what we had looked at in the Office of  
5 Planning report was comprehensive plan issues, zoning issues,  
6 and public benefits and amenities.

7 And in terms of the comprehensive plan, the major  
8 items that we looked at were the physical character of the  
9 District, economic development element, and the employment  
10 opportunities, with the themes of the comprehensive plan about  
11 respecting and improving the physical character of the District,  
12 reaffirming and strengthening the District's role as the  
13 economic hub of the National Capital Region, increasing the  
14 quantity of employment opportunities in the District.

15 So with regard to the first theme which was  
16 enhancing the physical character, we looked at three main issues  
17 -- urban design, environmental protection, and transportation.

18 In terms of urban design, there were many  
19 components -- architectural compatibility, materials, scale,  
20 massing, and streetscape -- and we realized that the variety of  
21 physical character in the surrounding neighborhood makes  
22 designing an architecturally compatible building within this  
23 building envelope an extremely daunting task.

24 The F Street facade needs to fit in with the  
25 monumental character of Columbus Circle -- Columbus Plaza. The

1 H Street facade should provide an appropriate gateway into the H  
2 Street commercial corridor, and the 2nd Street facade should not  
3 impose on the neighboring Capitol Hill Historic District.

4 The architect, in trying to deal with that,  
5 selected three main materials -- glass, by which the architect  
6 has attempted to reinforce his intended role for the building as  
7 a background building, as daunting a task as that is for a  
8 building of this size; stone, to tie it in to the adjoining  
9 federal buildings; and vegetation, to soften the building's  
10 impact along its edges along the -- particularly along 2nd  
11 Street.

12 In terms of scale and massing, obviously it is a  
13 very large building, and efforts to mitigate its impacts have  
14 included setbacks on the upper floors, breaking up the mass  
15 along 2nd Street with a pedestrian plaza. The Commission of  
16 Fine Arts also looked at this issue, and the notch that it has  
17 recommended or the separation between the buildings does help  
18 break up that scale.

19 It was certainly a recommendation that the Office  
20 of Planning was in consonance with, and we are pleased that the  
21 applicant responded. With the breaking up of scale, we know  
22 that they will be continuing to work on the detailing of the  
23 facade to try to make it a more compatible building.

24 In terms of streetscape, due to the length of the  
25 2nd Street facade, the Office of Planning has been concerned

1 with the streetscape and the pedestrian experience along 2nd  
2 Street.

3 In response, the applicant has provided a number  
4 of features to the facade, including the trellis, an attractive  
5 brick paving design, a pedestrian plaza with landscaping, street  
6 furniture, water features, and an opportunity for street  
7 vending, which was the compromise in terms of trying to  
8 introduce some retail, some vitality at the street level, and  
9 yet not offer goods and services that would be competing with  
10 either Union Station or H Street.

11 In terms of environmental protection, the project  
12 provides a number of environmental benefits, including site  
13 cleanup, required water quality control practices, extensive  
14 landscaping, and a construction management plan.

15 Further refinement of the erosion and sediment  
16 control plan and the storm water management plan, the Office of  
17 Planning expects to work with the applicant and address in the  
18 building permit review process and the environmental impact  
19 statement screening form review process.

20 With regard to transportation, the Department of  
21 Transportation provided you with their assessment.

22 In terms of economic benefits, the project -- the  
23 Office of Planning concluded that the project did provide a  
24 number of economic benefits that coincide with the goals of the  
25 comprehensive plan. One is to generate new and productive uses

1 of currently underused land. An existing unattractive parking  
2 lot will be transformed into a new office building, producing  
3 approximately \$9.8 million in direct tax revenues for the  
4 District.

5 In addition, we figured the increase of 4,000  
6 plus workers will certainly reinforce the retail performance of  
7 Union Station and add retail energy to Massachusetts Avenue, and  
8 we certainly hope, by virtue of the direct connection to H  
9 Street, help support new commercial development along the H  
10 Street corridor.

11 This will be particularly useful in light of the  
12 work that's ongoing with the Office of Planning and a number of  
13 participants from H Street and Main Street, the charette process  
14 and planning process to go on a few months from now, in addition  
15 to proposed overlays and other planning and zoning tools that  
16 we're looking at to revitalize the H Street corridor. Adding an  
17 additional 4- to 5,000 people as customers certainly can't hurt.

18 The dense development of this site next to a  
19 major transit center will make a better use of our investments  
20 and transportation infrastructure. Higher transit usage will  
21 improve air quality and development around the transit stations  
22 and decrease development pressures on existing natural  
23 resources.

24 In terms of the employment opportunities,  
25 employment opportunities provided by the project include

1 entering into the first source agreement with the Department of  
2 Employment Services, the memorandum of understanding with the  
3 Office of Local Business Development to utilize small and  
4 disadvantaged business enterprises, and the additional jobs and  
5 construction employment generated by the project.

6 In terms of zoning issues, I think the main  
7 zoning issues with the project are the height of the building  
8 and the parking. A rather substantial reduction in the parking  
9 requirement is achieved by the proposed map amendment to  
10 transfer this to a commercial zoning classification.

11 The permitted building height in the C-3-C  
12 district is 90 feet. With a planned unit development, this may  
13 be increased to 130 feet. Discounting the measurements from the  
14 overpass, the height of the proposed building, as measured from  
15 F Street, is 115-1/2 feet.

16 The Office of Planning believes that measuring  
17 the height of the building from a bridge or overpass is contrary  
18 to the intent of the height act and to the amendment that was  
19 included in the comprehensive plan in the last round of  
20 amendments.

21 Section 1703.1(u) stated that the plan would  
22 require any building located directly adjacent to the H Street  
23 overpass to measure its allowable height from street level to  
24 parapet and permissible penthouses from the existing grade of  
25 2nd Street, Northeast, or 1st Street, Northeast, and not from

1 any part of the overpass itself.

2 Chairman Brown of the Commission of Fine Arts  
3 noted, "If we pass on any advice to the Zoning Commission, I  
4 think it would be a very dangerous precedent for us to sit still  
5 for a developer using an additional 30 feet of highway overpass  
6 as a kind of credible ground plane from which the maximum  
7 allowable height of a building should be measured."

8 So in assessing the degree of flexibility  
9 required and weighing that against the amenities provided and  
10 the benefits of the building, the Office of Planning feels that  
11 that additional 30 feet needs to be taken into account.

12 In terms -- the current -- in terms of the  
13 parking requirements, the current C-M-3 zone would require this  
14 building to provide 1,760 parking spaces. By amending the  
15 zoning map to place the property in the C-3-C zone, the parking  
16 requirement is reduced to 782 parking spaces.

17 The applicant proposes 617 regular spaces, 244  
18 compact spaces, 44 handicapped spaces, and 211 stacked spaces,  
19 for a total of 1,116 parking spaces. Therefore, the benefit to  
20 the developer of the map amendment will be a reduction in the  
21 parking requirement by 644 spaces.

22 So in terms of the PUD benefits to the applicant,  
23 we have the additional building height, which is generating  
24 approximately 200,000 gross square feet of additional floor area  
25 given that it would not be possible to have the building be a

1       leasable building and be totally filled in from -- from F Street  
2       to H Street.

3                 So the additional building height is necessary in  
4       order to accommodate -- or the 200,000 square feet results,  
5       then, from looking at that additional building height and the  
6       additional square footage that it enables the developer to  
7       achieve.

8                 And then, the other PUD benefit to the applicant  
9       is the reduction of parking requirements by 644 spaces.

10                In terms of the public benefits and amenities  
11       which the developer is providing, the application claims in  
12       exchange for the flexibility the applicant is offering the  
13       following public amenities: exceptional design, transportation  
14       features, employment opportunities, the first source employment,  
15       and the LSDBE participation.

16                Additional benefits that were not listed in the  
17       original submission are the H Street building access and the  
18       managed vending program along 2nd Street in the landscaped  
19       plazas, plus the guaranteed access of the public to the second  
20       plaza, the second one down from F Street.

21                Additional benefits that the applicant might  
22       consider are provision of a public pedestrian access from 2nd  
23       Street to H Street, since we recognize that because of security  
24       concerns in the building it will be likely that people will be  
25       able to exit from the building onto 2nd Street and that workers

1 will be able to go -- I mean, exit onto H Street, and that  
2 workers in the building with passes will be able to go from H  
3 Street into the building.

4 But in terms of public access, that will mostly  
5 not be possible given the usual security policies, whether  
6 that's a public or a private building.

7 Further development of the design along H Street,  
8 in accordance with future H Street corridor design plans,  
9 provision of water quality and quantity controls above and  
10 beyond the current requirements, providing public access to the  
11 interior connection to Union Station from H Street, provision of  
12 an architectural element announcing the gateway to the  
13 metropolitan branch trail, and enhancements to safety and  
14 signage along the bike trail.

15 In terms of agency referrals, the Office of  
16 Planning has referred the project to DDOT, the Department of  
17 Consumer and Regulatory Affairs, the Commission on Fine Arts,  
18 the Historic Preservation Review Board, and the National Capital  
19 Planning Commission.

20 DDOT has filed its report. The Department of  
21 Consumer and Regulatory Affairs provided a verbal interpretation  
22 of the height measurement indicating the applicability of the F  
23 Street or 2nd Street measuring point, but we have not received a  
24 written report from the Department of Consumer and Regulatory  
25 Affairs from the Zoning Administrator on that point.

1           The Commission of Fine Arts -- I believe you  
2 heard an update about earlier -- that the Historic Preservation  
3 Review Board decided to defer to the Commission of Fine Arts  
4 review, but the Historic Preservation Division expects to have a  
5 role in Section 106 review due to the involvement of the  
6 Securities and Exchange Commission as the cause of the building  
7 of the report. So there will be historic preservation analysis  
8 through the Section 106 review, and the National Capital  
9 Planning Commission which has reviewed the project.

10           In light of these considerations, the Office of  
11 Planning recommended approval of the application for Station  
12 Place with the following conditions. We have recommended that  
13 the conditions require the provision of pedestrian access to  
14 H Street from the building, since we recognize that was not in  
15 phase 1 but that be listed as a condition to be expected when  
16 that -- when the last phase of the project is completed, to  
17 require that the middle courtyard be open for public access with  
18 the landscape and water features proposed in the developer's  
19 amended submission, to require that the applicant implement a  
20 managed vending program in the public courtyard, to require  
21 implementation of the transportation management program proposed  
22 by the applicant, to require implementation of a construction  
23 management plan and agreement with the neighbors to protect  
24 nearby houses from construction-related damage.

25           As I indicated in the introduction to our report,

1 there are a number of tradeoffs that are made in this building.

2 But on balance, the Office of Planning feels that the amenities  
3 provided do -- are commensurate with the benefits that the  
4 developer is looking to achieve through the planned unit  
5 development.

6 We recommend approval with conditions, and we'd  
7 be happy to answer any questions from the Commission and from  
8 the other parties.

9 CHAIRPERSON MITTEN: Thank you. Any questions  
10 for the Office of Planning?

11 VICE CHAIRPERSON HOOD: Madam Chair, I just  
12 wanted to ask Ms. McCarthy -- this was referred to -- and I  
13 forgot exactly -- I hope this was the case. I'm sure it was.  
14 This was referred to as a site similar to the Federal Triangle.

15 Would you say that this site, the way it's proposed now, would  
16 be similar to the Federal Triangle? From a planning  
17 perspective, as far as the different buildings and the way it's  
18 set --

19 DEP. DIR. MCCARTHY: Do you mean in terms of the  
20 way it's massed and --

21 VICE CHAIRPERSON HOOD: Right.

22 DEP. DIR. MCCARTHY: -- designed? That probably  
23 is a reasonable analogy.

24 VICE CHAIRPERSON HOOD: Okay. Thank you.

25 CHAIRPERSON MITTEN: Commissioner May?

1                   COMMISSIONER MAY:    You mentioned this pedestrian  
2                   connection to H Street.    Could you explain exactly what -- I  
3                   mean, is that for people in the building?  It's for pedestrians  
4                   walking down 2nd Street, so they can get up to H Street?  
5                   Explain to me what it -- what you mean by that and why it's  
6                   important.

7                   DEP. DIR. McCARTHY:    What the applicant has  
8                   proffered is a direct connection from the building onto H  
9                   Street.  So that -- and that was our primary concern because  
10                  knowing what is going to happen with H Street, and also what's  
11                  going to happen with the air rights on -- all the way up to K  
12                  Street, with the expectation of several million square feet of  
13                  development there, we felt that not having an entrance or an  
14                  exit from the building would -- would make it less likely that  
15                  the up to 5,000 people that are expected in that building every  
16                  day would be able to easily access H Street, and so it would be  
17                  less likely that they would be interested in turning to H Street  
18                  for shopping needs.

19                  So at this point in time, what the applicant has  
20                  proffered is a direct entrance and exit.  Our expectation -- and  
21                  I don't -- I don't think the developer has gone into great  
22                  detail, but I think they would agree, is -- is that -- or they  
23                  certainly have not said anything different than this, that for  
24                  the most part that would function to serve the residents of that  
25                  building only.

1           And that if you do not have a key card or some  
2 way to enter into the building from H Street, that most likely  
3 you will have to walk up 3rd and -- and then over on G or F  
4 Street if you want to get to Union Station or to the building.

5           We had indicated that of the additional amenities  
6 that we had looked at, one possibility was some sort of exterior  
7 access, either an exterior stair or some way of working with the  
8 owners of the property across 2nd Street to provide access up to  
9 H Street. But it's extremely difficult to figure out how to do  
10 that in a way that would be secure and that would be manageable.

11  
12           And our suspicion was in the end people would  
13 either use the secure exit and entry from the building or they  
14 would prefer to take the 3rd Street. So we did not push hard  
15 for any kind of exterior connection to -- to H Street.

16           COMMISSIONER MAY: This connection to H Street is  
17 all predicated on the fact that at some point in the future  
18 there will be sufficient building frontage on this elevated  
19 roadway. The bridge will become, in effect, this elevated  
20 roadway and that there will actually be some kind of street life  
21 up there as opposed to just a walkway that connects you from  
22 North Capitol to 3rd Street, right?

23           DEP. DIR. MCCARTHY: Well, that's one of the  
24 things that it's predicated on. But the other thing is an  
25 assumption that if -- if something gets going on the block

1 between 3rd and 2nd street, rather than -- I guess there were  
2 two aspects of that. One, rather than requiring everybody to  
3 walk down G Street in order to get to H, and to go through the  
4 back of that, that they'd be able to walk right down H Street.

5 But it was also a sense that if you are -- it's  
6 already a long walk, especially if you're toward the F Street  
7 side of the building. So if there were a way for that walk to  
8 be undertaken where it's primarily through the building, and  
9 where you're popping up right on H Street, we thought that the  
10 likelihood was greater, especially in weather that wasn't great,  
11 that we'd be able to get more people from Station Place actually  
12 venturing onto H Street than if we made them take only the  
13 surface routes to get there.

14 COMMISSIONER MAY: Again, though, H Street, as it  
15 is right now -- I mean, you're picturing people wanting to go up  
16 to the -- the bridge essentially, and then walk down H Street to  
17 3rd Street, where 3rd and H -- where H actually is -- has  
18 something to it as opposed to just being a bridge.

19 DEP. DIR. MCCARTHY: Right. Although, I mean,  
20 there are proposals for development of those blocks between 2nd  
21 and 3rd Street on both sides of the -- of the road. So --

22 COMMISSIONER MAY: So, again --

23 DEP. DIR. MCCARTHY: -- planners -- being  
24 planners, being optimistic, and envisioning an H Street which  
25 will beckon, we figured make it easy, make it as accessible as

1 possible, make it as attractive to go to H Street as possible,  
2 and if that means a direct connection on H and then walking down  
3 the rest of that incline so you are -- H Street is more visible  
4 to you and more accessible, it seemed like it was worth it in  
5 order to be -- to make that as encouraging as possible.

6 COMMISSIONER MAY: Okay. Thanks.

7 CHAIRPERSON MITTEN: Since we're on the subject  
8 of H Street, have you -- what thought have you given to the  
9 phasing of the project and concerns raised by Commissioner  
10 Ferrell in terms of the benefits that the project brings in part  
11 relate to H Street, which is reliant on the completion of the  
12 entire project.

13 And, you know, normally, we have -- we have a  
14 mechanism for, you know, you either get the project completed or  
15 -- or there's nothing. You know, we're still at first base as  
16 opposed to -- as opposed to this, which will be, you know, we  
17 could end up with half the project and some of the benefits not  
18 being realized.

19 So what thought have you given to that?

20 DEP. DIR. MCCARTHY: Specifically with regard to  
21 the benefits that tie in with access to H Street, our  
22 expectation is this becomes a condition on the planned unit  
23 development. At whatever point in the future the developer  
24 completes the construction of that site, the H Street connection  
25 will be made.

1                   They will -- they will -- either they design a  
2 building which is identical to what is presented to you tonight,  
3 or they come back to the Zoning Commission with a modification.

4                   But you will know, based on you or whatever Commissioners are  
5 sitting at that point in time, will have that order, will know  
6 that that was the condition which was imposed whenever Building  
7 4 or Building 3 is constructed.

8                   And since we can't really require the developer  
9 to construct all the way to H Street, absent a tenant, we -- we  
10 felt that that was the best that we could do for that particular  
11 set of benefits.

12                   CHAIRPERSON MITTEN: So, I mean, in terms of the  
13 concern that there would be all this additional traffic that  
14 would be generated, automobile traffic that would be generated  
15 on H Street by the project and that access point -- but, you  
16 know, the fact that there perhaps won't be any offsetting  
17 benefit, but, I mean, we just don't know when it would be  
18 realized. That doesn't concern you.

19                   DEP. DIR. McCARTHY: We would rather have it the  
20 other way, certainly. But the -- some of the other amenities  
21 that are being provided in terms of making the pedestrian path  
22 along 2nd Street as attractive as possible, the contributions to  
23 the H Street Merchants Association, the economic development  
24 benefits of the project and the fact that right now it's a  
25 rather unattractive and environmentally unclean parking lot,

1 mean that there will at least be several amenities that kick in  
2 before the H Street connection kicks in.

3 CHAIRPERSON MITTEN: I'd like you to speak to  
4 something that I know we're going to hear a lot about later.  
5 And I -- I'm going to ask you not to just default to the  
6 comprehensive plan and the land use designation, the generalized  
7 land use map.

8 There is a lot of concern about the juxtaposition  
9 of a low-rise residential neighborhood across the street from a  
10 relatively high-density development. And would you address the  
11 appropriateness of that?

12 DEP. DIR. McCARTHY: I think the --

13 CHAIRPERSON MITTEN: What makes that okay?

14 DEP. DIR. McCARTHY: You know, clearly, as I  
15 indicated in my report, that's the most difficult transition.  
16 When we -- and I think that's why I observed that coloring all  
17 of our assessment of this building was the fact that its current  
18 zoning on the site and what that permits to happen on that site  
19 provide a substantial height juxtaposition there anyway.

20 And so we -- the design which this architect has  
21 -- has done, which did the massing such that the bulk of the  
22 building is piled toward the train tracks, and it's broken into  
23 fingers reaching out towards 2nd Street, and then step down  
24 slightly, was a far more successful design than the last go-  
25 round, than had been granted the zoning variance previously.

1                   We don't think it's ideal. We think that the  
2 addition of the trellis and the elements to keep the eye at  
3 street level, at least help mitigate some of that, the stepping  
4 down helps mitigate some of that, but in the end we're faced  
5 with what's permitted there as a matter of right and how -- how  
6 much additional density reduction we could push for or require  
7 without making it more attractive to the developer to go with  
8 the matter of right solution and lose the amenities that we --  
9 the amenities and the design quality that we were able to  
10 achieve.

11                   CHAIRPERSON MITTEN: Okay. I'm going to put this  
12 -- I'm going to put this in maybe the harshest way possible,  
13 because I just want to get this all out, which is I think  
14 everybody has been -- everyone in this city has been just  
15 wonderfully surprised, pleased, gratified by the positions that  
16 the Office of Planning has taken on some really tough land use  
17 issues.

18                   And I guess what I'm looking for is not a  
19 response like, well, the existing density is -- you know, would  
20 permit a bigger building, or there would be no controls, and it  
21 would be a certain height. The Office of Planning has not  
22 allowed mistakes to happen.

23                   So give us assurance that you don't think that,  
24 absent the framework that exists -- the existing zoning, the  
25 generalized land use map designation, all of that -- why this

1 isn't a mistake to put these -- this big building next to this  
2 neighborhood.

3 DEP. DIR. McCARTHY: I would have to say  
4 honestly, if I were doing the zoning, I would have put a  
5 different zoning on the site, one that did not permit these  
6 kinds of heights and one that probably made a more effective  
7 transition.

8 I'm also conscious of the fact, though, that all  
9 of the way along that 2nd Street side on the lower scale or  
10 residential side of the project is C-2-A zoning.

11 It's not -- you know, it's not R-4 zoning on that  
12 side, so the likelihood that on those parts that are not  
13 protected by historic designation there will be higher density  
14 and commercial development there to help -- help me feel, at  
15 least for that side of the site, that the juxtaposition is not  
16 as harsh as it might seem, and that even in some of the  
17 residential portions of those blocks, there are commercial uses  
18 as well.

19 You know, I have to look at it, and I have to  
20 weigh the parking lot that's on there now, the zoning that's on  
21 the site, the comprehensive plan designation, and to -- to do  
22 the best -- come up with the best project given all of those  
23 constraints and all of those competing demands.

24 And that's why I observed in the beginning, it's  
25 not a perfect building. It's not a perfect solution. And we

1 spent hours and hours, both with the developers and internally  
2 at the Office of Planning, trying to come up with inspiration  
3 for something that, you know, that would be the "ah ha" that  
4 would make it, you know, just immeasurably better. And we felt  
5 like this was the best that we and the development team could  
6 come up with.

7 CHAIRPERSON MITTEN: Thank you.

8 Any other questions from the Commission for the  
9 Office of Planning? Mr. Quin, any cross examination?

10 MR. QUIN: No questions.

11 CHAIRPERSON MITTEN: Commissioner Ferrell, did  
12 you have any cross examination?

13 MR. FERRELL: Again, for the record, Advisory  
14 Neighborhood Commissioner Greg Ferrell, Chair of ANC-6A Zoning  
15 and License Committee.

16 CHAIRPERSON MITTEN: Ms. McCarthy?

17 MR. FERRELL: You mentioned H Street with regards  
18 to proposed development, and you also addressed the issues of  
19 amenity more so in the present tense for this particular  
20 project. What currently -- what is on the northernmost portion  
21 of 3rd and 4th and H Street now? Do you know?

22 DEP. DIR. MCCARTHY: I'm sorry. The northernmost  
23 portion of --

24 MR. FERRELL: The northernmost portion of the  
25 corner between 3rd and 4th on H to the north.

1 DEP. DIR. McCARTHY: I'm sorry. I can't --

2 MR. FERRELL: Okay.

3 DEP. DIR. McCARTHY: I should add that the person  
4 that actually wrote the report and worked on this project was  
5 David McGhettigan, who unfortunately had a previously scheduled  
6 vacation for this week, so --

7 MR. FERRELL: For the record, that is a parcel of  
8 land that is owned by BP Amoco, and it's currently just  
9 desolate. So my next question is --

10 DEP. DIR. McCARTHY: Oh, I'm sorry. I thought  
11 you meant on the eastern side of that -- that lot, which is now  
12 basically nothing, but --

13 MR. FERRELL: No.

14 DEP. DIR. McCARTHY: Okay. Yes. The Office of  
15 Planning is very familiar with --

16 MR. FERRELL: BP Amoco, okay.

17 DEP. DIR. McCARTHY: I'm sorry.

18 MR. FERRELL: Right. And that is vacant  
19 currently.

20 DEP. DIR. McCARTHY: Yes.

21 MR. FERRELL: And it's owned by BP Amoco?

22 DEP. DIR. McCARTHY: Yes.

23 MR. FERRELL: So what would make an employee from  
24 the SEC travel from 2nd and Mass to H Street, for what purpose?  
25 Why would they come to H Street? What's there on H Street that

1 would make them come?

2 DEP. DIR. McCARTHY: As I indicated, the Office  
3 of Planning is working -- is implementing a main street program  
4 for H Street. We have worked on making sure that there is not  
5 just a gas station on that site with an auto-oriented use.

6 We are working with the community to put -- to  
7 have an H Street which offers a variety of goods and services to  
8 the community that are attractive and would be attractive to  
9 office workers and Station Place as well.

10 MR. FERRELL: But I guess my specific question  
11 is, what is currently there on H Street that would attract  
12 employees from phase 1 of Station Place onto H Street?

13 DEP. DIR. McCARTHY: I mean, there are -- there  
14 are many establishments along H Street that people might want to  
15 patronize even now. And we expect by the time that the Station  
16 Place project is built there will be a lot more.

17 MR. FERRELL: So --

18 DEP. DIR. McCARTHY: Nobody is -- I mean, if you  
19 look at H Street now, you have to factor in the fact that these  
20 4,000 employees aren't going to be at Station Place looking to  
21 shop on H Street the way H Street is now. It's the way H Street  
22 is going to be in four or five years.

23 MR. FERRELL: So you're saying that you have a  
24 timetable for the completion of Station Place and H Street, in  
25 order for the benefits or the amenities to -- new to that H

1 Street corridor. It's not something that's going to happen in  
2 the short term. It's something that's going to happen in the  
3 future. Is that what you're saying?

4 DEP. DIR. McCARTHY: Right.

5 MR. FERRELL: And the future is more than five  
6 years?

7 DEP. DIR. McCARTHY: You know, the future of when  
8 the last part of Station Place is built depends on the office  
9 market.

10 MR. FERRELL: Do any of us --

11 DEP. DIR. McCARTHY: Our sense is, though, that  
12 any project that is as well located as this one in terms of the  
13 superb access to the Hill and to Union Station, with the kind of  
14 site that this has, is going to --

15 MR. FERRELL: Specifically, do you have a  
16 specific projected timetable?

17 DEP. DIR. McCARTHY: No.

18 MR. FERRELL: Okay. Thank you.

19 CHAIRPERSON MITTEN: Thank you, Commissioner  
20 Ferrell.

21 Mr. Schauer, for the Stanton Park Neighborhood  
22 Association.

23 MR. SCHAUER: Ms. McCarthy, I'd like to go back  
24 to a question that a member of the Commission asked, namely  
25 Commissioner Hood, about whether this project is like the

1 Federal Triangle, and you said it was. But there's something  
2 different, isn't there, about this project. It's got low  
3 density residential across the street from it, and I'm not aware  
4 that that's true of Federal Triangle. So it is quite different,  
5 I think.

6 DEP. DIR. MCCARTHY: Right. I thought we were  
7 talking about the design and massing of the buildings and not  
8 the context. No, I didn't say that the context was the same.

9 MR. SCHAUER: So it's a very different context,  
10 and maybe in that context we should do some adjusting of the  
11 buildings perhaps?

12 DEP. DIR. MCCARTHY: That's a possibility. It's  
13 a difficult -- it's definitely a difficult design issue to try  
14 to figure out how to take this building -- and, as I said, how  
15 do you take a facade that's appropriate for facing Columbus  
16 Plaza and make a height and a facade that's appropriate for 2nd  
17 Street for some very charming, low scale, historic buildings  
18 right across 2nd Street from this building.

19 MR. SCHAUER: I would like to turn this to a  
20 matter that -- that Chairperson Mitten alluded to, and that is  
21 the juxtaposition of a very tall building next -- across the  
22 street from low commercial/ residential. And you indicated that  
23 it was buffered by a C-2-A zone.

24 But I'm looking at your map here, on page 2 of  
25 your report, and the Commissioners will note that that C-2-A

1 zone between F and G Street, east of the site, is one building  
2 deep.

3 CHAIRPERSON MITTEN: I think you need to ask a  
4 question.

5 MR. SCHAUER: Yes. Do you think that that  
6 involves an adequate buffer, or any buffer at all, for this  
7 Station Place development?

8 DEP. DIR. MCCARTHY: There's buffer and then  
9 there is match. It's obviously not a match. Buildings in C-2-A  
10 can go up to 50 feet. The buildings that are -- that are deep  
11 back from that are, I would think most of them, 40 or less.

12 So does it provide some stepping down, some  
13 transition, and some -- and which some would call a buffer?  
14 Yes. Does it provide an ideal amount? No.

15 MR. SCHAUER: Okay. I'd like to go back to the  
16 very beginning of your testimony when you talked about the  
17 tension. I wish your slides had been available, but there was a  
18 -- you mentioned a tension between the PUD and the matter of  
19 right development, potential matter of right development.

20 And I'd like to explore that just a little bit,  
21 because what is the height it can be -- I think you testified a  
22 height allowable under the PUD in the C-3-C zone is 130 feet.  
23 What is the height as a matter of right under -- under the  
24 existing zoning, the C-M-3?

25 DEP. DIR. MCCARTHY: Ninety feet.

1 MR. SCHAUER: Ninety feet. Now, this building  
2 will, one, rise above 90 feet, right?

3 DEP. DIR. McCARTHY: I'm sorry. Yes.

4 MR. SCHAUER: This building will rise above 90  
5 feet.

6 DEP. DIR. McCARTHY: Right, 115 I believe is the  
7 -- so 20 --

8 MR. SCHAUER: They couldn't do it under the  
9 matter of right without getting a variance.

10 DEP. DIR. McCARTHY: Correct.

11 MR. SCHAUER: And the building that was proposed  
12 10 years ago, I think the only variance was for parking. That's  
13 what you testified to.

14 DEP. DIR. McCARTHY: I believe that was the case.

15 MR. SCHAUER: So that building was lower than  
16 this one. Must have been.

17 DEP. DIR. McCARTHY: I know that that was a piece  
18 of research that Mr. McGhettigan did, and, I'm sorry, I don't  
19 have that information at my fingertips. I would be happy to --  
20 to get that information and provide it for the record.

21 MR. SCHAUER: Could I turn to just one other  
22 matter? Are you aware that there is a purchase option in the  
23 lease, or at least we think there may be?

24 DEP. DIR. McCARTHY: Yes, when we met with Mr.  
25 McMillan, he was showing us that language, and we were all

1 attempting to puzzle out exactly what that meant. But I know  
2 that he addressed that with the cross examination of the  
3 applicant at the last session, or that was addressed with cross  
4 examination.

5 MR. SCHAUER: And if that -- that option is  
6 exercised -- that is, the government purchases this building --  
7 then it will come off the tax rolls?

8 DEP. DIR. McCARTHY: That is correct.

9 MR. SCHAUER: And so the economic benefit would  
10 be considerably less.

11 DEP. DIR. McCARTHY: That's right. For that  
12 portion of the building which is leased by the SEC, which is  
13 about half of the site I guess.

14 MR. SCHAUER: Okay. Now, in your calculations,  
15 did you compare the cost to the District of providing services  
16 to a federal office building versus the revenues received?

17 DEP. DIR. McCARTHY: We did not. We don't -- we  
18 have recognized in our internal discussions that that is a study  
19 we'd really like to have done and would -- are trying to find --  
20 the Commission has asked us for some better background in  
21 looking -- being able to look at all PUD amenities.

22 And one of the factors that would be useful,  
23 since several PUDs do feature federal tenants, is to be able to  
24 have a better multiplier or a better handle to do that with.  
25 But we don't have that information at this point in time.

1                   MR. SCHAUER:        I found your report very  
2 interesting, and it talks about the -- the benefits and  
3 amenities. On page 11, there's a list of them deriving from the  
4 -- the flexibility, say, that's granted under the PUD.

5                   One thing I'm concerned about, this list of  
6 benefits and amenities, is that many of them, particularly the  
7 important ones, depend on the construction of Building 3, and  
8 some of them depend on Building 2. Isn't that kind of an  
9 uncomfortable position to say to -- to the neighborhood, "These  
10 are your neighborhood amenities, but you're going to have to  
11 wait a long time"? Or maybe they might never happen, isn't that  
12 true?

13                   DEP. DIR. McCARTHY: They might never happen. I  
14 know that the committee would -- is hoping that, in fact, the  
15 last building isn't built as an office building and would be  
16 built as a mixed use building or as a residential building.  
17 That was a topic that they discussed with us when they came to  
18 the Office of Planning.

19                   We don't know for sure, but the imposition of the  
20 height and the bulk and the traffic are also directly  
21 proportional to how much of the building is built. So there's a  
22 portion of the inconvenience and the negative -- the adverse  
23 impact of the building that will be felt immediately. There's  
24 no doubt about that.

25                   There's a portion of the amenity package that is

1 experienced immediately as well. The full amenity package isn't  
2 experienced until the entire building is built. The full effect  
3 of that bulk and density isn't experienced until then, too.

4 MR. SCHAUER: Finally, early on you said -- well,  
5 I don't know if it's early on, but you said something about  
6 environmental issues. And, I'm sorry, I just didn't catch that.

7 I thought I heard EIS go past real fast. Could you refresh my  
8 mind?

9 DEP. DIR. MCCARTHY: EISS. And as I said that, I  
10 was realizing, after it escaped, that this is in the central  
11 employment area, and, therefore, is not covered by EISS. But it  
12 is covered by the Department of Health, the Environmental Health  
13 Administration review in the permit process.

14 MR. SCHAUER: Okay. That doesn't come across at  
15 all in your report. It's on page 7, starts on page 6. It  
16 really doesn't come across. In fact, what comes across from  
17 this report is that there is no environmental review. You're  
18 exempt from environmental review process, it says.

19 DEP. DIR. MCCARTHY: Yes, but there's two  
20 different processes. There's the environmental impact screening  
21 form, and that review which kicks in for projects outside the  
22 central employment area and projects over a million dollars.  
23 That's a higher level of environmental review as it were.

24 But every project that applies for a building  
25 permit is reviewed by a number of different departments and, in

1 fact, the Office of Planning is right now working with the  
2 Department of Consumer and Regulatory Affairs to make that a  
3 more effective review process where instead of all those reviews  
4 taking place in isolation from one another we would have a site  
5 plan review committee and everybody would come together to make  
6 sure that environmental traffic, planning, historic  
7 preservation, everybody is looking at a project in a unified and  
8 comprehensive point of view to make that the best project we can  
9 and also to make it -- to provide the developer with speed and  
10 reliability in the review process.

11 So that once they're through that process they  
12 know -- they've heard all the requirements, whether it's public  
13 space or environmental or alley closing or anything, is taking  
14 place -- has taken place in that review process.

15 But the Department of Health, and its storm water  
16 management and water quality people, as well as the WASA, are  
17 all participants in that -- in the permit reviews.

18 MR. SCHAUER: So perhaps what this report is  
19 talking about is the public review processes that are normal  
20 with environmental review. So what you're saying is that there  
21 is something beyond what's written here.

22 DEP. DIR. McCARTHY: Right.

23 MR. SCHAUER: Though the public will not have  
24 access to it.

25 DEP. DIR. McCARTHY: Well, building permits are

1 reviewable by the public when they are filed. But, you're  
2 right, it's not -- it's not an application. It's not assessed  
3 in a public hearing. You don't have the access to -- you don't  
4 have the opportunity to testify. That's true.

5 MR. SCHAUER: And, finally, I have just kind of a  
6 --

7 DEP. DIR. MCCARTHY: But I should note, though,  
8 that all building permits, as well as all demolitions, are sent  
9 by the Department of Consumer and Regulatory Affairs -- notice  
10 of what's been filed is sent to every ANC every two weeks. So  
11 there will at least be public knowledge of when that application  
12 is filed.

13 MR. SCHAUER: I have just a funny little  
14 question. This courtyard in Building 2 is to have these vendors  
15 in it to liven up the streetscape. Now, there is a moratorium  
16 on vending at the time in the District. Is it expected that  
17 this building will not be built until that moratorium has been  
18 lifted?

19 DEP. DIR. MCCARTHY: These would be vendors on  
20 private space.

21 MR. SCHAUER: Okay. Thank you, Ms. McCarthy.  
22 Thank you.

23 CHAIRPERSON MITTEN: Thank you, Mr. Schauer.

24 Mr. Saleem, did you have any questions on cross  
25 examination for the Office of Planning?

1 MR. SALEEM: No, I don't.

2 CHAIRPERSON MITTEN: Thank you.

3 Mr. Parker, did you have any questions for -- on  
4 cross examination?

5 MR. PARKER: No questions.

6 CHAIRPERSON MITTEN: Thank you.

7 I did have one other question that I wanted to  
8 remember to ask you, and I did remember. When there was the  
9 rezoning of the -- what I think of as being called the Union  
10 Station North area, where there was the -- most of the area was  
11 rezoned to C-3-C north of -- I guess north of H Street, why was  
12 this site not included in that rezoning?

13 DEP. DIR. MCCARTHY: That was before I was at the  
14 Office of Planning, but I believe we only considered the west  
15 side of the tracks.

16 CHAIRPERSON MITTEN: Is that something that you  
17 could just find out about? Because I would just be surprised  
18 that given the scope of that rezoning that a C-M-3 site that was  
19 next to Union Station would not have been at least included in  
20 the scope of what was considered. And I'd be curious to know  
21 why the decision was made to leave a light industrial zone  
22 there.

23 DEP. DIR. MCCARTHY: Right. My recollection is  
24 that what happened was a number of individual projects had come  
25 in to the Zoning Commission for a map change to C-3-C in that

1 area, three or four. We were just talking about that today with  
2 Mr. Sher on another project.

3 And the Office of Planning, rather than take that  
4 piecemeal approach, rezoned the area from -- from the railroad  
5 tracks east to -- west to North Capitol and up to Florida as C-  
6 3-C. I think --

7 CHAIRPERSON MITTEN: And I -- my recollection is  
8 the same. I guess I'm just -- I -- given the focus of that  
9 rezoning effort and given that, you know, here was a site that  
10 was -- had all of the same characteristics of that area north of  
11 Union Station, I'm curious to know if there's any history about  
12 why this was not -- either not included in the study or not  
13 included in the rezoning. So if that's something that you could  
14 find out about.

15 DEP. DIR. MCCARTHY: Okay. I'd be happy to look  
16 that up and talk to the staff that worked on that project that's  
17 still around.

18 CHAIRPERSON MITTEN: Okay. Any other questions  
19 for the Office of Planning? Okay. Thank you.

20 DEP. DIR. MCCARTHY: You know, and as you  
21 mentioned the North Capitol corridor, it reminded me the other  
22 point I should have mentioned in response to Mr. May's question,  
23 which was that probably also that back exit from Station Place  
24 will allow people to directly access the fabulous Oberland  
25 Pandas across the street from the Office of Planning, which, you

1 know, is --

2 (Laughter.)

3 -- definitely, you know, one of the key retail  
4 draws, or maybe we should say the only retail draw in that  
5 section of town.

6 CHAIRPERSON MITTEN: And if you wanted to submit  
7 your -- even though you didn't actually show it to us, if you  
8 wanted to submit the Powerpoint presentation on paper, that  
9 would be helpful to us, just by way of summarizing your  
10 testimony.

11 DEP. DIR. MCCARTHY: Thank you very much for your  
12 forbearance.

13 CHAIRPERSON MITTEN: Thanks.

14 Now we're going to move to parties and persons in  
15 support, and I will first call up Mr. Saleem on behalf of the H  
16 Street Merchants and Professionals Association as the party that  
17 we've identified in support, albeit with conditions, and then  
18 I'll attempt to work through the witness list.

19 You need to turn on the microphone and identify  
20 yourself for the record.

21 MR. SALEEM: Good evening. My name is Anwar  
22 Saleem, President of H Street Merchants and Professionals  
23 Association. I'm here tonight to offer the Merchants  
24 Association's support of the Dreyfus application for Station  
25 Place.

1                   The H Street Merchants and Professionals  
2 Association has made significant progress for H Street -- one,  
3 coordinated the Mayor's tour of H Street and communicated H  
4 Street's needs to key agency directors. We also completed a  
5 three-year strategic plan for H Street that will begin the  
6 process of building the capacity of the Merchants Association.

7                   We also submitted a Department of Transportation  
8 grant application for lighting, banners, flowers, trash cans,  
9 tree boxes, which is a \$1.2 million request. We are also in the  
10 process of positioning H Street to be one of the city's first  
11 main streets.

12                   Also, H Street -- we would like H Street to be  
13 considered for the Capital Business Improvement District, to  
14 include additional cleaning, safety, and marketing for H Street  
15 businesses.

16                   We also participated in the Mayor's summit and  
17 reinforced the need of H Street to see department heads. We  
18 also completed the strategic neighborhood action plan with the  
19 D.C. Office of Planning, and showing H Street's needs were  
20 included. We also established a partnership with the  
21 [www.HStreetDC.com](http://www.HStreetDC.com) website to ensure H Street's information is  
22 shared and current and comprehensive.

23                   However, this is just the beginning. We  
24 understand that there is just a great deal more to be done.  
25 Thus, after completing a successful business improvement project

1       whereby we partnered with the police department and other  
2       organizations to reduce crime by 40 percent, clean up of H  
3       Street, and work with merchants to market their businesses,  
4       install tree boxes, security lighting, planting trees, install  
5       banners and signage encouraging to keep H Street clean and  
6       complete facade improvements.

7                       We are now in the process of reinforcing those  
8       efforts with an additional facade and treescape improvement  
9       program.

10                      Also, I would like to -- many of us here to take  
11       a futuristic view on basically what can happen with H Street.  
12       People talk about -- I've heard many talk about this evening  
13       about what's happening and how H Street looks now. But it's  
14       very important that we -- the department heads or we come  
15       together to form a charette basically to see how H Street can  
16       look three, four, five, six, seven years, maybe 10 years from  
17       now.

18                      I think H Street is on the move. The city has  
19       developed -- is developing very quickly on the west side of  
20       North Capitol Street, and basically you have nowhere else to  
21       grow. H Street is a natural place to grow. The properties are  
22       a lot cheaper for businesses to -- for folks -- people to go  
23       into business.

24                      It's a natural -- H Street is a lot cleaner. The  
25       population, the income level has tremendously increased to

1 around \$58,000 per household. That is a tremendous increase  
2 from over 10 years ago.

3 Also, we are very excited about Louis Dreyfus'  
4 commitment to contribute a minimum of \$200,000 worth of  
5 improvements to revitalize H Street facade. We believe that in  
6 partnership they can have a positive impact on our corridor by  
7 helping to leverage resources to finally make a reality the  
8 potential for H Street.

9 We also feel that, again, as has been mentioned  
10 before, that the access to the H Street passage along the H  
11 Street Bridge is very important. We would like them also to  
12 take a future -- a futuristic view of what H Street could be  
13 like and hopefully make that entrance or exit a livable one  
14 that's very active.

15 We would like to see those employees frequent H  
16 Street businesses. It's not basically how the businesses look  
17 now, but when you have vacant land along a corridor, that is the  
18 best place for development. That development can take place  
19 almost overnight, which could have happened with the BP, but we  
20 would love -- gas station, but we would love to see something  
21 basically more exciting on that corner.

22 That is a gateway to H Street. It can be a very  
23 -- it can be very exciting. You have two tracts of land on the  
24 east -- on the west side -- excuse me, on the north side and the  
25 south side that's basically available. And I think they have

1 potential for development, and I believe it's going to take  
2 place very, very soon.

3 Also, there were amenities that were mentioned,  
4 and I believe that to cover a lot of those - a lot of things  
5 that were mentioned by the ANC and a few other organizations,  
6 that if we had a bid along the H Street corridor, that we would  
7 like to see Dreyfus or Station Place become a part of the bid,  
8 and that would give us a long-term support of security, of  
9 lighting, of marketing, and open up H Street just like downtown  
10 in their bid to become a very active and viable corridor.

11 These are things that we think that would help  
12 enhance the corridor, and, again, we welcome their partnership.

13  
14 In summary, the Merchants Association commits to  
15 taking a positive and proactive approach to working with  
16 Dreyfus, Louis Dreyfus, to ensure that H Street businesses are  
17 protected and prosper during this time of construction and  
18 operation of one of the city's largest projects ever.

19 Thank you.

20 CHAIRPERSON MITTEN: Thank you, Mr. Saleem.

21 Any questions from the Commission? Mr. Quin, any  
22 questions?

23 COMMISSIONER MAY: I had one question.

24 CHAIRPERSON MITTEN: Sure.

25 COMMISSIONER MAY: You mentioned the bid, and

1 earlier in your testimony you mentioned it as the -- part of the  
2 Capitol bid. Do you have a separate bid you're developing, or  
3 is it --

4 MR. SALEEM: Basically, we mentioned that the bid  
5 --

6 COMMISSIONER MAY: -- part of the Capitol Hill  
7 bid?

8 MR. SALEEM: Yes, the Capitol Hill bid,  
9 basically.

10 CHAIRPERSON MITTEN: Commissioner Ferrell, did  
11 you have any questions?

12 MR. FERRELL: Again, for the record, Commissioner  
13 Ferrell, ANC-6A.

14 You mentioned the idea of a bid, Capitol Hill  
15 bid. That's exclusive of H Street. That current bid does not  
16 encompass H Street, is that --

17 MR. SALEEM: The current bid does not encompass H  
18 Street, but what we are -- what I would like to see, we are  
19 looking to become a part of the bid along H Street, and I would  
20 like for Louis Dreyfus organization to become part of a bid that  
21 affects H Street. And you never know, it could be part of the  
22 Capitol Hill bid. That's not out of the realm of what can take  
23 place. I think that could take place.

24 MR. FERRELL: Okay.

25 MR. SALEEM: That would be a stronger bid. If we

1 had one Capitol Hill bid, which H Street is in Capitol Hill,  
2 that would make us have a stronger bid.

3 MR. FERRELL: Okay. The parcel of land between  
4 3rd, 4th, and H Street is actually owned by BP Amoco. Is that  
5 correct?

6 MR. SALEEM: This time you're correct.

7 MR. FERRELL: So you're not suggesting that the  
8 community will somehow seize the land from BP Amoco and develop  
9 what the community would like to see there? Is that what you're  
10 suggesting?

11 MR. SALEEM: Well, I believe where there is  
12 vacant land and there is opportunity to make money, I think  
13 anything can happen. And that's what this process is all about.  
14 They're in business to make money. I don't think they want any  
15 type of land sitting around for a long period of time where  
16 they're basically losing money, which they are now.

17 I think eventually that they're going to have to  
18 get up off of it, and you just have to be in a position to have  
19 people in position to go in that have an idea and a view to  
20 develop that property.

21 MR. FERRELL: Between the corridor between 3rd,  
22 4th, and H Street, do you know exactly how many abandoned,  
23 vacant lots and buildings are on that particular corridor?

24 MR. SALEEM: Between 3rd --

25 MR. FERRELL: And 4th.

1 MR. SALEEM: Between 3rd and 4th, on the south  
2 side --

3 CHAIRPERSON MITTEN: Could you express to me --

4 MR. SALEEM: On the south side, you have about --

5 CHAIRPERSON MITTEN: -- how this is relating to  
6 the --

7 MR. SALEEM: -- eight -- you have about eight  
8 vacancies of land scape, and you have two, three vacant  
9 buildings. And you have two active buildings, one which is a  
10 liquor store and the other which is a daycare center.

11 MR. FERRELL: Madam Chair, basically, I wanted to  
12 address Mr. Saleem as the President of the Merchants Association  
13 with regards to the concerns that we have as a community as it  
14 relates to the proposed amenity packages as it will affect the  
15 H Street corridor.

16 And I just wanted to make sure that it was clear  
17 on the record by the President of the H Street Merchants  
18 Association that what has been talked about tonight with regards  
19 to H Street is very futuristic. It has to be tied in to ANC,  
20 many other groups.

21 CHAIRPERSON MITTEN: Okay.

22 MR. FERRELL: And there's a lot of potential for  
23 a lot of give and take back and forth. However, this is a  
24 matter of great importance to the community, as it impacts the  
25 community.

1 CHAIRPERSON MITTEN: Okay.

2 MR. FERRELL: And I want it to be clear on the  
3 record that we have Stanton Park and we have Near Northeast that  
4 would be heavily affected by not only the construction phase but  
5 also other traffic problems in and around that neighborhood.  
6 And the amenity package should not --

7 CHAIRPERSON MITTEN: I wasn't asking that so that  
8 you would then --

9 MR. FERRELL: Okay.

10 CHAIRPERSON MITTEN: -- testify again. I just  
11 wanted to get clear about where you were going with Mr. Saleem.  
12 Did you have any other questions for him?

13 MR. FERRELL: No, that's it. Thank you.

14 CHAIRPERSON MITTEN: Okay. Thank you.

15 MR. SALEEM: Can I make another statement?  
16 Short?

17 CHAIRPERSON MITTEN: Sure.

18 MR. SALEEM: Okay. One thing, we know that the  
19 residents and the businesses, we're going to feel a little  
20 different than -- or we're going to have a difference of  
21 opinions because we're in business basically to provide a  
22 service and make money. And when you're in the line of fire,  
23 you think a little different from those who are watching what's  
24 being shot at basically.

25 And so you're definitely going to have a

1 difference of opinion. We feel what's going on on H Street  
2 trying to make money, and the other things that's happening down  
3 in that corridor and basically in society right now, and so  
4 we're going to have a different opinion or a different view than  
5 someone who is standing on the outside watching. It's only  
6 natural.

7 CHAIRPERSON MITTEN: Thank you. Let me just see  
8 if anyone from Stanton Park -- Mr. Schauer, did you have any  
9 questions?

10 MR. SCHAUER: No.

11 CHAIRPERSON MITTEN: And Mr. Parker, any  
12 questions?

13 MR. PARKER: No.

14 CHAIRPERSON MITTEN: Okay. Thank you, Mr.  
15 Saleem.

16 Now, what I'm going to do is we have the witness  
17 list of folks that signed in on our -- at our first hearing, and  
18 then we have other folks that have signed in tonight, and we  
19 might have some duplication so bear with me. I'm going to go  
20 down the list, beginning with those who signed in on the 8th of  
21 November and listed themselves as proponents.

22 So if you -- if you're here, I'm going to try and  
23 call people up in panels of three. And if you're here, at least  
24 signify where you are, so I don't call anybody over -- you know,  
25 in your place, even if you can't immediately get up here.

1 Karen Wirt? Bennett Stewart? Laura Minor?  
2 Please come forward. Beverly Ruffin? Colleen Sealander? Leigh  
3 or Lee Hildebrand? I'm sorry about that. I --

4 MS. HILDEBRAND: That's quite all right.

5 CHAIRPERSON MITTEN: Okay. If you'd just all  
6 take your seats. And what we'll do is each of you will have  
7 three minutes to testify, and then just keep your seats and  
8 we'll ask questions of the panel together. Hand those to the  
9 Reporter.

10 Ms. Minor, please proceed.

11 MS. MINOR: Madam Chairman, if I could just ask  
12 for a point of clarification. I'm here to testify on behalf of  
13 the Administrative Office of the U.S. Courts, which I thought --

14 CHAIRPERSON MITTEN: Oh, I'm sorry.

15 MS. MINOR: -- was an organization, and we would  
16 -- I was counting on five minutes and hoping to get that.

17 CHAIRPERSON MITTEN: Yes. I'm sorry. I was just  
18 working off of this list, and I do recall the letter that you  
19 submitted. So if -- I'm just viewing everyone here as an  
20 individual. So if you are testifying on behalf of an  
21 organization, given that we don't have those listed here, just  
22 call that out and we'll give you the proper amount of time.

23 MS. MINOR: Okay. Thank you very much.

24 CHAIRPERSON MITTEN: And please begin by  
25 identifying yourself for the record, and then proceed.

1 MS. MINOR: Yes. I'm Laura Minor, and I am the  
2 Assistant Director of the Office of Internal Services for the  
3 Administrative Office of the United States Courts.

4 Good evening, and thank you for the opportunity  
5 to be here. On behalf of the Director, Mr. Leanivus Ralph  
6 Meekum, I appear before you to present the agency's concerns  
7 regarding the proposed construction of the Station Place  
8 development by the Louis Dreyfus Property Group.

9 The testimony that I will give today -- this  
10 evening -- not only expresses the concerns of the Administrative  
11 Office but also other judiciary tenants and organizations  
12 residing in the Thurgood Marshall Building. The judiciary  
13 tenants are the Federal Judicial Center, the United States  
14 Sentencing Commission, the Judicial Panel on Multi-District  
15 Litigation, the Documentary History of the Supreme Court of the  
16 United States, and the Retired Supreme Court Justices.

17 The building also houses a child development  
18 center utilized by building tenants and workers from other  
19 federal agencies, and a U.S. Senate staff who park on the lower  
20 level of the garage. The building is open daily to the public  
21 and frequented by many visitors of the federal judiciary.

22 Under the auspices of the Judicial Conference of  
23 the United States, the building provides space for use by the 26  
24 committees of the Judicial Conference. In addition, the  
25 building also serves as an evacuation point for members of the

1 Supreme Court and its staff.

2 Since its official opening in October 1992, our  
3 building has been a model neighbor for the surrounding community  
4 by remaining continually responsive to concerns expressed to us  
5 by the neighbors.

6 As the lead tenant in the building, the  
7 Administrative Office has worked diligently to identify the  
8 concerns and needs of the tenants of our building regarding  
9 Station Place. We have formed a task force made up of building  
10 representatives who identified and documented our concerns and  
11 are recommending some alternatives.

12 The task force has met on several occasions with  
13 representatives of the Capitol Hill Restoration Society, the  
14 Union Station Redevelopment Corporation, the United States  
15 Securities and Exchange Commission, and with the Louis Dreyfus  
16 Property Group to discuss these issues.

17 To date, the Dreyfus Group has responded  
18 positively to our concerns, and have actually documented in a  
19 letter some preliminary agreements that are designed to address  
20 some of the issues that I want to raise tonight. And I think  
21 those letters have actually been submitted and were submitted at  
22 the first hearing.

23 I'd like to cover six points related to the  
24 Station Place development and identify our request with respect  
25 to each. We consider all of the issues to be of equal

1 importance and would ask that you just think of them as being  
2 described in random order.

3 The first is the issue of pedestrian safety.  
4 It's been alluded to a number of times, both on the previous  
5 hearing and tonight, that there's going to be a potential for  
6 additional safety concerns due to increased traffic that will be  
7 coming into the area generally.

8 Our particular concern is in front of our  
9 building, the Thurgood Marshall Building, which I believe the  
10 people from the DPW talked about and have said that they're  
11 starting to address some of those concerns.

12 I don't think enough is being done and has never  
13 been done to deal with the pedestrian safety issues in front of  
14 the building. And what we are asking is that as Station Place  
15 moves in and you start looking at some of the issues related to  
16 safety, you pay particular attention to the front of that  
17 building and what can be done to alleviate the problem.

18 They have -- we initially asked to have the  
19 street closed. We were so concerned about some of the close  
20 calls that we see with pedestrians out there. It's my  
21 understanding at this point that nobody is in favor of closing  
22 the street, and it's been suggested that perhaps the street  
23 could be narrowed or a signal could be put out there. All we're  
24 asking is that somebody take seriously the concerns that happen  
25 out there every single day.

1           And if this Commission is in the position to be  
2           able to impose something related to that, we would appreciate  
3           it.

4           The second concern is traffic impact in general.  
5           We have -- we live in that area, and we know what it feels like  
6           to try and get in and out of our building currently, and it is  
7           not a pretty picture. We know that traffic studies have been  
8           done that indicate that everything is at an acceptable level,  
9           and probably from the perspective of a traffic study they are at  
10          acceptable levels.

11          As somebody that lives there, tries to get in and  
12          out of that building and deals with traffic around there, it's  
13          difficult. And this additional traffic that's going to be put  
14          in the area is going to make it even more difficult. Dreyfus  
15          has been very helpful to us in terms of going back and relooking  
16          at the issues that we were concerned about.

17          And I accept what everybody says about it's at  
18          acceptable levels. But I am just telling you that as somebody  
19          that lives in that area and has to deal with it every day, we  
20          need to be very careful about what we decide to do regarding  
21          traffic in that area.

22                  CHAIRPERSON MITTEN: You have about 10 seconds  
23          left, if you could just hit your last four points quickly.

24                  MS. MINOR: Sure. We have some construction  
25          management concerns and issues which have already been expressed

1 by other people in their testimony regarding dirt and debris  
2 that will come from the construction, as well as noise, and  
3 Dreyfus has worked with us and agreed that they will work with  
4 acoustical barriers for some of our windows, and we really  
5 appreciate that.

6 And finally, and most important, is the parking  
7 issue. And I'd just ask your forbearance on this one, and I  
8 will close. A number of discussions have been had and comments  
9 have been made about parking in the area. About 150 of our  
10 employees will be displaced from that lot, and it has been  
11 suggested that Union Station is a possible option. It is not.

12 They have been -- our -- the people that park  
13 over there in the last two weeks have been kicked out of Union  
14 Station, told that they can no longer park there as monthly  
15 employees, and we are working right now to try and figure out  
16 what should happen.

17 Again, we've got some commitments from Dreyfus  
18 that they will work with the SEC and with us to try and see if  
19 we can get a right of first refusal for any parking in the new  
20 building that will come up, but it is a reality that we are  
21 dealing with now in terms of what's going to happen with parking  
22 around there.

23 Thank you.

24 CHAIRPERSON MITTEN: Thank you.

25 Ms. Sealander?

1 MS. SEALANDER: Madam Chair, my name is Colleen  
2 Sealander. I'm a resident. I live at 222 and 224 F Street. We  
3 have two townhouses that we've put together, along with my  
4 husband and his family. We also own the property at the corner  
5 of 2nd and G Streets, smack dab across from I think it's now  
6 Building 3 as everyone is calling it.

7 I wanted to let you know that my husband has  
8 filed petitions with the Commission -- they were filed prior to  
9 the first meeting -- from the vast majority of property owners  
10 within 200 feet of this building in support of this building  
11 without conditions.

12 In addition, those petitions include the  
13 signature of the owner or occupant of every single building on  
14 2nd Street, starting at F going all the way up to K, with the  
15 exception of three properties who we couldn't -- we weren't able  
16 to locate, and we didn't talk to the folks at the Children's  
17 Museum who are technically on that line.

18 But I wanted to let you know that the close-in  
19 people -- and we're very close-in -- really want this building  
20 to go forward. I stand on my back porch every day and I can see  
21 75 percent of this site. And it is awful. It is not, like  
22 Joanie Mitchell talked about, paving paradise and putting up a  
23 parking lot. These folks want to pave a parking lot.

24 And I think that if you listen to some of my  
25 fellow community members, you'll think that the community wants

1 them to put up paradise, and I wanted to let you know that, in  
2 fact, a number of the people in the community, particularly the  
3 folks very, very close-in, very much want this site and want it  
4 to be done, and want this Commission to approve this tonight.

5 So that -- I don't have anything else to say  
6 except to tell you that we are in support, and we don't want  
7 anything added on, and we don't want this delayed any further.  
8 I'm tired of looking at a parking lot. It is a health and  
9 safety concern. It is an eyesore. Something needs to be done.

10 CHAIRPERSON MITTEN: Thank you.

11 And Ms. Hildebrand?

12 MS. HILDEBRAND: Hi. Yes. For the record, my  
13 name is Leigh Hildebrand. I'm a resident at 222 Parker Street,  
14 Northeast. It's a one-block long street, so it's just north of  
15 I Street, between I and K.

16 I just came tonight to sort of express my support  
17 for Station Place. As someone who has recently moved into the  
18 District from the suburbs, and I'm very happy to be a homeowner  
19 in the District now, part of the motivation for me to buy in  
20 this particular area was the potential for this building at  
21 Station Place.

22 I had heard about it. I knew of the potential  
23 for revitalization in that area. I'm also very close to H  
24 Street. So all of this was a big concern for me, being a single  
25 woman living alone with just my small dog.

1 I also am a federal employee, so I take Metro  
2 every day to and from work. I don't own a car, so Metro is my  
3 primary form of transportation. So every day I walk up and down  
4 2nd Street from Union Station to my home, and I will tell you  
5 right now that as a young woman I -- it is not at all a safety  
6 issue.

7 I mean, it is a huge safety issue for me to have  
8 a dimly lit parking lot that I must walk through or by. Not  
9 only is it a safety issue, but it is an eyesore, and it is not  
10 clean. It is not attractive, and I think that this potential  
11 for a great building spearheaded by the SEC would be much more  
12 beneficial to the Community rather than what we have now -- the  
13 empty parking lot.

14 The building may not be perfect. There are  
15 certainly concerns. But the developers have been more than  
16 willing to sort of, you know, speak to the community and address  
17 as many of those concerns as they can. And I, for one,  
18 appreciate that. I have been able to attend many of these  
19 meetings, and I have to say that they have been, you know,  
20 extremely welcoming in speaking with me, and, you know,  
21 addressing whatever concerns I may have had.

22 I suppose that's sort of the basis of my  
23 testimony. Again, just to reiterate, I'm definitely in support  
24 of this building. It is definitely beneficial to the  
25 neighborhood. Although there are some concerns, I mean, overall

1 it is -- would be much safer. It would no longer be a dimly lit  
2 parking lot.

3 You would at least have illumination, more  
4 security because of -- I suppose FPS would be around. And all  
5 of the added amenities that they have proposed to bring in I  
6 think would definitely help to revitalize the area and make it a  
7 much safer neighborhood for everyone involved.

8 And so that's really the basis of my testimony,  
9 and I thank you for allowing me to speak today.

10 CHAIRPERSON MITTEN: Thank you. Just hold your  
11 seats and we'll see if anyone has any questions for you.

12 Any questions? Mr. Hannaham?

13 COMMISSIONER HANNAHAM: Ms. Sealander, you  
14 mentioned 200 people signing a petition in your neighborhood.  
15 Is that petition a part of the record of the Commission?

16 MS. SEALANDER: If I said more than 200, I  
17 misspoke. I meant to say more than 100. It was sent down to  
18 Ms. Kress prior to the last meeting.

19 COMMISSIONER HANNAHAM: Okay. So that will be a  
20 part of the record.

21 MS. SEALANDER: Yes.

22 COMMISSIONER HANNAHAM: Okay. Thank you.

23 CHAIRPERSON MITTEN: Any other --

24 COMMISSIONER MAY: Yes, I also have a question  
25 for Ms. Sealander.

1                   Just to make it perfectly clear, all of the  
2 properties or all of the owners of property that are on 2nd  
3 Street facing the development you say have signed this petition  
4 in support of the project with the exception of three?

5                   MS. SEALANDER:   Either the owner or the occupant.

6                   COMMISSIONER MAY:   Either the owner --

7                   MS. SEALANDER:   Either the owner or the occupant  
8 of every single property on 2nd Street, starting at F, all the  
9 way down to K, have signed this petition that you guys have that  
10 we sent down prior to the last meeting, with the exception of  
11 three.  And, again, not the Children's Museum.

12                  COMMISSIONER MAY:   Right.  And the three you say  
13 are ones that you could not --

14                  MS. SEALANDER:   That's right.  It --

15                  COMMISSIONER MAY:   -- reach in --

16                  MS. SEALANDER:   My husband did most of the  
17 petition-gathering.  It wasn't that these folks said no.  It's  
18 just that he was unable to find them in the amount of time that  
19 he could spend doing that.  He's going to come up, so you can  
20 talk to him some more about that, too.

21                  COMMISSIONER MAY:   Okay.  Thanks.

22                  VICE CHAIRPERSON HOOD:       Madam Chair, Ms.  
23 Sealander, I also have a question for you.  We heard the  
24 testimony of Ms. Minor that 150 people will be displaced over  
25 the course of this from the Thurgood Marshall Building.  And you

1 just -- in your testimony you said you want us to approve this  
2 with no conditions.

3 So is it okay -- and I'm not being sarcastic.  
4 I'm just trying to figure out where we're going here. Is it  
5 okay for all -- for those folks to park in front of your home?

6 MS. SEALANDER: Well, actually, somebody else is  
7 already parking in front of my home. So I think they're going  
8 to have to go farther.

9 VICE CHAIRPERSON HOOD: Okay.

10 (Laughter.)

11 Let me ask you another question. Do you have --  
12 is there permit parking on your street?

13 MS. SEALANDER: Zone 6 permit parking.

14 VICE CHAIRPERSON HOOD: Okay. What, two hours?

15 MS. SEALANDER: Two hours.

16 VICE CHAIRPERSON HOOD: Is it enforced?

17 MS. SEALANDER: Yes.

18 VICE CHAIRPERSON HOOD: Okay. So when you said  
19 no conditions, I actually have never heard that before, no  
20 conditions. You have no problems about the parking? That's not  
21 even an issue? That's irrelevant. The main thing is you want  
22 to see the development go forward.

23 MS. SEALANDER: Yes. There's a traffic problem  
24 right now. It's being used as a parking lot. It's got one  
25 entrance. The stuff backs up. You can't get out my back alley

1 between 8:00 and 9:00 in the morning. You've got to go up 3rd  
2 Street.

3 This is going to be a great improvement over the  
4 situation we have now in terms of traffic, and I don't mean to  
5 dump on Thurgood Marshall Building. But to the extent that  
6 there's a traffic problem on 2nd Street, it has a lot to do, at  
7 least at rush hour, with the double parking going on at the  
8 child care center.

9 So there's a lot of stuff going into the mix  
10 here, and I just don't think we ought to lay it on the Dreyfus  
11 folks.

12 VICE CHAIRPERSON HOOD: Right. I agree. Let me  
13 just ask Ms. Minor -- you all have the Metro check thing in  
14 place --

15 MS. MINOR: We do.

16 VICE CHAIRPERSON HOOD: -- for your employees?

17 MS. MINOR: We do.

18 VICE CHAIRPERSON HOOD: Okay.

19 MS. MINOR: And, in fact, we have just increased  
20 the amount, and we're hoping to encourage more people to  
21 commute. But as you can imagine, in any organization there are  
22 people that have a need to drive for reasons that none of us  
23 necessarily know. Some of them personal because of children, or  
24 whatever the situation is. So we don't know that we will ever  
25 get everybody to do it.

1                   And can I say something about the lay -- the  
2 parking?

3                   (Laughter.)

4                   VICE CHAIRPERSON HOOD: Well, I don't know. Let  
5 me just say that there's another situation in the city, and  
6 that's the Federal Triangle. There's a point where there is  
7 actually no parking, and if you observe the folks that are  
8 getting off of at Federal Triangle Metro stop in the morning,  
9 you can see the contingency of folks who used to drive who no  
10 longer drive.

11                   As the young lady stated -- Ms. Hildebrand, I  
12 believe, stated that she is now taking Metro, so that may be a  
13 recourse to help mitigate some of the problems that Ms.  
14 Sealander and others are seeing over in that community. I'm not  
15 saying that that's -- that will solve the problem, but that will  
16 be a recourse.

17                   MS. MINOR: And, in fact, the agency is  
18 encouraging people to do that constantly.

19                   VICE CHAIRPERSON HOOD: They're going to be  
20 taking you up to \$100, I believe, right?

21                   MS. MINOR: We can't --

22                   VICE CHAIRPERSON HOOD: Not yet, okay.

23                   MS. MINOR: -- afford it. We wish we could. We  
24 can't afford it.

25                   VICE CHAIRPERSON HOOD: Okay.

1 MS. MINOR: You can talk to the people on the  
2 Hill.

3 (Laughter.)

4 CHAIRPERSON MITTEN: Any other questions from the  
5 Commissioners? Mr. Hannaham?

6 COMMISSIONER HANNAHAM: Ms. Minor, you mentioned  
7 that your employees have been kicked out of parking in Union  
8 Station --

9 MS. MINOR: Correct.

10 COMMISSIONER HANNAHAM: -- parking lot. But on  
11 the other hand, you have staff people from the Senate occupying  
12 --

13 MS. MINOR: That's right.

14 COMMISSIONER HANNAHAM: -- parking in the  
15 building.

16 MS. MINOR: And we have no control over that.

17 COMMISSIONER HANNAHAM: You can kick those out.

18 MS. MINOR: We can't. When we went into that  
19 building, that was a parking lot. When we went into the  
20 Thurgood Marshall Building --

21 COMMISSIONER HANNAHAM: Oh, I see.

22 MS. MINOR: -- it was a parking lot for the  
23 Senate.

24 COMMISSIONER HANNAHAM: Okay.

25 MS. MINOR: And part of the agreement going into

1 that building was that they would have the lower level parking.

2 COMMISSIONER HANNAHAM: Okay. They seem to be  
3 everywhere.

4 (Laughter.)

5 MS. MINOR: Agreed.

6 COMMISSIONER HANNAHAM: Thank you.

7 CHAIRPERSON MITTEN: Mr. Quin, did you have any  
8 questions for this panel?

9 MR. QUIN: No questions.

10 CHAIRPERSON MITTEN: Commissioner Ferrell, did  
11 you have any questions?

12 MR. FERRELL: No.

13 CHAIRPERSON MITTEN: Mr. Schauer, did you have  
14 any questions?

15 MR. SCHAUER: No.

16 CHAIRPERSON MITTEN: Mr. Saleem, any questions?  
17 Is he still here?

18 PARTICIPANT: No.

19 CHAIRPERSON MITTEN: Okay. Then I'll stop asking  
20 him, if I can't see him either.

21 Mr. Parker, any questions?

22 MR. PARKER: No.

23 CHAIRPERSON MITTEN: Thank you.

24 Now I have P.E. Sealander and something I can't  
25 read after.

1 PARTICIPANT: He's not here.

2 CHAIRPERSON MITTEN: Not here. Okay. Jayne  
3 Seidman? David Ball? Evans Sealander? Ronnie Glazer? Yes?  
4 No? No. I have a Michael, and it looks like J-E-L-E-N, or it  
5 may be S-E-L-E-N. Jelen? Not here. Kevin Palmer? Take a seat  
6 at the table, please.

7 Did everyone turn in their witness cards? When  
8 you begin, state your name for the record, and unless you're  
9 representing an organization -- anybody representing an  
10 organization in this group?

11 MS. SEIDMAN: I am.

12 CHAIRPERSON MITTEN: Okay. He's got you on for  
13 five minutes, so just -- she's representing an organization, and  
14 she's going to tell us which one as she begins. Okay.

15 MS. SEIDMAN: Good evening. I'm Jayne Seidman.  
16 I'm the Associate Executive Director for the Office of  
17 Administrative and Personnel Management of the United States  
18 Securities and Exchange Commission.

19 One of my responsibilities is to procure space  
20 for our operations, and I am the Contracting Officer for the  
21 SEC's lease with Louis Dreyfus Properties for 650,000 rentable  
22 square feet of space in the Station Place development scheduled  
23 for delivery at the end of 2003.

24 I am appearing before the Zoning Commission  
25 tonight to support the application. The SEC entered into the

1 Station Place lease in May of this year at the conclusion of a  
2 two and a half year procurement process. Our current lease of  
3 450 5th Street expires by the end of 2003, and in 1999 we  
4 started planning to obtain a successor lease.

5 One of the initial SEC decisions in this process  
6 was to remain in the District of Columbia. It takes a lot of  
7 time and effort to get to a major lease award such as this one.

8 We hired the General Services Administration for technical  
9 assistance and retained the services of a prominent public  
10 sector real estate broker.

11 We assembled a team of experts, both within and  
12 outside the SEC, to ensure that we ran an efficient, fair, and  
13 successful procurement. We consulted with local and federal  
14 officials about our plans and the process worked. We received a  
15 number of proposals. The competition was excellent, and Station  
16 Place won.

17 Station Place offers us the highest technical  
18 merit and the lowest cost to the U.S. Government. Station Place  
19 allows a desirable consolidation of our headquarters personnel  
20 currently split between our 450 5th Street location and others  
21 at an overflow at 901 E Street.

22 Although we are excited about the opportunity  
23 presented to us by this project, we are also excited about the  
24 benefits that we will bring to the city and to the Capitol Hill  
25 neighborhood. We think -- no, I know we will be a good

1 neighbor. The SEC D.C. workforce consists of approximately  
2 1,700 employees.

3 Our mission is to protect investors and maintain  
4 the integrity of the security markets -- a mission that is  
5 significant to all of us. It takes special committed people to  
6 do this, and SEC workers are active and interested in the  
7 community.

8 Currently, we're active in the D.C. public school  
9 mentoring program, and we are looking to extend this  
10 participation to the program at the Ludlow Taylor School near  
11 Station Place.

12 Because of access from Station Place to H Street  
13 commercial corridor, the H Street merchants will benefit from  
14 the SEC employees' business. The SEC is also considering  
15 joining the Capitol Hill business improvement district, and the  
16 neighborhood will receive increased protection from the 24-hour-  
17 a-day, seven-day-a-week security force that we will provide.

18 We will benefit the neighborhood without  
19 burdening the existing transportation infrastructure, because  
20 that has been -- as has been mentioned earlier, 75 percent of  
21 our employees take advantage of the generous transit subsidy  
22 program that is offered and commute through Metro or other  
23 public transportation.

24 We also have a very active bicycle commuter  
25 program. As to transportation, however, we do oppose the

1 closing of the street between Columbus Circle and F Street,  
2 which has been mentioned. We believe that would force F Street  
3 to become two ways and would add more traffic to the  
4 neighborhood and complicate access to the SEC. Also, our main  
5 entrance faces Columbus Circle, and we want access from that  
6 direction.

7 We do agree with the statement that DDOT made  
8 about looking at narrowing and redesigning Columbus Circle to  
9 the F Street connector. We would support that initiative.

10 At the November 8th meeting, Chairman Mitten and  
11 Commissioner Parsons expressed some concern about the SEC's  
12 courtyard not being open to the public. Another one of my  
13 responsibilities is security, and this function has increased in  
14 complexity since September 11th.

15 As part of the federal community, we have to make  
16 certain compromises imposed upon us by Federal Protective  
17 Service and GSA. But we understand the Commission's desire for  
18 the community to have access to the courtyard, and we believe  
19 with the current design of the building and under all but the  
20 most heightened levels of security we could accommodate both  
21 goals.

22 CHAIRPERSON MITTEN: Ms. Seidman, you need to  
23 summarize now.

24 MS. SEIDMAN: We are on a tight schedule, and we  
25 want to see this petition go ahead.

1           The one other issue I have a problem with is the  
2 setbacks from the 2nd Street would be a serious problem for us,  
3 because of the -- it would change the floor plate, and that  
4 would be an issue. But beyond that, we really do support this  
5 petition and we are anxious to be a neighbor on Capitol Hill,  
6 and we want to see this project go ahead.

7           CHAIRPERSON MITTEN: Thank you. And, again, if  
8 you'd just hold your seat until we get through with the panel.

9           Mr. Sealander?

10          MR. SEALANDER: Good evening. My name is Evans  
11 Sealander, and I've been an occupant of 200 G Street since 1978.

12          And I represent a great deal of land owners that -- obviously,  
13 from K Street to F Street. And we've submitted a petition to  
14 the Zoning Commission to express our views as private property  
15 owners.

16          And the reason that we went to this much trouble  
17 was that there was many people in the neighborhood that started  
18 to -- that stated that they represented the interest of the  
19 immediate community. And we felt that since we were across the  
20 street and directly affected by that -- by the development of  
21 this project that we should voice our own concerns that we are  
22 very supportive of it.

23          And it is not in the Capitol Hill Historic  
24 District. It is not in the SP&A area, because that is in the  
25 center of 2nd Street. This project is on the west side of 2nd

1 Street. And we were concerned that there would be a situation  
2 where voices would be -- squelch ours, and hopefully that you  
3 will consider the rights of the people that live and work within  
4 200 feet of this project and approve it and make it -- you know,  
5 them not to jump through any more hoops than is currently on the  
6 books in the District of Columbia through the various  
7 regulations and committees that any project of this size must go  
8 through.

9 We don't feel that additional obstacles placed by  
10 community members or self-interest issues should distract from  
11 the overall benefit to the community that this project would  
12 bring. And that's pretty much my statement.

13 CHAIRPERSON MITTEN: Thank you.

14 And Mr. Palmer?

15 MR. PALMER: I'm Kevin Palmer. I live at 704 8th  
16 Street, Northeast. I'm a resident, and I have been here since  
17 May of 1999.

18 The reason I'm testifying is because I fully  
19 support the project as well. My wife and I both walk to work.  
20 We live in -- or we live in Northeast and work in Southwest  
21 Washington, and we walk past the project practically daily  
22 either to go to the Metro or to walk all the way to the office.

23 And we have great interest in seeing the project  
24 come to fruition because we believe that the neighborhood has  
25 been desperately looking for an opportunity of this sort to

1 provide an impetus for retail and other development to show an  
2 interest in our neighborhood.

3 As a neighborhood activist, I have tried to  
4 assist in that process by giving the neighborhood a voice  
5 through a website that I do called HStreetDC.com. I've worked  
6 with some of the other people on -- in the neighborhood to  
7 assist in bringing a message to the greater city and region, and  
8 I believe that the Station Place project will help bring  
9 attention to our neighborhood in a positive light, something  
10 that for many, many years has not been possible or has been  
11 avoided in many ways.

12 I think the benefits of the project will outweigh  
13 the traffic and other issues that have been raised. Albeit they  
14 certainly have merit, but I think those can be ameliorated  
15 through other means such as encouraging the tenants to use Metro  
16 rail and bus, which the site certainly has great access to.

17 The one -- or one thing that I am somewhat  
18 disappointed by is that the project currently stands as an  
19 entirely office component project, and perhaps in the long term  
20 the Dreyfus Corporation will consider looking at that again if  
21 they don't do the entire development at once, based on the  
22 market conditions.

23 I think this site would be a great advantage to  
24 see mixed use residential, retail, commercial, all in one place.

25 And I think the neighborhood would certainly be supportive of

1 that. It would definitely generate less traffic if you had, you  
2 know, long-term residents there as opposed to commuters that  
3 were not as much a part of the neighborhood as someone who works  
4 there -- somebody who lives there. Excuse me.

5 In summary, I feel the project has great merit,  
6 and I would like to see it move forward as soon as it can.

7 Thanks.

8 CHAIRPERSON MITTEN: Thank you.

9 Any questions for this panel?

10 COMMISSIONER MAY: I have a question for Ms.  
11 Seidman. You mentioned yourself a tradeoff between the building  
12 setback and the floor plate, and the fact that you have a role  
13 in trying to address security issues for your agency.

14 And I'm sure you have wrestled with the whole  
15 issue of setbacks from the street and being able to have some  
16 separation between vehicles and your building. And with this  
17 building there is enough room within the overall envelope, it  
18 seems, to be able to push the face of the building further back  
19 from the street.

20 And I'm wondering what your thinking is in  
21 balancing that out, or whether you've come to the conclusion  
22 that -- that in order to have sufficient or good enough office  
23 space that you have no choice but to push out into the street  
24 like that.

25 MS. SEIDMAN: The way it's currently designed

1 gives us a floor plate that's about as large as we can  
2 accommodate in terms of people's access to elevators and  
3 restrooms. If it gets any larger, if the building is  
4 redesigned, it would really be a problem for us in the way we  
5 want to use the building.

6 COMMISSIONER MAY: So you're not --

7 MS. SEIDMAN: If they set it back, it would be --  
8 the floor plate would be redesigned, and it would just not be  
9 workable for us.

10 COMMISSIONER MAY: Right. I guess I wasn't so  
11 much concerned about the consideration of the floor plate but  
12 how that gets traded off against the security issue of wanting a  
13 setback. I mean, most buildings or most --

14 MS. SEIDMAN: Well, there's enough of a setback  
15 for us.

16 COMMISSIONER MAY: There's enough setback with  
17 you -- for you from a security point of view.

18 MS. SEIDMAN: Yes.

19 COMMISSIONER MAY: Okay.

20 CHAIRPERSON MITTEN: Mr. Hannaham?

21 COMMISSIONER HANNAHAM: Ms. Seidman, I note that  
22 your employees are active with at least one school and you are  
23 planning to expand it to at least another school. Are you  
24 teaching -- or is the mentoring just the regular academic  
25 subjects in the schools? Are you trying to help the kids --

1 MS. SEIDMAN: Yes, I believe it's primarily  
2 reading.

3 COMMISSIONER HANNAHAM: Have you considered  
4 expanding to look at business and securities investments and all  
5 of the other kinds of things that youngsters might want to open  
6 their eyes to?

7 MS. SEIDMAN: Within the schools?

8 COMMISSIONER HANNAHAM: In the schools or in the  
9 community. Period.

10 MS. SEIDMAN: Our former chairman did town  
11 meetings all over the country, and actually that was the  
12 emphasis on educating individuals in terms of investment. So  
13 that was a program during the last administration. But it's  
14 something that we certainly --

15 COMMISSIONER HANNAHAM: Because you've got such  
16 rich resources and we --

17 MS. SEIDMAN: We do.

18 COMMISSIONER HANNAHAM: -- we've listened to  
19 people from the -- from the H Street business community and  
20 others from the H Street community who are interested in  
21 economic development there. It seems as though you could be a  
22 beautiful resource for that community. Your presence there,  
23 expanding your ideas and your linkages within the community  
24 beyond where you are right now. Just an idea. That's all.

25 MS. SEIDMAN: Okay.

1 COMMISSIONER HANNAHAM: Thank you.

2 MS. SEIDMAN: Noted. Thank you.

3 CHAIRPERSON MITTEN: Any other questions? Can  
4 you explain to us, because it's a little bit unusual that we  
5 have -- for an office building that we have an identified  
6 tenant. So there's -- we feel, you know, perhaps somewhat  
7 constrained by the existing relationship. Can you tell us  
8 exactly what the relationship is with your lease as it relates  
9 to redesigning or design flexibility?

10 MS. SEIDMAN: We signed a lease for a building  
11 that was designed, so there is some -- we would certainly have  
12 issues with design that didn't meet our needs.

13 CHAIRPERSON MITTEN: How have you approached the  
14 changes that were requested by the Commission of Fine Arts?

15 MS. SEIDMAN: The developer has been working with  
16 us, and as currently proposed to this Commission, we are  
17 comfortable with the changes.

18 CHAIRPERSON MITTEN: So it's a dialogue that goes  
19 on, as things are proposed, as things were proposed by the  
20 Commission of Fine Arts, you responded to that and said whether  
21 that would be acceptable or not?

22 MS. SEIDMAN: Yes. We've been working with the  
23 developer.

24 CHAIRPERSON MITTEN: So you have that ability to  
25 say yes or no in terms of any design change relative -- you

1 know, vis-a-vis what the original agreement was with the design  
2 that you --

3 MS. SEIDMAN: I believe so.

4 CHAIRPERSON MITTEN: -- signed up for. Okay.

5 Mr. Quin, any cross examination?

6 MR. QUIN: Yes. Two questions, if I could borrow  
7 the mike that's up there, please.

8 CHAIRPERSON MITTEN: Certainly.

9 MR. QUIN: These are two questions just to make  
10 sure I understood. In your testimony, there was a statement  
11 about the first courtyard which in other testimony before the  
12 Zoning Commission there was a statement that it would not be,  
13 under any circumstances, open for SEC. I just wanted to confirm  
14 what I heard and make sure the Zoning Commission heard the same  
15 thing, that this is an option for you and that you see that  
16 being open provided security measures on the outside can be met?

17 MS. SEIDMAN: That's correct.

18 MR. QUIN: I just want to make sure the Zoning  
19 Commission read it the same way I did.

20 CHAIRPERSON MITTEN: I think we've got it now, if  
21 we didn't before.

22 (Laughter.)

23 MR. QUIN: Doesn't hurt.

24 CHAIRPERSON MITTEN: No, it never hurts.

25 (Laughter.)

1 MR. QUIN: The second question, just in terms of  
2 your Metro usage, could you briefly describe for the Zoning  
3 Commission how your program for subsidies of the Metro has  
4 worked and, if you know, the percentages of utilization.

5 MS. SEIDMAN: Yes. Every month or every other  
6 month we actually hand out Metro checks of -- you know, the fare  
7 cards or other tokens for subsidy. And our employees are given  
8 those at the beginning of every other month. They're given two  
9 months' worth of subsidy, and we have approximately 75 percent  
10 of our employees in our D.C. offices using that subsidy.

11 Frankly, with the move, the potential move to  
12 Union Station where it's even more desirable, we expect the use  
13 to go up, and the Metro subsidy is likely to be increased in the  
14 next few years as well. It will probably go up next year, and  
15 so we would expect our ridership to go up.

16 MR. QUIN: Thank you.

17 CHAIRPERSON MITTEN: Mr. Hood?

18 VICE CHAIRPERSON HOOD: Madam Chair, I just  
19 wanted to ask Ms. Seidman -- she spoke about the transit  
20 subsidy. The parking -- can you just explain briefly how SEC  
21 handles their parking? Whether it's two people that can carpool  
22 or exactly what is your program?

23 MS. SEIDMAN: We have a carpool program that we  
24 -- every year we ask people to apply for parking for carpools.  
25 And they fill out the proper forms, and then we offer free

1 parking to those that have at least two and a half plus people  
2 in a carpool.

3 VICE CHAIRPERSON HOOD: Two and a half.

4 MS. SEIDMAN: At this point, it's two and a half,  
5 yes. That's our cutoff, so it's two and a half and above.

6 VICE CHAIRPERSON HOOD: Okay.

7 MS. SEIDMAN: That's a part-time rider is the  
8 half.

9 VICE CHAIRPERSON HOOD: Oh, okay.

10 (Laughter.)

11 Thank you for clarifying that. Thank you.

12 Thank you, Madam Chair.

13 CHAIRPERSON MITTEN: Commissioner Ferrell, did  
14 you have any questions?

15 MR. FERRELL: No.

16 CHAIRPERSON MITTEN: Mr. Schauer, any questions?  
17 Would you mind just sitting down there, and then Mr. Palmer  
18 will share his mike.

19 MR. SCHAUER: These questions -- this is Lyle  
20 Schauer for the record. These questions are all for Ms.  
21 Seidman. No surprise there, I guess.

22 What is -- you have a lease. What is the  
23 timeframe for the exercise of your options on Building Number 2?

24 MS. SEIDMAN: I honestly don't recall. I have  
25 some attorneys with me who probably would be able to tell you

1 exactly when the timeframe is on that.

2 CHAIRPERSON MITTEN: This is actually outside the  
3 scope of her testimony.

4 MR. SCHAUER: Well, it's important. This is our  
5 opportunity to talk to SEC, and it's important to know how or  
6 when Building 2 is going to be built, because obviously it's not  
7 going to be built until the option expires or the SEC gives up  
8 on it. So it goes to the phasing of the construction.

9 CHAIRPERSON MITTEN: I'm sorry. I don't  
10 understand how the option that SEC has relates to the  
11 construction of Building 2. Let me ask a question and then  
12 we'll see if we're going to take any more followup.

13 Right now, you have an option to lease Building  
14 2, but you have no obligation -- you haven't exercised the  
15 option on Building 2.

16 MS. SEIDMAN: Correct.

17 CHAIRPERSON MITTEN: So it's completely --

18 MS. SEIDMAN: It's for potential growth, because  
19 most government agencies, or at least our agency, historically  
20 has grown, and we don't want to be out of space like we are in  
21 our current environment.

22 CHAIRPERSON MITTEN: I understand.

23 MS. SEIDMAN: So this was a way of making sure  
24 there was additional space for us in the future if we needed to  
25 exercise the option.

1 CHAIRPERSON MITTEN: I don't think there's any  
2 insight to be gained from the timing of the option in terms of  
3 when Building 2 might deliver, because there's been no exercise  
4 of the option.

5 MR. SCHAUER: Well, but the difficulty is that  
6 the developer can hardly build a building as long as that option  
7 is hanging open. Can he?

8 CHAIRPERSON MITTEN: Why not?

9 PARTICIPANT: He can do anything he wants.

10 CHAIRPERSON MITTEN: Do you mean he won't build  
11 it --

12 MR. SCHAUER: He won't build it until he knows --

13 CHAIRPERSON MITTEN: -- the timeframe --

14 MR. SCHAUER: -- whether or not this option is  
15 going to be exercised. And he won't know it until the option  
16 expires, whenever that -- and my only question is: when is that  
17 option going to expire?

18 CHAIRPERSON MITTEN: Okay. I can understand why  
19 he's interested in this, and maybe the better question is, if  
20 the developer had another tenant for Building 2 -- do you have  
21 an exclusive right to lease Building 2 for some period of time?  
22 Or would they offer it to you saying, "We have someone else  
23 lined up, and you have to take it now or not take it"?

24 MS. SEIDMAN: I believe we have the right  
25 initially for whatever the period of time is -- and I just don't

1 recall --

2 CHAIRPERSON MITTEN: Okay. Well, we'll get that  
3 submitted for the record.

4 MS. SEIDMAN: Okay.

5 CHAIRPERSON MITTEN: What's your next question,  
6 Mr. Schauer? We'll get that submitted.

7 MR. SCHAUER: Has the SEC begun to consider new  
8 security measures around your building? Are you considering  
9 planters or some other large things? I mean, we see these all  
10 over now. Are you going to have something like that around your  
11 building?

12 MS. SEIDMAN: The Station Place Building?

13 MR. SCHAUER: Yes.

14 MS. SEIDMAN: We probably -- we are told by  
15 security experts that the planters are really not very  
16 effective, to be honest. So I don't think that's something  
17 we're looking at.

18 MR. SCHAUER: And would you commit in -- that no  
19 such security measures ever will be installed? Can you do that?

20 (Laughter.)

21 MS. SEIDMAN: I mean, if I commit and leave the  
22 agency, is that -- I don't -- I don't think so.

23 MR. QUIN: Could I make a statement for the  
24 record on the security aspects? Anything that is built has to  
25 be approved -- has to be approved. Any security items that have

1 to be put in by a -- chosen by the SEC have to be approved by  
2 the Commission of Fine Arts. In other words, any physical  
3 security on public space have to go through Commission of Fine  
4 Arts, and we will stipulate for the record, as a condition to  
5 the approval, that all such measures would have to go through  
6 Fine Arts.

7 CHAIRPERSON MITTEN: Okay.

8 MR. SCHAUER: I think that would be satisfactory.

9 CHAIRPERSON MITTEN: Okay.

10 MR. SCHAUER: Is the SEC willing to be bound by  
11 the applicant's traffic management plan? Are you working  
12 actively with them on this?

13 MS. SEIDMAN: We are certainly working with the  
14 developer on that, yes.

15 MR. SCHAUER: Now, there was once some talk about  
16 shuttle bus service, I remember in some of the materials,  
17 shuttle bus between the Columbus Plaza and 2nd Street, that  
18 nameless street in there. Is that still being contemplated?

19 MS. SEIDMAN: Shuttle bus between Columbus and --

20 MR. SCHAUER: Well, it would stop on F Street, I  
21 guess it is.

22 MS. SEIDMAN: You may be referring to the fact we  
23 have an office in Alexandria currently, and we do run a shuttle  
24 between Alexandria and our D.C. office. Is that what you're  
25 referring to?

1 MR. SCHAUER: Yes. And your plan to have a stop  
2 at F Street.

3 MS. SEIDMAN: Assuming we continue to have an  
4 office in Alexandria, there will be some -- we would need some  
5 mechanism to transport people back and forth.

6 MR. SCHAUER: And suppose now that some  
7 congestion does develop along F Street between your building and  
8 the Judiciary Building. Are you -- would you be prepared to  
9 limit access to the F Street garage entrance in some way, or  
10 take other measures to ease such congestion?

11 MS. SEIDMAN: We want to be a good neighbor. We  
12 will work with the community. We will work with the people at  
13 the Thurgood Marshall Building to make the neighborhood as good  
14 as possible for everybody. I mean, we will be living there, so  
15 we certainly want it to be a good neighborhood for our employees  
16 as well as all of you that live there and everybody that works  
17 there.

18 MR. SCHAUER: Thank you, Ms. Seidman. I have no  
19 more questions. Thank you.

20 CHAIRPERSON MITTEN: Any questions for the other  
21 two?

22 MR. SCHAUER: No.

23 CHAIRPERSON MITTEN: No. Okay.

24 And, Mr. Parker, did you have any questions?

25 MR. PARKER: No.

1 CHAIRPERSON MITTEN: All right. Thank you all.  
2 You need to give the cards to the Reporter.

3 Okay. Susan Rollins? Mr. Grant, are you an  
4 opponent or a proponent? Because you seem to have indicated  
5 both. Steven Grant? Okay. You're neither at the moment. Did  
6 I call Jeff Shelton? Jeff Shelton?

7 AUDIENCE MEMBER: (Inaudible comment from an  
8 unmiked location.)

9 CHAIRPERSON MITTEN: Do you want to come and have  
10 your three minutes?

11 (Laughter.)

12 James Carpenter? Okay. And then I have Diane  
13 Stoltz, who is a proponent if changes are made. So I don't know  
14 exactly -- I think everybody would be on -- depending. Would  
15 you like to wait? You want to come now? Pass. Okay.

16 Then it looks -- anybody else -- any other  
17 persons that wish to testify in support? Okay. Well, come  
18 forward and I'll figure out where you are, then. Take a seat.

19 MS. SCAPLEY: I signed on the top of one of those  
20 --

21 CHAIRPERSON MITTEN: Oh, I'm sorry. You're  
22 right. You're right. I -- Jennifer Scapley.

23 MS. SCAPLEY: Yes.

24 CHAIRPERSON MITTEN: Okay. Okay. We'll start  
25 with Ms. Rollins.

1 MS. ROLLINS: Good evening.

2 CHAIRPERSON MITTEN: You need to turn on the  
3 mike, just hit the button there.

4 MS. ROLLINS: Good evening. My name is Susan  
5 Rollins, and I'm Vice President of Potomac Development  
6 Corporation. I'm here tonight on behalf of Potomac Development  
7 and the owners of the properties that we manage in the area.

8 Potomac has been active in the development of  
9 this neighborhood for the more than 25 years working on projects  
10 at 20 locations within two blocks of the subject site since  
11 1975. Currently, we manage two properties that are immediately  
12 adjacent to the site, the Railway Express Building which is a  
13 125,000 square foot office building just to the north, and the H  
14 Street overpass site which is between 2nd and 3rd Streets on the  
15 east side of 2nd. It's a 34,000 square foot parking lot.

16 We also manage five townhouses at Capitol Court,  
17 which is the interior block between 2nd and 3rd and E and F,  
18 about a half block south of the applicant's site.

19 As close neighbors, we strongly support this  
20 project. This site has been sadly underutilized for many years.

21 The project will provide the neighborhood with a buffer from  
22 the noise and the exhaust from the railyard, enhance security in  
23 the area, and it represents a much-needed and long-awaited  
24 improvement.

25 We believe that this is an important, well-

1 designed PUD which will significantly improve the neighborhood  
2 and provide substantial benefits to the city. It would be a  
3 mistake to take investment in this community for granted,  
4 particularly when it is of such a magnitude as to encourage  
5 others to invest as well.

6 We at Potomac Development encourage you to grant  
7 approval of this application at your earliest opportunity.

8 Thank you very much.

9 CHAIRPERSON MITTEN: Thank you.

10 Ms. Scapley?

11 MS. SCAPLEY: My name is Jennifer Scapley. I'm a  
12 resident at 512 F Street, Northeast. I've also been employed by  
13 Kennedy Associates Real Estate Council for the past seven years.  
14 We're pension fund advisors.

15 I am an acquisition analyst and have been  
16 involved in the market and financial analysis of approximately  
17 \$750 million worth of properties for Liberty Union Funds.

18 I support this project as a close-in resident of  
19 it. I am in favor of high-use projects over transportation  
20 hubs, like Union Station. I also favor the development of  
21 infill sights, which this is also one of.

22 I also don't think the separation of land uses is  
23 necessarily a good thing. I actually think that maybe a little  
24 density added to our neighborhood could really help us get some  
25 of the services that we really desire. And I also think this is

1 the best shot that we have for the redevelopment potential of  
2 the H Street corridor.

3 I personally -- I don't want an empty parking lot  
4 just because there are some residents who don't like the way it  
5 looks, which is pretty much what I've heard on the complaints  
6 about the project.

7 I also had a petition that I circulated. It was  
8 given to you. I took around a copy of the plans and the  
9 petition, and I had about 30 of my neighbors sign it. They were  
10 all pretty much actually indifferent to the project. A lot of  
11 them didn't know anything about it.

12 They were happy with what they saw. They liked  
13 the landscaped plaza. There was a little call that maybe there  
14 could be a little more retail at the project, even though I'm  
15 not sure if that's necessarily a great thing because I'm afraid  
16 it may take away from the potential of H Street if there is a  
17 big retail component at this project.

18 I also don't know if residential is going to  
19 work. It's on top of a railyard. The SEC is the front half of  
20 the building. So the back half of the building, if these  
21 residences are built, would literally be on top of a railyard,  
22 and I don't know how marketable that is.

23 I also think there's going to be great positive  
24 effects in the neighborhood by this property. The local -- the  
25 local employment project I think is wonderful. I do know

1 personally several people who could benefit from that.

2 I'm also planning on being actively involved in  
3 the tutoring/mentoring program that the SEC will be running out  
4 of Ludlow Taylor. I am already active at that school and was --  
5 did work on the renovations of the playground, even though at a  
6 later date than some of my other neighbors did.

7 I would also perhaps like to see if some sort of  
8 summer job program could be done at this -- through this --  
9 especially for the older people who live in the neighborhood,  
10 hopefully maybe through a recreation center. That is also run  
11 at Ludlow Taylor.

12 And hopefully I would like -- if the SEC and  
13 Dreyfus would be interested -- in also doing some volunteer work  
14 with, you know, people and money if that was possible. I do  
15 think they are -- would be interested in the immediately  
16 surrounding neighborhood.

17 CHAIRPERSON MITTEN: I need you to summarize now,  
18 please.

19 MS. SCAPLEY: Oh, yes. I'm pretty much done.

20 I also do think the developer has incorporated  
21 the community inputs into this project as the Office of Planning  
22 went through about the entrance on H Street and the vending  
23 program and the open courtyards and the further setback on 2nd  
24 Street.

25 So, in conclusion, I'm pretty happy with the

1 project and would very much like to see it go forward as soon as  
2 possible.

3 CHAIRPERSON MITTEN: Thank you.

4 MS. SCAPLEY: You're welcome.

5 CHAIRPERSON MITTEN: You here from WABA, right?

6 MS. JONES: Yes.

7 CHAIRPERSON MITTEN: I'm going to apologize. I  
8 don't recall your name, but --

9 MS. JONES: That's quite all right. My name is  
10 Ellen Jones. I'm the Executive Director of the Washington Area  
11 Bicyclist Association.

12 The Washington Area Bicyclist Association, WABA,  
13 is a nonprofit bicycle advocacy organization that was  
14 established in Washington, D.C. in 1972. We have 5,300 members  
15 regionally, 1,700 of whom live in the District of Columbia.

16 This project has our support for two reasons.  
17 First of all, it furthers the development of the Metropolitan  
18 Branch Trail. And, secondly, it is a model commercial building  
19 that promotes bicycle commuting.

20 Our first reason of support -- the Metropolitan  
21 Branch Trail. We developed this concept and have been  
22 advocating for its completion since 1991. This is a regional  
23 and local transportation facility.

24 Locally, the Metropolitan Branch Trail in this  
25 neighborhood will provide east side access to the New York

1 Avenue transit station as well as access to what will become a  
2 non-motorized transportation thruway from Montgomery County,  
3 Prince Georges County, to destinations, both work site and  
4 visitor, on the -- on Capitol Hill.

5 We have met with Dreyfus regarding the preferred  
6 alignment for this trail on 2nd Street, and we found them to be  
7 quite receptive. And, in fact, we see that preferred alignment  
8 reflected in the model that was here last time we were all  
9 together, and also the drawings that Dreyfus has put together  
10 most recently.

11 I would just point out that Dreyfus is  
12 incorporating a preferred alignment that was developed with the  
13 D.C. Division of Transportation and input from the trail  
14 advocacy community, as well as representatives from neighborhood  
15 groups on Capitol Hill.

16 We are excited about that, and also about their  
17 interest in the arts and trails project that we are discussing  
18 that will allow further connection between the trail and the  
19 local communities through which it passes.

20 Secondly, our second reason of support for this  
21 trail of -- excuse me, for this project is because this building  
22 will be a model commercial facility promoting bicycle commuting.

23 Federal employers tend to have higher levels of bicycle  
24 commuters than other employers. We know this is true, because  
25 among our membership over 40 percent of our members do work in

1 federal installations.

2 And as you heard earlier from the representative  
3 from the Securities and Exchange Commission, they do have a very  
4 active bicycle commuting component in their employee workforce.

5 We met with Dreyfus and discussed the issues of  
6 how to facilitate and encourage increased level of bicycle  
7 commuting, and they have responded by providing safe, secure,  
8 and abundant bicycle parking within the building. There will  
9 basically be bicycle parking cages on every level of parking in  
10 the building that will be accessed with a swipe card.

11 And this is terribly important for bicycle  
12 commuters, because bicycle commuters tend to invest a fair  
13 amount of money in their bicycle that they use to come to work  
14 on. They will have headlights. They'll have bicycle computers.

15 They'll have panniers. A lot of accoutrement, if you will, on  
16 their bicycle that they need to have in a guarded facility.

17 Dreyfus heard us when we explained this to them,  
18 and went the next step to provide cages around the bicycle  
19 parking that will help to prevent the kind the vandalism that  
20 discourages people from taking their high-end bicycles in for a  
21 bicycle commute. So we're particularly pleased with their  
22 treatment of bicycle parking within the building.

23 I'll just close by saying I heard Council Member  
24 Ambrose talk about how important it is that we not look at  
25 development as potential Christmas trees, if you will, for

1 neighborhood amenities. I agree with that, but I also do think  
2 we should look to development projects as furthering planning  
3 objectives for the community. We believe that this development  
4 does that.

5 Thank you.

6 CHAIRPERSON MITTEN: Thank you.

7 Any questions for this panel? Mr. May?

8 COMMISSIONER MAY: I have a couple of questions.

9 I'm sorry. I missed your name with the Bicycle Association.

10 MS. JONES: I'm Ellen Jones.

11 COMMISSIONER MAY: Ellen Jones. Thank you. The  
12 question I have is the trail itself, where does it go when it  
13 goes north?

14 MS. JONES: Right. The trail goes north from F  
15 Street. It will go all the way to L Street, at which point it  
16 goes underneath the overpass, and at that point will connect to  
17 the New York Avenue station and trail project that picks up at L  
18 Street and goes north.

19 The trail will be part of the New York Avenue  
20 station project. The trail will become elevated at that point  
21 as part of that New York Avenue Metro station project,  
22 continuing beyond Florida Avenue, going underneath New York  
23 Avenue, and then connecting back into the street network on  
24 Harry Thomas Way in the Eckington Yards area of the -- I think  
25 it's called now the Federal Capital Commerce Center project

1 that's taking place just north of New York Avenue.

2 From there, it goes up beyond Franklin Street,  
3 8th Street, Monroe Street, John McCormick Road, through Fort  
4 Totten, going back into the street network in New York -- New  
5 Hampshire Avenue and all the way to Tacoma Park. I'm a little  
6 bit familiar with the project.

7 (Laughter.)

8 CHAIRPERSON MITTEN: Do you have -- is there a  
9 map that you could submit for the record?

10 MS. JONES: There certainly is. I would be  
11 delighted to do that.

12 CHAIRPERSON MITTEN: That would be great.

13 COMMISSIONER MAY: Some of that, you're talking  
14 about territory that is not -- not developed or not even  
15 necessarily paved it seems. I mean, and some of those areas  
16 along -- through Eckington in particular, or is it just  
17 following the roads that go through there?

18 MS. JONES: The Metropolitan Branch Trail is a  
19 project is under development even as we speak. Not far from  
20 here, on 1st Street, you'll see the construction that's taking  
21 place there. First Street is the west side access for  
22 Metropolitan Branch Trail, and 2nd Street, where this project  
23 that we're talking about tonight, will be the east side access  
24 for the trail in the Capitol Hill area.

25 COMMISSIONER MAY: Okay. That's good. I don't

1 want to get hung up on this. I just wanted to know what the --

2 MS. JONES: So it is a work in progress.

3 COMMISSIONER MAY: Okay. The other question I  
4 had about the trail is the -- the potential conflict between  
5 bicycles and pedestrians directly in front of the building  
6 there.

7 MS. JONES: Right. I heard you talk about that  
8 at the meeting when we first got together about the project. As  
9 we envision the use of the trail, and we thought about this a  
10 lot before we ever even know about the Dreyfus project -- as I  
11 mentioned, we've been meeting with DDOT for now over three years  
12 talking about the implementation of this trail project.

13 And we spent a fair amount of time on 2nd Street  
14 with our tape measures, with DDOT's engineers and their  
15 consultants, talking about what should the alignment be on 2nd  
16 Street, because there are real constraints in the available  
17 roadway in 2nd Street.

18 Our first preference would have been to have wide  
19 sidewalks and bike lanes in 2nd Street, but that's not possible  
20 given the roadway width, to be able to have standard bike lanes  
21 on that street. So at that point, we looked at what could be  
22 done by combining the trail onto the sidewalk with pedestrian  
23 traffic. And that's how we got to where we are now on 2nd  
24 Street preferred alignment.

25 We think that the traffic -- the bicycle traffic

1 on 2nd Street using the trail will, in fact, not turn right on F  
2 Street. We believe that most of the bicyclists on the trail  
3 will continue to go south on 2nd Street to work sites on Capitol  
4 Hill and not turn right and go on F Street, where we think that  
5 will be -- the majority of the foot traffic will be in the F  
6 Street area, since that is the main entrance to the building.

7 We believe that the width of the sidewalks will  
8 help to minimize user conflict on the 2nd Street side of the  
9 project. And also, if you noticed in their drawings and in the  
10 model, the coloration of the trail and the sidewalks are  
11 different as another way to give people a visual clue to the --  
12 that there is different kind of activity happening on the trail  
13 relative to what's happening on the sidewalk surrounding it.

14 COMMISSIONER MAY: Okay. Thank you.

15 I have a question for Ms. Rollins regarding the  
16 property at -- it's adjacent to -- well, it's between 2nd and  
17 3rd, I guess right next to H Street, that current parking lot.  
18 I think you said that that's one property that is a parking lot  
19 now that's in your control or you own that, or whatever.

20 Because that ties in to questions of connecting  
21 to H Street, what plans are there for that property?

22 MS. ROLLINS: There are multiple plans for that  
23 property.

24 CHAIRPERSON MITTEN: You need to turn your mike  
25 on again.

1 MS. ROLLINS: There are multiple plans for the  
2 property and none that are set in stone at this time.

3 COMMISSIONER MAY: Okay. Thanks.

4 CHAIRPERSON MITTEN: Mr. Hannaham?

5 COMMISSIONER HANNAHAM: Again, Ms. Rollins, you  
6 also mentioned that you had collected signatures on a petition  
7 from some 30 -- oh, that's -- my question is directed to -- have  
8 those petition -- has that petition been submitted to the Zoning  
9 Commission?

10 MS. SCAPLEY: Yes, that was the same petition  
11 that Mr. Sealander talked about earlier--

12 COMMISSIONER HANNAHAM: Oh, okay.

13 MS. SCAPLEY: -- about submitting. And if you  
14 read the petition, it's a very strongly worded petition. And I  
15 did -- it was submitted, and I believe that it was submitted  
16 along -- my names were submitted along with those.

17 COMMISSIONER HANNAHAM: Okay. So they're not the  
18 same. They're separate. He submitted --

19 MS. SCAPLEY: I'm not sure what's included in the  
20 total that they provided you. I just know what I submitted.

21 COMMISSIONER HANNAHAM: Okay. There are two  
22 separate --

23 MS. SCAPLEY: No, I think they're the same.

24 COMMISSIONER HANNAHAM: -- petitions. Okay.  
25 It's the same one. Okay.

1 MS. SCAPLEY: I think it's the same one.

2 COMMISSIONER HANNAHAM: I got you. Thank you.

3 MS. SCAPLEY: You're welcome.

4 CHAIRPERSON MITTEN: Anything else?

5 COMMISSIONER HANNAHAM: That's it.

6 CHAIRPERSON MITTEN: Mr. Quin, any questions?

7 MR. QUIN: No questions.

8 CHAIRPERSON MITTEN: Commissioner Ferrell, any  
9 questions?

10 MR. FERRELL: No.

11 CHAIRPERSON MITTEN: Mr. Schauer? No?

12 MR. SCHAUER: No.

13 CHAIRPERSON MITTEN: Mr. Parker? Where is Mr.  
14 Parker? Well, I guess he won't be asking any questions, then.

15 Thank you all. Thanks for coming.

16 We will take a three-minute recess and figure out  
17 what -- we'll do an assessment, and then when we come back we'll  
18 decide how we'll proceed this evening. So three minutes.

19 (Whereupon, the proceedings in the foregoing  
20 matter went off the record at 9:40 p.m. and went  
21 back on the record at 9:50 p.m.)

22 CHAIRPERSON MITTEN: Okay. Here's what we know.

23 We know we can't finish tonight. And so what -- what we have  
24 -- what we think would be best is that we take the entire  
25 opposition together at a continued hearing, which we propose to

1 continue until next Monday. So it's not a long time from now.

2 The date of Monday is the 3rd, I believe. We're  
3 going to miss the Christmas tree lighting on Pennsylvania Avenue  
4 or the Christmas lights lighting on Pennsylvania Avenue.

5 But it would be -- we could take the entire  
6 opposition case together. There would be ample time. People  
7 wouldn't be rushed. The Commission would be fresh. We'd have  
8 time to read through the additional materials that Mr. Quin  
9 provided us tonight and ask any followup cross examination  
10 questions.

11 Does anyone -- any of the parties have any severe  
12 discomfort with that proposal? Any --

13 MR. QUIN: It's not severe discomfort that I rise  
14 to this occasion to speak. But the question is: can we start  
15 earlier so that we complete the case and have a shot in making  
16 certain that we -- I don't know how early you all can start, but  
17 I think it's very important that we try to start, you know,  
18 4:30.

19 (Laughter.)

20 4:00. 5:00. Well, I don't want --

21 CHAIRPERSON MITTEN: We have to --

22 MR. QUIN: -- people to try to delay this either.

23 CHAIRPERSON MITTEN: Right.

24 MR. QUIN: That's another tactic that's used  
25 frequently. I don't want to accuse anyone of that, but I think

1 it's very important that we pick an hour where you all could  
2 come --

3 CHAIRPERSON MITTEN: Absolutely.

4 MR. QUIN: -- as soon as you can.

5 CHAIRPERSON MITTEN: Right. Okay. Mr. Bastida  
6 is going to check to see if anyone is going to be in the hearing  
7 room prior to -- well, that day, and then we'll see what our  
8 time constraints are. So if everyone just --

9 VICE CHAIRPERSON HOOD: Madam Chair, I know the  
10 issue has always been the community being able to come down for  
11 years. That's why I think the Zoning Commission meets at 7:00,  
12 at least that's what I've heard handed down.

13 I would like to also make sure that we finish,  
14 but I want to make sure that those folks who work during the day  
15 are able to attend. Personally, I will be able to be here, but  
16 I want to make sure that the community folks --

17 CHAIRPERSON MITTEN: Right.

18 VICE CHAIRPERSON HOOD: -- who are not getting  
19 paid are able to attend.

20 CHAIRPERSON MITTEN: Right. And I don't think we  
21 would start so early that we would cause the community folks a  
22 problem.

23 Is it Mr. --

24 MR. EDWARDS: Edwards.

25 CHAIRPERSON MITTEN: -- Edwards. Thank you.

1 Please come forward if you have something to offer.

2 MR. EDWARDS: A number of our witnesses are  
3 employed. Monday is a busy day. We could start at 6:30.

4 CHAIRPERSON MITTEN: 6:30.

5 MR. EDWARDS: On Monday.

6 CHAIRPERSON MITTEN: Okay. 6:30. And I think  
7 what we can commit ourselves to is that we will -- we will just  
8 commit ourselves to finishing on Monday.

9 MR. EDWARDS: Thank you.

10 CHAIRPERSON MITTEN: And we will begin at 6:30,  
11 and I think the only thing that we had asked for by way of  
12 additional submissions is some information on the timing of the  
13 SEC option for Building 2. Was there anything else that -- oh,  
14 and a map -- the map from WABA about the Metropolitan Branch  
15 Trail.

16 Sir, if you have something to say, you need to  
17 either speak to staff or come forward and get on a mike.

18 SECRETARY BASTIDA: Excuse me, Madam Chairman.  
19 It was -- OP is to provide a copy of the previous proposed  
20 development plan for the site.

21 CHAIRPERSON MITTEN: That's right. That's right.  
22 And they're going to give us their Powerpoint presentation.

23 Yes, sir? You need to turn on the microphone by  
24 pushing the button right there in the middle. Yes.

25 MR. FURNESS: Yes. By way of introduction, I'm

1 Brian Furness. I'm a member -- I'm the -- part of the Capitol  
2 Restoration Society's working group on the Station Place  
3 project. And I would hope, Madam Chair, that the Zoning  
4 Commission could request the applicant to file the construction  
5 management plan that you'll recall was promised for November  
6 20th at the material they distributed at the last hearing.

7 Thank you.

8 CHAIRPERSON MITTEN: I know we have -- we do have  
9 a submission that includes the elements of the construction  
10 management plan. Thank you, Mr. Furness.

11 MR. QUIN: I think we filed it.

12 CHAIRPERSON MITTEN: Okay. There was some  
13 uncertainty today among the folks from DPW and some of the  
14 community folks that they hadn't reviewed a construction  
15 management plan.

16 MR. QUIN: I think we filed both the routes -- we  
17 covered the route for the truck route as well as the  
18 construction management plan.

19 CHAIRPERSON MITTEN: And has that been proposed  
20 -- discussed with DPW? Because the folks from DPW didn't seem  
21 to be conversant about that.

22 MR. QUIN: My understanding is that it was, but I  
23 will check on that and make certain that they have.

24 CHAIRPERSON MITTEN: Okay. If you can maybe get  
25 us an update on the status of that --

1 MR. QUIN: I will do that.

2 CHAIRPERSON MITTEN: -- that would be helpful.  
3 That put me in mind of something else, but -- oh. Given that I  
4 know that the Capitol Hill Restoration Society had a lengthy  
5 presentation that they wanted to make, if you could submit that  
6 to us in advance of Monday, we could review it and ask  
7 intelligent questions based on that, so you'll get the best bang  
8 out of your presentation.

9 MR. McMILLAN: Madam Chair, I'm Charles McMillan.  
10 I'm the Chair of the CHRS Task Force.

11 CHAIRPERSON MITTEN: Yes.

12 MR. McMILLAN: We have submitted five of our  
13 reports from four teams and another report. We've also  
14 submitted the summary testimony --

15 CHAIRPERSON MITTEN: Okay.

16 MR. McMILLAN: -- so that on Monday perhaps we  
17 can just begin with a very brief summary of the summary and then  
18 go directly to questions.

19 CHAIRPERSON MITTEN: Excellent.

20 MR. McMILLAN: Great.

21 CHAIRPERSON MITTEN: Thank you. That's the  
22 spirit.

23 So we will continue this hearing on Monday,  
24 December 3rd, 6:30 in this room, and we will finish the hearing  
25 on Station Place that night.

1  
2  
3

Thank you all for coming. See you Monday.  
  
(Whereupon, at 9:56 p.m., the proceedings in the  
  
foregoing matter were adjourned.)