

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA  
+ + + + +  
ZONING COMMISSION  
+ + + + +  
PUBLIC HEARING

=====  
IN THE MATTER OF:

Consolidated PUD and Map  
Amendment for Department of                      Case No. 03-05  
Transportation Headquarters  
In the Southeast Federal Center

=====

Thursday  
September 25, 2003

Office of Zoning Hearing Room  
441 4<sup>th</sup> Street, N.W.  
Suite 220  
Washington, D.C.

The Public Hearing of Case No. 03-05 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, Northwest Washington, D.C., Carol J. Mitten, Chairperson, presiding.

## ZONING COMMISSION MEMBERS PRESENT:

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

## OFFICE OF ZONING STAFF PRESENT:

Sharon Schellin, Office of Zoning

## OTHER AGENCY STAFF PRESENT:

Andrew Altman, Director, Office of Planning  
Joel Lawson, Office of Planning  
Jennifer Steingasser, Office of Planning  
Rachel McClary, D.C. Department of  
Transportation

## D.C. OFFICE OF CORPORATION COUNSEL:

Lori Monroe, Esq.

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

1  
2 CHAIRPERSON MITTEN: Good morning. Ladies and  
3 gentlemen. This is a public hearing of the Zoning  
4 Commission of the District of Columbia for Thursday,  
5 September 25, 2003. My name is Carol Mitten.

6 Joining me this evening are Vice Chairman Anthony  
7 Hood and Commissioners Peter May and John Parsons.

8 The subject of this evening's hearing is  
9 Zoning Commission Case Number 03-05. This is a  
10 request by JEBSEFC Venture, LLC, on behalf of the  
11 General Services Administration for approval of a  
12 consolidated planned unit development and related map  
13 amendment for approximately 11 acres of land located  
14 south of M Street Southeast, bounded by the proposed  
15 extensions of New Jersey Avenue and Fourth Street,  
16 Southeast, on the west and east respectively and the  
17 proposed dedication of Tingey Street, Southeast to  
18 the south, within the Southeast Federal Center.

19 Notice of today's hearing was published  
20 in the D.C. Register on June 20, 2003, and copies of  
21 that announcement are available to you in the wall  
22 bin near the door. This hearing will be conducted in  
23 accordance with the provisions of 11 D.C. MR section  
24 3022, which are the rules for contested cases.

25 The order of procedure will be as

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1 follows. Preliminary matters followed by the  
2 presentation of the Applicant's case, the report by  
3 the Office of Planning, reports of any other  
4 government agencies, reports of the affected advisory  
5 neighborhood commissions in this case, 6(d) and 6(b),  
6 parties and persons in support, parties and persons  
7 in opposition and then finally rebuttal by the  
8 Applicant.

9 The following time constraints will be  
10 maintained in this hearing. The Applicant will have  
11 approximately an hour. The parties and parties we  
12 identified will have 15 minutes, organizations will  
13 have five minutes and individuals will have three  
14 minutes.

15 The Commission intends to adhere to these  
16 time limits as strictly as possible in order to hear  
17 the case in a reasonable period of time. The  
18 Commission reserves the right to change the time  
19 limits for presentations if necessary and notes that  
20 no time shall be ceded.

21 All persons appearing before the  
22 Commission are to fill out two witness cards. These  
23 cards are located on the table near the door. On  
24 coming forward to speak to the Commission, please  
25 give both cards to the reporter who is sitting to our

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1 right.

2 The decision of the Commission in this  
3 case must be based exclusively on the public record.

4 To avoid any appearance to the contrary, the  
5 Commission requests that persons that persons not  
6 engage the member of the Commission in conversation  
7 during a recess or at any other time. Staff will be  
8 available throughout the hearing to discuss any  
9 procedural questions you may have and you can direct  
10 those to Mrs. Schellin.

11 Please turn off all beepers and cell  
12 phones at this time so as not to disrupt these  
13 proceedings.

14 At this time we will take up any  
15 preliminary matters. Mrs. Schellin, do you have any  
16 preliminary matters?

17 MS. SCHELLIN: Yes. We need to waive  
18 section 3005.9.

19 CHAIRPERSON MITTEN: Thank you. Because  
20 the hearing last week was canceled and there was not  
21 an opportunity to give notice because it was the  
22 Hurricane Isabel, a force of nature, and so we did  
23 not have the opportunity to give notice of this  
24 continuation or this, I guess, reconvening of the  
25 hearing. We have to waive that notice requirement.

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1 Is there any objection to that?

2 (No response.)

3 CHAIRPERSON MITTEN: All right, are there  
4 any preliminary matters that you have?

5 (No response.)

6 CHAIRPERSON MITTEN: All right, then we  
7 are ready to swear in the folks. All those wishing  
8 to testify this evening, please rise now to take the  
9 oath.

10 Whereupon,

11 ANDREW ALTMAN

12 JOEL LAWSON

13 RACHEL MCCLARY

14 WHAYNE QUIN

15 BENJAMIN JACOBS

16 BRIAN COULTER

17 ARTHUR TUROWSKI

18 THOMAS ROWE

19 GEORGE C. FIELDS

20 LOUIS SLADE

21 STEVEN E. SHER

22 ALIC PATTERSON

23 ED JOHNSON

24 KEDRICK EVANS

25 ROBERT SIEGEL

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STEVEN GREEN

DIANA DASCALU

Witnesses herein, having first been duly sworn, were examined and testified as to the following.

CHAIRPERSON MITTEN: Thank you.

Good evening, Mr. Quinn.

MR. QUIN: Good evening, Madam Chairperson and members of the Commission. My name is Whayne Quin with Christine Scheiker with Holland & Knight. We represent the Applicants in this proceeding. Shall we proceed?

CHAIRPERSON MITTEN: Please do.

MR. QUIN: This application and the project it embraces is, in our view, absolutely essential for the redevelopment and revitalization of the Southeast Federal Center.

In turn, the Southeast Federal Center, through this project, will be the catalytic effect that will bring about the realization of a lot of plans that this Commission has seen over the last few years in Southeast, Southwest, and all along the Anacostia.

This proposed DOT headquarters will be the first privately owned cabinet headquarters built in the District of Columbia in 30 years, bringing

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1 5,500 employees to this site and improving it as a  
2 major link with other parts of the City, will carry  
3 out overall goals of the comprehensive plan. In  
4 fact, I believe that, with the opening of New Jersey  
5 Avenue, Fourth Street and Tingey, in fact that whole  
6 future of the Southeast Federal Center will be  
7 realized and will be unlocked.

8 The JBG Companies, U.S. DOT and all of us  
9 that have been associated with this case are  
10 extremely pleased because, in the last two years,  
11 mostly the last year, we've been working with the  
12 Office of Planning and other agencies to bring about  
13 the best possible plan for you.

14 During this period there's been a great  
15 focus in coordination with the Department of  
16 Transportation and the neighborhood, the ANCs, and I  
17 think the Applicant in this case will come to one  
18 specific point, has made this proposal into something  
19 that is far superior than one would normally expect  
20 under the circumstances, and I'm going to explain  
21 that. And that's resulted by the way in the support  
22 that you see in the record from the Office of  
23 Planning, DDOT, the two ANCs, in fact, in a rare  
24 case, I almost hesitate to mention it, I don't know  
25 of any opposition at this point to the case.

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1 I look around to see, just to double  
2 check and hopefully that's correct.

3 The Applicants have recognized that a  
4 major concern, certainly not from Mr. Altman.

5 (Laughter.)

6 MR. QUIN: The applicants have recognized that  
7 a major concern of the Zoning Commission and others  
8 has been the requirement for a high level of security  
9 resulting in setback areas open space for Third  
10 Street, no public retail actually within the  
11 headquarters building, and those, the reasons for  
12 those security requirements were described and set  
13 forth in detail very carefully in Exhibits G and H to  
14 our preparing supplement.

15 And by the way, we filed, to try to  
16 explain for the record so it's not too confusing,  
17 there are four documents that really contain our case  
18 at this point, the Application, the supplement to the  
19 Application, a prehearing statement and the  
20 prehearing supplement.

21 The prehearing supplement is sort of an  
22 amalgam of the major points of the case and the  
23 references tonight will be mainly to that document.

24 It is ironic, I think that, by virtue of  
25 that security requirement that there is an

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1 opportunity for increased pedestrian open space and  
2 when you think about that, the immediate reaction has  
3 been by this Commission and others, with those  
4 security requirements, maybe we don't have as good a  
5 project. But I think what we have been able to  
6 achieve with these constraints is an extremely  
7 positive continuance of open space on all four sides  
8 of the project so that what you may have considered a  
9 drawback we believe, as revised, presents an  
10 overwhelmingly positive and meaningful link to the  
11 entire Southeast and Southwest area of the City and,  
12 because of the public space design, the improvements  
13 which will be described, including the proposed  
14 animation of the areas, along with meaningful retail  
15 available to the public, we believe that what is  
16 provided is superior to normal development even if  
17 there were no security constraints applicable.

18 The site, as our Application has  
19 indicated, consists of about 11 acres of land. The  
20 site is unzoned because of federal ownership and use  
21 and it is essentially vacant except for Building 170  
22 on the south end, which will be described for  
23 adaptation for use.

24 The proposed zoning of C3C to permit the  
25 construction of a building at a maximum height of 121

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1 feet, the parapet of the west portion of the  
2 building, the skylight reaches a height of 130 feet,  
3 the proposed FAR is 3.79. All 936 off street parking  
4 spaces will be in the garage below the structure.

5 By virtue of the required setbacks and  
6 the retention of Third Street as a pedestrian  
7 thoroughfare, approximately 50 percent of the  
8 privately owned space will be open space. This  
9 excludes about 90,000 square feet that will be  
10 dedicated to streets. This is really a phenomenal  
11 type of application. You just don't see that in  
12 urban development.

13 Finally, I believe that the public  
14 benefits and project amenities provided in this  
15 application are greater than any PUD that has ever  
16 come before this Commission, especially in light of  
17 the limited areas of flexibility sought. These  
18 benefits will be described by our witnesses but  
19 include the physical improvements, creative solutions  
20 for animation, and direct contributions that benefit  
21 the community.

22 The only areas of flexibility sought  
23 which would not otherwise be permitted under C3C  
24 zoning are (1) the height of the building which would  
25 go from 90 feet to 130, as permitted. Ours will be

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1 121.

2 The setback requirements that we do not  
3 meet on the interior of the two portions of the  
4 office buildings as they face the pedestrian plaza,  
5 and some of the compact parking spaces are not  
6 contiguous spaces in groups of five.

7 So those are the only so-called  
8 flexibility areas or deviations that we are seeking.

9 And, at this point, in order to try to shorten our  
10 testimony and presentation, I'd like to proceed with  
11 our witnesses, and we're going to call seven  
12 witnesses, two of which will be from JBG and the rest  
13 will be individuals from different organizations.  
14 I'd like, if you could turn to tab I or, if you have  
15 it in your memory by now, the updated list of  
16 witnesses and in parentheses behind each witness is  
17 the field in which they are expert. And the specific  
18 witnesses that I would like to have qualified as  
19 shown in that list, I can either go through this,  
20 Madam Chair, or just reference them quickly, or you  
21 can just look at them and hopefully approve them. I  
22 think there's no question about the expertise on the  
23 people that we have listed as experts.

24 CHAIRPERSON MITTEN: So you are asking for the  
25 entire list of updated witnesses to be accepted in

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1 their relative field?

2 MR. QUIN: Only one is not listed as an expert  
3 and the rest of them, while he is one, we didn't put  
4 him in as an expert.

5 CHAIRPERSON MITTEN: Yes, we don't want to  
6 slight Mr. Simeon.

7 MR. QUIN: No.

8 CHAIRPERSON MITTEN: All right, is there any  
9 objection? I think the resumes and so forth are  
10 included.

11 MR. QUIN: They are under tab J.

12 CHAIRPERSON MITTEN: Yes. Any objection?

13 (No response.)

14 CHAIRPERSON MITTEN: All right.

15 MR. QUIN: So without, I think that's very short  
16 opening statement. I'd like to call our first  
17 witnesses from JBG Companies, Ben Jacobs and Brian  
18 Coulter. Ben?

19 MR. JACOBS: Thank you, Chair Mitten,  
20 Commissioners May, Hood and Parsons. Thank you for  
21 the opportunity. My name is Benjamin Jacobs. I am a  
22 founder and managing partner of the JBG Companies,  
23 JBG/SEFC Venture is an entity which we created  
24 through which we will be owning and developing the  
25 Department of Transportation Headquarters at what is

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1 currently the Southeast Federal Center.

2           The JBG has, to the knowledge of some of  
3 you, been before this Commission a number of times on  
4 a number of important projects and we have developed  
5 our share of interesting projects throughout the  
6 City. None approach in our judgment the importance  
7 for reasons which I will briefly enumerate, the  
8 importance of the Department of Transportation  
9 headquarters at the Southeast Federal Center.

10           This is an opportunity where we believe  
11 we will not only be creating a new economic vigorous  
12 development opportunity in Southeast, but we are also  
13 demonstrating that the District of Columbia can  
14 accommodate large, privately owned federal  
15 headquarters buildings meeting the safety and  
16 security requirements that are mandated in the world  
17 we live in today in an urban setting within an urban  
18 fabric and do so in a sensitive way.

19           I think part of that sensitivity is  
20 evidenced by the fact that we have the support of our  
21 relevant ANCs and others within the community and  
22 those letters of support and I believe testimony  
23 tonight will demonstrate.

24           We have also listened very carefully to  
25 the questions that the Commission proposed or

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1 propounded during the prehearing and I believe in the  
2 course of our testimony this evening we will be  
3 answering each of those questions, but to the extent  
4 we do not, of course I remain and my colleagues will  
5 remain to respond to any inquiries that you have.

6           Importantly, the DOT headquarters is  
7 going to be the seed from which will grow the entire  
8 development of what we now refer to as the Southeast  
9 Center. It will soon become not 55 acres of  
10 federally owned relatively unimproved inactive  
11 development, but will become the lead of a vibrant  
12 new community on the Southeast waterfront. Our  
13 participation, our LSBDE/DBE program is carrying  
14 forward that which JBG created when we developed the  
15 Washington Convention Centers, which has been held  
16 out as the very model of apprenticeship programs in  
17 terms of success and commitment to the community.

18           That said, I would like to introduce my  
19 partner, Brian Coulter, who will speak to some of the  
20 specifics of the project.

21           MR. COULTER: Thank you. Good evening, Madam  
22 Chair and Zoning Commissioners. My name is Brian  
23 Coulter. I am testifying tonight as an owner and as  
24 managing member of JBG/SEFC, LLC.

25           First and foremost, I would want to

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1 convey the excitement of the entire team and getting  
2 here as well. It's been a long, interesting Odyssey  
3 in terms of the process that we've gone through  
4 working through many, many different issues with a  
5 very wide constituent group which I will touch on  
6 here briefly.

7 One of the challenges is a project of  
8 this size and given a life of this project to day,  
9 and there is much more excitement to come with this  
10 project as to try to fit it all in within our  
11 designated time. So I will attempt to do so.

12 One of the things I'd like to really  
13 speak to and reiterate just what Ben had said with  
14 regard to some of the issues that had been raised  
15 previously by this Commission. We have attempted to  
16 try to address those issues here in detail and  
17 obviously to the extent we do not succeed in our  
18 presentation we would expect the comments and we have  
19 our full team here tonight.

20 We have been working over the last year  
21 with a wide group of constituents. We've been  
22 working very closely with the Office of Planning,  
23 District Department of Transportation on a variety of  
24 issues. We feel the project has made significant  
25 progress over that time and we think that is

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1 reflected in the evolution of the drawings and our  
2 design.

3 We have also been working starting as  
4 early as last winter with ANC 6(b) beginning in early  
5 2003 we met with the newly created ANC 6D and have  
6 spoken with them on a number of occasions. We've  
7 asked them for their input. We've elaborated on our  
8 development plans with them, both with the ANC  
9 Commissioners and their constituent groups and we're  
10 very happy and very proud to report that we have  
11 received the continuing commitment of the community  
12 in working with us on this project and both  
13 organizations have voted unanimously in favor of  
14 supporting this project.

15 We've also worked very closely in a  
16 community outreach program with one of the members of  
17 our team, Loretta Caldwell and Associates. She has  
18 contacted over 150 local organizations and community  
19 groups by and through personal one on one meetings,  
20 mail, e-mail, fax, phone interviews, to inform them  
21 of what is going on here at the DOT project and the  
22 potential future uses of the Southwest Plaza, which I  
23 will speak to more later.

24 As a result of that effort, JBG has  
25 received over 80 verbal commitments of support as

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1 well as 20 letters of support, some which have  
2 already been submitted to the Zoning Commission.

3 In addition, we've met with and presented  
4 to other Southeast ANC 7A and 8E during public  
5 meetings this past summer. These two ANCs have  
6 expressed an interest in the new public spaces we're  
7 creating with our project and ANC 7A has agreed to  
8 support our project, while ANC 8E decided to defer  
9 its decision until ANC 6D took action on it.

10 We've also been working very closely with  
11 congressional and local representatives. We have  
12 over the last year continued to meet with  
13 Congresswoman Norton, the Ward 6 City Councilmember  
14 Sharon Ambrose, both whom have written unqualified  
15 letters of support for this project.

16 We've also continued to work very closely  
17 with the Mayor's office and particularly the Mayor's  
18 Office of Economic Development with Eric Price and  
19 his staff in advancing the positive attributes which  
20 we think this project will bring to the City and more  
21 particularly, the southeast neighborhood in which it  
22 will reside.

23 So we have been very busy. We've been at  
24 work really trying to involve all members of the  
25 community and one of the challenges of a project of

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1 this size and scale and, given the rather extensive  
2 list of amenities that is part of our PUD, will be  
3 for me to try to highlight all of them. I'm not  
4 really going to get into detail but that's one of the  
5 challenges, but I think it's also just in terms of  
6 the length of the list, is also indicative of the  
7 level of commitment of this team to this project.

8 One of the things I think that, before I  
9 get to the specific amenities that is frequently  
10 overlooked is the importance of reintroducing this  
11 project in its entirety. We have a unique situation  
12 here with the road network, the street dedication and  
13 the introduction of this site back into the District  
14 urban fabric, presents a very unique opportunity.  
15 The most significant benefits will be creation of new  
16 city infrastructure with this project. We have  
17 creation of three new streets, New Jersey Avenue,  
18 Fourth Street and Tingey Street and our traffic  
19 engineer, Lou Slade is here this evening and will  
20 provide additional detail in that regard.

21 We have, and these streets, and the ones  
22 that will afford the community and the neighborhood  
23 unprecedented access to the Anacostia waterfront for  
24 the first time in over 100 years and this, not only  
25 are we excited about, but the community itself is

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1 excited about in terms of having that access.

2 In terms of the project amenities and  
3 public benefits in particular I think you were just  
4 handed a packet of information and I'm going to use  
5 that to just highlight some of the amenities that we  
6 are offering with our PD application.

7 The first, I've spoken of the dedication  
8 of land area for roads that would all meet DDOT  
9 standards, and we've been working very closely with  
10 DDOT on that, so as you can see, there is almost  
11 30,000 square feet dedicated from New Jersey Avenue  
12 and portions of Fourth and Tingey and that these  
13 streets will all be designed and constructed to the  
14 roadway standards.

15 We are also committed to adapting and  
16 reusing Building 170, including at least 8,000 square  
17 feet of retail with a possibility with some mezzanine  
18 levels, of increasing that up to 18,000 feet, and  
19 there's a little bit more detail to this packet that  
20 we just handed out with regard to that.

21 We've also heard the balancing the needs  
22 in terms of additional retail in working with the  
23 user requirements and working with the community and  
24 Office of Planning, and we're happy to report that we  
25 have included permanent retail structures at the

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1 corner of New Jersey Avenue and M Street, at the  
2 intersection of M and Fourth Streets, and in the  
3 Southwest Plaza so there is an additional almost  
4 6,000 square feet of retail that has been included in  
5 that area.

6 We also have a seasonal kiosk program  
7 along M street which will provide an opportunity for  
8 further animation along M Street and the kiosks are  
9 not with the exception of the one I called out at M  
10 and Fourth, are not included in that square footage  
11 total.

12 We have also committed to providing the  
13 ability to convert the first floor retail, or the  
14 first floor space on M Street to retail at the time  
15 of federal tenancy would cease in the building and we  
16 are building the structural standards such that it  
17 would accommodate that in terms of ceiling heights  
18 and grade.

19 There is also a contribution of \$1.5  
20 million that's being made towards area wide benefits.

21 We have a transportation site animation and  
22 activation program which we have provided some  
23 previous material to you on, enhanced landscaping and  
24 streetscape materials for approximately 170,000  
25 square feet of open space. And the one thing we've

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1 continually heard from the community was their  
2 absolute endorsement and desire for the open space.

3 Time and time again was one of the  
4 complaints that we had heard was a lack of open space  
5 in that entire area and that is something that all  
6 groups seem to embrace and we are very happy to see  
7 in our plan.

8 The Southwest Plaza forms part of that.  
9 There's about 35,000, and if you include up to the  
10 building's edge, it's about 52,000 feet of area that  
11 will accessible in that Southwest plaza. So there  
12 are many opportunities for activation and activities  
13 in that area.

14 I'll move along quicker. Environmental  
15 benefits in, there's a tab B in your materials, and  
16 we've listed an extensive list of environmental  
17 benefits.

18 In Exhibit C there's a contribution,  
19 there's a \$2.5 million contribution toward the Canal  
20 Block parks which is an offsite contribution,  
21 something that will also provide additional open  
22 space in the community.

23 There is another contribution in Exhibit  
24 D. You can see \$75,000 towards a comprehensive  
25 signage program and, as Ben has already touched on,

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1 are first source employment opportunities, including  
2 preference for residents within the advisory  
3 neighborhood commission 6B and 6D, and the LSDBE  
4 opportunities and that's in Tab E of some  
5 supplemental material from what was previously  
6 supplied.

7 So in moving along with regard to  
8 amenities, one of the things that we're very happy  
9 and excited to be here. We are very anxious to move  
10 forward. We first, I guess, appeared before you  
11 almost six months ago if we can believe that in terms  
12 of when we came here. We're excited, the user is  
13 excited and we really want to get about our business.

14 So I'd like to thank you for the  
15 opportunity to discuss this unique project this  
16 evening and be happy to answer any questions at the  
17 conclusion of our presentation.-

18 CHAIRPERSON MITTEN: Thank you.

19 MR. QUIN: Thank you. Our next witness is Mr.  
20 Turowski of GSA.

21 MR. TUROWSKI: Good evening Madam Chair and  
22 members of the Commission. My name is Arthur  
23 Turowski and I'm pleased to be here tonight  
24 representing GSA as co-applicant with the JBG  
25 Companies.

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1           As a 33 year employee of GSA, I have a  
2 long history in leasing federal office space and the  
3 development of federal buildings including the  
4 adaptive reuse of the Tariff Building, now known as  
5 the Monica Hotel, as well as the conversion to office  
6 space of the City Post Office.

7           During my career, my positions have  
8 ranged from lease negotiator to project manager to  
9 senior program executive. In my current position as  
10 director of leasing policy and performance in GSA's  
11 national capital region, I oversee 700 leases  
12 comprising 48 million square feet and \$1.2 billion,  
13 that's with a B, in annual rent.

14           As part of that responsibility, I am also  
15 responsible for overseeing the development of the new  
16 headquarters building for DOT in coordinating this  
17 project with the overall Southeast Federal Center  
18 overlay case. It is in this capacity that I appear  
19 before you today in support of this PUD application  
20 which would enable a new functional headquarters  
21 building for the U.S. Department of Transportation  
22 here in the CEA, Washington, D.C.

23           As you know, GSA is the government agency  
24 charged with providing office space for most of the  
25 federal work force. In this case we must find DOT

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1 replacement space for their 34 year old functionally  
2 obsolete headquarters building at 7<sup>th</sup> and D Streets,  
3 Southwest Washington, D.C.

4 I think it's fair to say that, if the  
5 national transportation system, an infrastructure,  
6 were as obsolete as the headquarters offices of the  
7 agency entrusted with its care, the hue and cry for  
8 action would be unmistakable.

9 Also, while we would prefer to house  
10 DOT's headquarters in a government owned building,  
11 funds are unavailable for that purpose and we  
12 therefore must lease a private building to meet this  
13 need.

14 For a number of years we've worked with  
15 DOT to completely identify their space needs and to  
16 identify an acquisition strategy that held the best  
17 chances for success. That long process culminated  
18 with the issuance of a solicitation to lease  
19 proposals in November '99 for a new building for DOT.

20 That solicitation was very specific about DOT's  
21 needs in terms of 1.35 million square feet, a lease  
22 term, as it turned out, of 15 years, but consistent  
23 with the fiscal accounting scoring rules, location  
24 requirements in the CEA and other special  
25 requirements such as conference rooms, support areas,

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1 auditoriums and the like.

2 Also, the SFO made available for purchase  
3 11 acres at Southeast Federal Center for developers  
4 lacking a suitable site but desirous of building the  
5 building. Indeed, the scarcity of privately owned  
6 sites was a concern to us as we sought to satisfy  
7 DOT's requirement. Further, a federal office  
8 presence at Southeast Federal Center was consistent  
9 with all past planning for the property.

10 After a very public and competitive  
11 bidding process, the lease was awarded to the JBG  
12 Companies on February 1, 2002. Negotiations ensued  
13 and the conveyance agreement for the 11 acre  
14 Southeast Federal Center parcel was eventually  
15 executed on September 20, 2002. Under the terms of  
16 that agreement, JBG must deliver a headquarters  
17 building to DOT in 2006. Of course, in the virtual  
18 midst of this process, the events of 9/11/01  
19 happened.

20 As you will hear from Mr. George Fields,  
21 the construction of their new headquarters on this  
22 site, is very important to DOT. It meets all their  
23 space needs as well as the solicitation  
24 specifications, in terms of size, lease term,  
25 conveyance agreement and so forth. The unbuilt nature

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1 of the site also permits incorporation of all federal  
2 security criteria including DOT's security  
3 requirements. This is also important to GSA since  
4 our mission is to provide agencies with functional  
5 safe and secure environments.

6 In addition to meeting DOT's needs, the  
7 development of this site also provides the benefit of  
8 being a needed catalyst for development of the entire  
9 Southeast Federal Center and revitalization of the  
10 Anacostia waterfront. The site will serve as a  
11 catalyst for future development by providing an  
12 influx of federal workers, 5,500. To support retail  
13 and residential development and to create a lively  
14 and active waterfront. The project links the civic  
15 and federal architecture of Washington Southeast  
16 Federal Center and the revitalization of the  
17 Anacostia waterfront and reflects the prominence and  
18 importance of a cabinet level headquarters.

19 All this is consistent with the  
20 legislative intent of the Southeast Federal Center  
21 Public-private Development Act of 2000. The  
22 development of this site is an integral part of the  
23 proposed development of the Southeast Development  
24 Center in seven important aspects. It provides  
25 significant infrastructure upgrades for the Southeast

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1 Federal Center in the community. It allows for the  
2 dedication of public streets, it promotes pedestrian  
3 access to the waterfront and provides streetscape  
4 improvements and landscaped open spaces. It provides  
5 amenities to the larger community including the  
6 contribution to the Canal Blocks Park and Hope Six  
7 project.

8 GSA is very excited about this project  
9 and is pleased to be a co-applicant with the JBG  
10 Companies. More than anyone we understand DOT space  
11 and security needs and their interest in obtaining  
12 approval of their project as expeditiously as  
13 possible. We have been actively involved throughout  
14 all stages of the process, including the many months  
15 of negotiations with the Office of Planning.

16 We believe the project has been refined  
17 and improved as a result of that process and that it  
18 meets the City's goals and we ask for your prompt and  
19 favorable action.

20 MR. QUIN: Madam Chairperson, our next witness  
21 will be Mr. Tom Rowe of Michael Graves and we will  
22 try to catch up a little bit on our time.

23 CHAIRPERSON MITTEN: It's just a target. It's  
24 not a firm.

25 MR. QUIN: I know but we want to make certain

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1 that we complete this hearing tonight.

2 CHAIRPERSON MITTEN: I think we will.

3 MR. ROWE: Good evening Madam Chair and members  
4 of the Commission. My name is Tom Rowe. I am the  
5 principal in charge for this project for Michael  
6 Graves & Asc. With me tonight is Michael Crackel,  
7 who is the project manager from our office. Also  
8 with us from the design team are John Miller from  
9 Dineon from Arlington, Virginia, who's the executive  
10 architectural firm on the project, as well as Jeff  
11 Lee from Lee & Asc., who are the landscape architects  
12 of the project and they'll all be available for  
13 questions later on.

14 At the outset I want to extend Michael  
15 Graves asked me to extend his apologies for not being  
16 able to attend tonight. He recently underwent  
17 surgery and is currently recuperating in Florida. We  
18 have a letter I think addressed to you and the  
19 Commission that will be given to you with our  
20 package.

21 The project as was briefly introduced  
22 earlier by Wayne and Brian and Ben, comprises 11  
23 acres, I think we can use the lower, I think it's a  
24 little more readable. Eleven acres of the Southeast  
25 Federal Center in this location here on the

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1 intersection of New Jersey Avenue, M Street, Fourth  
2 Street bisected by the extension of Third and Tingey  
3 on the south.

4 The actual site right now does not have  
5 those roads as was explained to you and that will be  
6 part of the design work and part of the PUD  
7 application. The salient aspects of the surrounding  
8 sites are shown here. Immediately adjacent to the  
9 Southeast Federal Center is the Washington Navy Yard,  
10 the Anacostia River, the waterfront in this location,  
11 the extension of New Jersey Avenue, this is I-295 in  
12 this location, a mixture of commercial and  
13 residential neighborhoods immediately north of the  
14 site, the Navy Yard metro stop at the corner of New  
15 Jersey and M Street, as well as the existing  
16 buildings on the site to be maintained and there are  
17 four or five buildings on the Southeast site that are  
18 industrial in character and are meant to be  
19 maintained in the long term and adapted to new uses.

20 One of those buildings, 1701, appears on the site.  
21 Another, Building 167, is immediately to the south of  
22 the site.

23 These are some pictures of some of these  
24 buildings that give you an idea of the sort of mixed  
25 character of the neighborhood. This is an existing

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1 century tower at the corner of Fourth and M Street.  
2 This is a shot of M Street looking west and looking  
3 east and these are, this is Building 170 that appears  
4 on the site, building 167, with the proposed building  
5 to be placed behind it eventually, and then some of  
6 the other examples of architecture on the site.

7 The program that we were given was to  
8 provide in a single facility for the Department of  
9 Transportation 1,350,000 square feet of leasable  
10 space along with up to 24,000 square feet of retail  
11 space outside of the building. I'll explain a little  
12 bit about that in a minute.

13 That translates into an overall zoning  
14 floor area on the site of 1,478,000 plus or minus  
15 square feet for the FAR of 3.78. That FAR is  
16 calculated without the, based on the area excluding  
17 the land to be dedicated for the streets, New Jersey  
18 Avenue, Tingey, and Fourth Streets.

19 The other major part of the program in  
20 addition to satisfying the requirements to provide  
21 good modern office space, flexible office space and a  
22 variety of special use spaces and common areas for  
23 the DOT was to comply with the new security  
24 guidelines. This is classified as a level four  
25 threat to this building and without going into a lot

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1 of detail on the intricacies of the requirements,  
2 there were really three main issues that affect the  
3 urban planning and the architectural design at this  
4 scale that we're reviewing tonight.

5 They are first and foremost the 50 foot  
6 standoff from the defensible perimeter for the  
7 exterior walls of the building.

8 Secondly, they are the prohibition of any  
9 retail space within public accessible retail space  
10 within the footprint of the building and ideally  
11 within the 50 foot setback from a defensible  
12 perimeter.

13 The third is specific to this site and  
14 that was the prohibition against thru traffic on  
15 Third Street. Third street has been as you see in the  
16 plans has been extended visually but is not open to  
17 public traffic in this proposal and that was a  
18 requirement of the security guidelines. So we were  
19 asked to provide a single building so what we've done  
20 is provide, I'm sorry, also we were asked for 936  
21 cars and six loading berths, three 55 foot loading  
22 berths and three 30 foot loading berths.

23 The building has been organized around  
24 Third Street parallel to the extension of New Jersey  
25 Avenue maintaining a though pedestrian way which is

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1 being called M Place, connecting Fourth Street to New  
2 Jersey Avenue and establishing the Third Street  
3 pedestrian access with a 90 foot separation that  
4 matches the building lines to the north of the site.

5 You see along M Street the 50 foot  
6 setback from about two feet in from the curb, also  
7 along New Jersey Avenue and along M Place and along  
8 Building 167.

9 Briefly there are two complete levels of  
10 underground parking in the building. The two wings,  
11 the west wing and the east wing, are linked by an  
12 underground concourse for the employees and also some  
13 common facilities. The building is organized with  
14 its main pedestrian entranceway off of New Jersey  
15 Avenue which is one of the main diagonal streets of  
16 the L'Enfant grid, that we thought that that was the  
17 right place to put the main entry. Also diagonally  
18 across from the Navy Yard Metro station.

19 Other secondary pedestrian entrances are  
20 off of Third Street to each wing, one on each side  
21 and on Fourth Street. Loading access to the six  
22 berths is off of Fourth Street. This is a closed  
23 managed loading dock. Offsite screening for all  
24 deliveries is planned for the DOT right now. Parking  
25 access is three lanes, two lanes in one lane out, one

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1 reversible, really, off of Tinge and Third and  
2 beneath the building in this location here. The  
3 ramps happen inside the building. The retail spaces  
4 that we were asked to provide include approximately  
5 800 square feet of retail on the corner of New Jersey  
6 and M Street, the very prominent corner. It should  
7 get a lot of business whatever the tenant is, a café  
8 or coffee shop, a small kiosk marking the corner of  
9 Fourth Street and M Street directly opposite the  
10 brick century tower, That kiosk could be for  
11 newspapers and other, you know, candy and so forth.

12  
13 A new approximately 4,000 square foot  
14 flexible retail structure in this location at the  
15 corner of Tinge and New Jersey Avenue in the  
16 southwest plaza, and the adaptive reuse of Building  
17 170 in this location at the corner of Third and Tinge  
18 Street.

19 I think we put the landscape plan up  
20 there for a reason. We thought and worked hard with  
21 Jeff and his associates, Jeff Lee and his associates,  
22 to integrate the open space with the design of the  
23 building. As has been mentioned there's quite a bit  
24 of open space about 49 or 48 percent, I believe, of  
25 the land area after the streets are dedicated is

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1 publicly accessible open space. The 50 foot setback  
2 enables us to along M Street create a linear park  
3 defined by street trees typically, I think these are  
4 oaks or honey locusts, along M Street accented by  
5 flowering trees along the seeding areas, these  
6 seeding areas up and down the linear park. These  
7 could work for a variety of uses in the future.

8           Likewise the M Place is defined by the  
9 brick paving combination, brick paving and precast  
10 with the flowering trees. These, the defensible  
11 perimeter is established all along here by a  
12 combination of bollards, low benches, the trees and  
13 planters and the fountain.

14           This is what we're calling the Southwest  
15 Plaza. This has been sited here to take advantage of  
16 the sun, the proximity to the water to encourage  
17 people through the site and to use this part of the  
18 site and also with the hope or thought that there  
19 might end up being a public open space at the end of  
20 New Jersey Avenue that really is a gateway to the  
21 waterfront. So this space is specifically designed  
22 to be outside the perimeter to present the  
23 opportunity for different uses without security  
24 clearances or things like that, so this could be used  
25 for all kinds of different activities and Brian I

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1 think alluded to working with some of the local  
2 groups on programming that space.

3           The design of the building, you can see  
4 here, let's start with the New Jersey Avenue. This  
5 is a perspective of what we will do is use these  
6 perspectives to walk around the building to explain  
7 the building.

8           The West Wing of the building is nine  
9 stories above grade. The East Wing is eight stories  
10 along the 90 foot separation. On Third Street the  
11 height is six stories. So the height to the parapet  
12 on the west building measured from the mid point from  
13 M Street is 121 feet. It's 180 feet 9 inches on the  
14 east building and I believe it's 86 feet 9 inches  
15 along Third Street.

16           So this is a shot from Pennsylvania  
17 Avenue. You can see this marks the main entry down  
18 below there. Mike is holding a detailed shot of the  
19 main entry.

20           I think our intent for this building, in  
21 designing this building and composing it was really  
22 to make a building that acknowledged (a) its size and  
23 its place in the City and its function as a home for  
24 a cabinet-level agency, the DOT, a very prominent  
25 agency.

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1           At the same time we understand that this  
2 is a mixed use neighborhood adjacent to this site and  
3 the building couldn't really be like a piece of the  
4 downtown, the monumental core transplanted to  
5 Southwest Washington, D.C.

6           So what we did was that we made sure that  
7 all the facades follow the streets, New Jersey, M and  
8 Place, Tinge, Third and Fourth, to encourage that,  
9 you know, to define the streets, to encourage  
10 activity along those sidewalks and encourage  
11 connection from north down through the site to the  
12 waterfront and we then, if you can show the New  
13 Jersey Avenue again, Mike, please?

14           We define the front entry as with a  
15 mixture of white precast and cut stone, to the third  
16 level. These very intentionally, the front entry on  
17 New Jersey Avenue, very intentionally has a larger  
18 scale than the remainder of the building to identify  
19 that front entry and to identify New Jersey Avenue as  
20 a main radial avenue in L'Enfant's plan, and then to  
21 contrast that with these vertical bays of combination  
22 of red precast with the stone base.

23           These bays are meant in their color and  
24 in the vertical orientation are meant to recall the  
25 more mixed use and the more vernacular neighborhood

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1 quality of Washington, Capitol Hill and neighborhoods  
2 like that.

3           So the building was really seen as an  
4 interweaving of this more classical formal tradition  
5 in Washington, which is obviously rich and we thought  
6 that the DOT should take part in it and should use it  
7 to help identify itself, as well as a more common  
8 vernacular row house low rise commercial architecture  
9 that identifies most of or a good portion of, the  
10 District. That theme is carried through by the way  
11 that we scale the windows. For instance we double on  
12 the white areas of the building. We've double scaled  
13 the windows to change the scale. They're still  
14 recognizable as windows very similar to a double hung  
15 window you might have in your house but in a much  
16 larger scale. The façade is broken up into three  
17 parts vertically into a base, into a body of the  
18 building and into an attic of the building, again  
19 similar to classical architecture, similar to the  
20 classical orders but without really using any of  
21 those specific methods, any specific historical  
22 styles to identify this. This is a modern building  
23 for a modern agency and we didn't think it needed  
24 that definitive stylistic reference to give it its  
25 presence.

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1                   To go briefly through the rest of the  
2 materials on the building, the vertical bays I was  
3 talking about are this red precast. This is a red  
4 metal on that frames the windows and a stone base at  
5 ground level. The white areas have a granite base at  
6 ground level on New Jersey Avenue, Vermont marble cut  
7 stone base up to the third floor sills and then the  
8 white precast above that. The infill areas are a  
9 mixture of green precast, green painted aluminum  
10 frame windows and accents and a blue-green stone  
11 base. This is the metal, the painted metal panel for  
12 the penthouses above.

13                   So we'll walk around the building  
14 quickly. Again this is New Jersey Avenue. This is a  
15 perspective view. You can see the vertical  
16 divisions, the 30 foot vertical divisions of the red  
17 precast contrasting with the white so you get that  
18 interweaving, and the breaking down of the scale.

19                   This is a view from the corner of Tinge  
20 and New Jersey Avenue showing the Southwest Plaza and  
21 the new retail. The new retail is detailed to be  
22 commensurate analogous to the industrial buildings  
23 that are on the site and the mixture of brick, steel,  
24 metal and glass.

25                   This is an aerial view of that same

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1 space. This is the Southwest Plaza that we spoke of  
2 before, a linear fountain defines the north edge of  
3 that plaza, this is the retail, existing Building  
4 170, and then this existing space was specifically  
5 left open to encourage really kind of a multifunction  
6 activity and flexibility of programming and is  
7 bordered by the double rows of trees on two sides.

8 This is a shot looking back up M Place,  
9 looking east on M Place again showing the back end of  
10 that Southwest Plaza with the new retail structure  
11 and Building 170 and showing outdoor dining in this  
12 view. This shows the fountain along, you can start  
13 to see also in this case some of the walking museum  
14 that we were talking about before. It is planned  
15 that there will be through this site, it will be  
16 inlaid into the ground and augmented by different  
17 displays, a route that describes transportation in  
18 America, also describes some of the local areas and  
19 local history of the site and you'll see some of that  
20 as we go through these perspectives.

21 This is a view looking up Third Street  
22 with the two pedestrian entrances on either side.  
23 This is a stamped asphalt surface. Third Street has  
24 been designed as a pedestrian plaza but it is  
25 structured with proved DDOT sub base so that, if

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1 indeed tenancy changes, or the security criteria  
2 changes in the future, that can be opened up to  
3 traffic in the future.

4 Also in this you'll start to see some of  
5 these displays that would be on the walking museum.

6 This is again looking up M Place and you  
7 can see, I'm sorry, this is along M Street. You can  
8 see the integration of bollards with plantings, the  
9 double row of trees and the mixture of brick, you  
10 know, different kinds of brick with precast pavers  
11 and granite faced benches.

12 I've been asked to speed up so we'll try  
13 to get done here. To conclude, that about sums it  
14 up. I mean, we're excited to be part of this  
15 project. It's an interesting project. We were  
16 curious as how the security guidelines would affect  
17 us. We've worked on many federal projects and are  
18 currently working on federal projects where security  
19 is a concern.

20 In this case I think it's been handled  
21 probably the most successfully as any of the ones  
22 we've worked on. It's really been turned into an  
23 amenity and I think it's important and I think it's  
24 gratifying. I think it will be good for the  
25 neighborhood. I think there are plenty of examples

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1 of parks on one side, retail and commercial uses on  
2 the other where that side of the street, particularly  
3 the sunny side of the street, is extremely active and  
4 attractive with the buffer of the green across the  
5 street.

6 So we are very pleased with the way the  
7 project has come out and with the collaboration of  
8 everybody, GSA, JBG and everybody on the team. So  
9 thank you.

10 CHAIRPERSON MITTEN: Thank you.

11 MR. QUIN: Madam Chairperson, our next witness  
12 is Mr. George Fields, Department of Transportation.

13 MR. FIELDS: Good evening Madam Chair and  
14 Commission members. My name is George Fields. I am  
15 the project director for DOT for this headquarters  
16 project.

17 In the interests of time I did have some  
18 prepared remarks this evening but I think based on  
19 your attention to the architects, I think we'll spend  
20 our time this evening giving you that kind of  
21 information.

22 Let me just simply say to you that we at  
23 DOT fully support this particular project as  
24 currently designed. The site meets all of our needs  
25 in terms of size, lease term, location and security

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1 requirements.

2           The design of the facility will  
3 accommodate our mission and staff needs well into the  
4 21<sup>st</sup> Century. The unbuilt nature of the site allows  
5 us to incorporate the federal security requirements,  
6 requirements quite frankly not only new to us but new  
7 to all of us within the federal structure.

8           Many are aware of the public nature of  
9 DOT's transportation infrastructure and safety  
10 responsibilities conducted through our operating  
11 units such as the Federal Highways Administration and  
12 the federal transit administration.

13           However most are not aware of DOT's  
14 national emergency responsibilities that require the  
15 activation of a mission critical crisis management  
16 center. DOT's crisis management center is a 24 x 7  
17 operations center that monitors the nation's  
18 transportations systems. It is from this facility  
19 that DOT develops and implements operational  
20 responses to all types of emergencies including  
21 security related incidents.

22           The center's full activation during the  
23 recent Hurricane Isabel, as well as the grid  
24 electrical blackout in recent weeks is an example of  
25 where we in fact have had to fully operate the crisis

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1 management center and have had that under operation  
2 last week.

3           Wherever there is air space hazardous  
4 materials transportation or rail entities, our work  
5 directly supports national security by monitoring and  
6 protecting our transportation infrastructure and  
7 providing emergency response and recovery activities.

8           As was indicated in Secretary Minetta's  
9 July 2 letter to the Commission, and that's shown at  
10 Exhibit G of the package that you have, the  
11 development of security requirements for federal  
12 buildings has been and continues to be an evolving  
13 process. There are many requirements that DOT has  
14 incorporated into this facility, the primary ones for  
15 the purposes of our discussion this evening are  
16 security-related. Exactly what are those DOT  
17 security requirements?

18           I think they have been mentioned by Tom  
19 Rowe previously but let me just reiterate those.  
20 First, a 50 foot setback establishing a defensible  
21 perimeter to vehicular intrusion around the building.

22           The 50 foot setback meets the ISC criteria and as  
23 Tom has indicated, this setback allows for a  
24 landscape park and open space area.

25           Secondly, removal of publicly accessible

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1 retail from the building footprint. The existence of  
2 such retail space in building footprint has been  
3 identified as an unacceptable security risk.

4 As mitigation for this security  
5 requirement first it is proposed that there be retail  
6 kiosks along M Street, as has been demonstrated to  
7 you, and in the Plaza and New Jersey Avenue and Tinge  
8 Street.

9 Additionally, the building has been  
10 designed with floor to ceiling heights and other  
11 features that will permit the ground floor to be  
12 converted to retail use in the future if or when DOT  
13 vacates the site.

14 Lastly, DOT's third security requirement  
15 calls for the continued closure of Third Street to  
16 vehicular traffic with exception of access for  
17 emergency vehicles.

18 It has been determined that uncontrolled  
19 access would pose an unacceptable security risk.  
20 Even if we were to try to incorporate a 50 foot  
21 setback along Third Street, the opportunity for  
22 catastrophically the two wings of the building in a  
23 single terrorist event poses too great of a risk.

24 As a mitigating feature the design allows  
25 for an attractive pedestrian walkway with a walking

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1 transportation theme museum, establishing a creative  
2 balance between DOT's security needs and an urban  
3 design that provides overall benefit to the  
4 community.

5 Additionally the design would allow Third  
6 Street to be converted to unrestricted vehicle access  
7 if or when DOT vacates the site.

8 In all respects the Department of  
9 Transportation security requirements have been  
10 closely coordinated with the federal protective  
11 service and the Department of Homeland Security and,  
12 more important, the design has undergone an extensive  
13 and quite frankly, a rather collaborative  
14 transformation to mitigate the security requirements  
15 so as to present DOT as an attractive and welcome  
16 addition to the neighborhood.

17 We believe that the project, as designed,  
18 meets DOT's needs, federal security requirements and  
19 also the City's goals and visions for this area of  
20 the City. We are quite anxious to see this  
21 particular project move forward. We have been at  
22 this for I have to say almost 20 years trying to get  
23 a new headquarters building and look forward for your  
24 positive action on this.

25 Thank you.

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1 CHAIRPERSON MITTEN: Thank you.

2 MR. QUIN: Madam Chairperson, our next witness  
3 is Mr. Lou Slade from Transportation. His report is,  
4 two reports have been filed most recently as in tab  
5 B.

6 MR. SLADE: Madam Chair, Commissioners, my name  
7 is Louis Slade. I will give you very brief testimony  
8 and highlight the points made in tab B.

9 I'm going to go right to truck loading.  
10 We have a positive referral from DDOT. DDOT  
11 recommended that you consider a condition that would  
12 restrict trucks during the commuter weekday peak  
13 hours in the morning and afternoon. The Applicant  
14 has submitted an alternative language for that  
15 condition that we think will work well for both DDOT  
16 and the Applicant, and that is, to restrict large  
17 trucks, larger than 30 feet, during those hours and  
18 to allow smaller trucks during all times, because the  
19 small trucks can come down Fourth Street, turn  
20 directly into the loading dock, head in, make a  
21 reverse movement into the dock to do their business  
22 and then drive right out without interfering with  
23 traffic on Fourth Street.

24 Larger trucks will have to back in on  
25 Fourth Street and they would be restricted during

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1 these commuter peak periods. So we hope that  
2 condition will work for you.

3 In brief, our traffic study identified  
4 that Fourth Street and New Jersey Avenue will have to  
5 be signalized at M Street and the Applicant has  
6 agreed to install his traffic signals.

7 USDOT has had for years a very effective  
8 transportation management plan which makes this  
9 project work as far as parking with 936 parking  
10 places for 5,500 employees. I think this is the most  
11 effective large employer transportation management  
12 plan in the U.S. Only 18 percent of the employees  
13 drive alone to work.

14 And that's why the parking works at such  
15 a small level.

16 The curb along the three new streets,  
17 three new operational streets, will provide space for  
18 up to 90 curb metered parking spaces and that will  
19 provide for the practical need for the retail that  
20 would be part of the project as well as curb lane  
21 space for the loading requirements associated with  
22 retail projects.

23 We have already been working with DDOT on  
24 how those curb spaces would be used along these new  
25 streets.

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1                   Finally DDOT asked us to do a  
2 supplemental analysis to look at what's going to  
3 happen in the future beyond USDOT with the Southeast  
4 Center development and the road improvements that are  
5 being studied by DDOT now and we submitted a  
6 supplemental report which is being looked at by DDOT  
7 and other studies are being done to ensure that, with  
8 Third Street not being available to traffic but only  
9 to pedestrians, there will be adequate access for all  
10 the development that's going to happen along this  
11 riverfront.

12                   So with that our studies show that the  
13 impacts of this Application are within acceptable  
14 standards, USDOT has an excellent management plan for  
15 traffic, parking and loading and therefore this  
16 Application will have no adverse impacts on health,  
17 safety and welfare. Thank you.

18                   CHAIRPERSON MITTEN: Thank you, Mr. Slade.

19                   MR. QUIN: Madam Chairperson, our last witness  
20 is Mr. Steven She. The clocks says one minute twelve  
21 seconds.

22                   CHAIRPERSON MITTEN: That's good because that's  
23 all the time he needs.

24                   (Laughter.)

25                   MR. SHER: Good evening, Madam Chair, members

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1 of the Commission. For the record, my name is Steven  
2 E. Sher, the director of zoning and land use services  
3 of the law firm of Holland & Knight.

4 Unaccustomed to having this much time I  
5 will speak quickly. You have in your package under  
6 Exhibit L, my outline of testimony and I think I will  
7 speak to three points. On page 8 I have looked at  
8 the standards the Commission sets forth in section  
9 2403 for evaluating a PUD and the impacts of this  
10 particular project being essentially favorable on the  
11 area with the height and density consistent with  
12 existing and permitted height and density to the west  
13 with the tax base implications favorable for the  
14 District with parking provided and no adverse impact  
15 on traffic, as Mr. Slade has just gone through.

16 As Mr. Quin mentioned in the very  
17 beginning, the notion that this project unlocks the  
18 Southeast Federal Center, is the key to what happens  
19 after it. It provides the access from M Street to  
20 the south. It puts 5,500 employees into an area  
21 which begins to provide the base for retail services  
22 and which sets up what happens later as you go  
23 through the remaining 44 acres of the site.

24 On pages 9 and 10 we've looked at the  
25 balance of public benefits in project amenities with

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1 development centers and flexibility that the project  
2 asks for and I think if you tote that up you would  
3 find that the project more than satisfies that  
4 balancing test that the Commission is required to  
5 apply.

6 Third, with respect to the comprehensive  
7 plan, this one is a little bit different than in a  
8 lot of cases because in this case you have federal  
9 elements that I think are especially relevant to what  
10 happens here as well as the District elements and it  
11 is the two, the federal and District, which together  
12 form the comprehensive plan and, on pages 16 and 17,  
13 I have looked at federal goals, federal facilities  
14 and federal employment elements and, of course, this  
15 is a federal project notwithstanding that it is in an  
16 owner lease building and is subject to zoning, it is  
17 still essentially the headquarters of the U.S.  
18 Department of Transportation and all of those  
19 policies with respect to the location of federal  
20 facilities in the District of Columbia, I think are  
21 especially relevant and on the last page I have given  
22 you my conclusions with respect to how this complies  
23 with the requirements of the regulations and my  
24 analysis and evaluation suggests to me that it meets  
25 all the relevant standards and the project should be

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1 approved.

2 CHAIRPERSON MITTEN: Thank you Mr. Sher.

3 MR. QUIN: Madam Chairperson, the last point I  
4 want to make is that Boland Smart's economic report  
5 is under tab D. I will not take the time to  
6 summarize. There is a table in there that quickly  
7 gives you a summary.

8 And that concludes our direct  
9 presentation.

10 CHAIRPERSON MITTEN: Thank you, Mr. Quin. Let  
11 me ask for questions from the Commission. Mr.  
12 Parsons?

13 COMMISSIONER PARSONS: I like this project a  
14 lot. I think it's going to be very, very special.  
15 But I'm deeply troubled by M Street.

16 I want to ask a series of questions to  
17 try to get a little more information into the record  
18 as to why we're making this decision. You know, the  
19 tradition in this city is to build to the lot line.  
20 Not true of the federal government on the Mall or in  
21 the Federal Triangle, but that is our tradition, that  
22 is our City, is to have the full block of the  
23 building developed and the sidewalk adjacent.

24 So here for a circumstance that exists in  
25 this country at the moment, we find ourselves with an

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1 agency that has declared medium. And lo and behold,  
2 the first question I wanted to ask is of the witness  
3 that?s come to the table.

4 So Mr. Turowski, you in your RFP or  
5 whatever analysis that was done before you started,  
6 declared or determined that this agency was medium  
7 and I?m trying to determine without declaring, you  
8 know, secrecy in the room and clearing the room from  
9 those who have clearance, what it would take or what  
10 is it that brings this Agency to a medium level as  
11 opposed to the next level down which I don?t know  
12 what it is.

13 Is it what Mr. Fields described as a  
14 crisis management center? I mean, are there elements  
15 within this building that could be removed and taken  
16 to a more secure location or located elsewhere on the  
17 property, below grade, whatever, that would give us  
18 the opportunity to move this building on the north  
19 side closer to M Street?

20 MR. TUROWSKI: What renders this particular  
21 tenancy medium is in large measure it? size, the  
22 number of employees. It is 1.3 million square feet.

23 It is 5,500 employees. Medium levels of risk kick  
24 in, if you will, at size levels of 150,000 feet and I  
25 believe it?s 250 employees. This size, the sheer

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1 size of this headquarters installation makes it what  
2 it is riskwise in large measure.

3 COMMISSIONER PARSONS: So it has nothing to do  
4 with its function? It could be school teachers? It  
5 could be the same, it has nothing to do with the  
6 security of the crisis management center or any other  
7 functions within the building?

8 MR. TUROWSKI: At this level that's true.

9 COMMISSIONER PARSON: Okay well, that's  
10 frightening. Because that means that, as you said in  
11 your testimony, that federal funds are not available  
12 to house, to build federal buildings and we're going  
13 into a lease structure.

14 So it would appear if I was to carry it  
15 to the ridiculous, that you would be coming back here  
16 time and time again declaring that these buildings  
17 are medium security and we would be setting back from  
18 50 feet from the curb for every building that GSA is  
19 building over a certain size, is that correct?

20 MR. TUROWSKI: Well no it isn't. The creation  
21 of security standards after 9/11 by the Interagency  
22 Security Committee and by policy statements from our  
23 own headquarters office, Commissioner Moravek's  
24 office, doesn't require that every agency overnight  
25 in its existing locations certainly, achieve

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1 optimized security measures.

2           The combination of circumstances that we  
3 have here for the Department of Transportation which  
4 requires that we implement 50 foot setbacks, we have  
5 an expiring lease, we have to move, the agency has to  
6 be housed. To house them the building has to be  
7 built and, when those circumstances combine we think  
8 it's a smart thing to do and in fact the criteria  
9 that we have in the federal government is to apply 50  
10 foot setbacks to those kinds of situations.

11           MR. QUIN: Mr. Turowski, just to further that,  
12 and maybe Mr. Fields can address that.

13           In the submission that was given to the  
14 zoning commission, there were really essentially two  
15 different areas of how you determine there to be a  
16 setback requirement. One was the size which you have  
17 now talked about. And the Department of  
18 Transportation had a mission statement and I would  
19 like Mr. Fields to address the mission side of it,  
20 which I think there are two different ways of  
21 calculating it, one which has been addressed by Mr.  
22 Turowski.

23           MR. FIELDS: One of the issues associated with  
24 the mission of DOT is that it is in fact a cabinet  
25 agency and it is in fact the headquarters facility

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1 for that cabinet agency. That would also have an  
2 effect upon that 50 foot setback. That's all a part  
3 of that Interagency Security Council review process.

4 So that would in fact have an impact upon  
5 the 50 foot.

6 COMMISSIONER PARSON: Well, Mr. Turowski, can  
7 you project where we're going here? I mean, if?

8 MR. TUROWSKI: I think so, yes.

9 COMMISSIONER PARSON: If transportation gets  
10 this why doesn't Interior or EPA or Agriculture or  
11 Commerce? I mean, if everybody gets as paranoid as  
12 we are today and continues on this way, everybody  
13 will be wanting to move into your new lease buy or  
14 arrangement in the Southeast Federal Center so  
15 they'll be secure.

16 MR. TUROWSKI: The criteria don't create an  
17 entitlement to 50 foot setback and for cabinet level  
18 agencies to move from existing locations.

19 Similarly they don't create an  
20 entitlement for the, I think it is, 17 leases that we  
21 have here locally that exceed 150,000 square feet, to  
22 build to suit solutions at all.

23 Take for example the 150,000 foot lease  
24 in place today. That lease has got 6-7 years to run.

25 The agency has a preference, the tenant agency has a

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1 preference for staying where it is. The budget to  
2 move is particularly onerous for those agencies so  
3 they remain in existing buildings and we go to the  
4 available space market to satisfy. The ISC criteria  
5 for 50 foot setbacks don't apply to existing  
6 buildings. When you're staying in existing  
7 buildings.

8 COMMISSIONER PARSON: Have you got any other  
9 proposals you're considering now? RFPs to go out on  
10 the street for private leases of this type or any  
11 other to say 50 foot setbacks?

12 MR. TUROWSKI: Securitywise, all cabinet level  
13 agencies today given treat levels that we've recently  
14 experienced, what you see is what you get. We have  
15 no cabinet level agencies demanding 50 foot setbacks  
16 or new headquarters or new build to suit lease  
17 solutions.

18 Amongst the 17 150,000 foot and above  
19 leases we have in the District of Columbia, there are  
20 no demands on the part of that client base, customers  
21 we call them, for build to suit solutions for 50 foot  
22 setbacks at all. And by the way, those agencies are  
23 far, sizewise, far smaller than DOT.

24 COMMISSIONER PARSON: So this is the only one  
25 on the table? We don't have two?

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1 MR. TUROWSKI: This is the only one on the  
2 table. It's a conspiracy of circumstances, as it  
3 were. It's a cabinet level agency.

4 It's a million feet. It's an expiring  
5 lease, it is a scare budget climate and it is the  
6 application of a set of criteria security criteria  
7 for new buildings, new buildings, be they owned or be  
8 they leased.

9 COMMISSIONER PARSON: Well thank you,  
10 gentlemen. I didn't expect any different answers.  
11 So let's to Mr. Rowe because I'm going to try to  
12 discuss a design solution.

13 So Mr. Rowe I'm talking about M Street  
14 and as you well know it's a north facing street.  
15 It's probably the most dismal side of your building  
16 from a pedestrian environment except in the middle of  
17 summer.

18 I see different sketches, some with  
19 umbrellas and tables and somewhat I will consider a  
20 very sterile but well landscaped environment.

21 Is it the intent at all, and I know  
22 you're not managing the building, others may follow  
23 you, but is there space here where people could sit  
24 and enjoy an afternoon in the shade in the summer or  
25 is this what we get? Is that sketch, it's the

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1 perfect one to show, by Mr. Crackle, is that it?

2 MR. ROWE: I think that it is certainly the  
3 intent of the design, the landscape design, is to  
4 provide areas up and down and Mike, if you've got the  
5 plan it would help, up and down M Street that break  
6 up that length of M Street. So if you notice there  
7 are essentially square seating areas defined by  
8 benches in these locations. And they match the bays  
9 of the building and these are equipped with benches  
10 and also provide the pedestrian access up and down  
11 the street with the buffer along the street being  
12 predominantly planters surrounding the street trees.

13 COMMISSIONER PARSON: So the only retail as I  
14 understand it is at the east end which is the candy  
15 and magazines?

16 MR. ROWE: That's right, small kiosks, exactly.  
17 And also between 800 and 1,000 square feet at the  
18 corner. Plus seasonal retailers, is being planned.

19 COMMISSIONER PARSONS: Seasonal retail where?

20 MR. ROWE: Yes, kiosks. Kiosks along M Street.

21 COMMISSIONER PARSONS: That's what I've heard  
22 about, read about but I haven't seen about. Maybe  
23 that's not your charge to?

24 MR. ROWE: We've been in the discussions but I  
25 have not seen the final report. Perhaps?

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1           COMMISSIONER PARSONS: It's a struggle from a  
2 design standpoint because how often can you really  
3 have viable retail out here because of the north  
4 face?

5                     Let me ask you this? I'm going in  
6 another direction but go ahead, Mr. Quin.

7           MR. QUIN: Just to complete your.

8           CHAIRPERSON MITTEN: Would you turn on your  
9 microphone for me?

10           MR. QUIN: Sorry. Under tab A of what was  
11 handed as part of JBG's, if you look at tab A you  
12 will see a description of the retail visual aids for  
13 it as well, which may be more helpful.

14           CHAIRPERSON MITTEN: Sorry, what tab again?

15           MR. QUIN: Tab A.

16           COMMISSIONER PARSONS: Oh, tonight's tab A.

17           MR. QUIN: Sorry to interrupt. I just wanted  
18 to make sure you knew that that was there. And that  
19 covers.

20           COMMISSIONER PARSONS: Oh, Barcelona, eh?

21           MR. QUIN: That covers Boston. Barcelona.  
22 Metro Silicon Valley? Santa Monica.

23           COMMISSIONER PARSONS: So it is not the intent  
24 to put permanent kiosks out there but bring them out  
25 in July, August, today, on a temporary basis?

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1 MR. QUIN: It would have to match the season  
2 obviously and demand.

3 COMMISSIONER PARSONS: Sure. All right, let me  
4 ask this. It's probably going to be a little weird.  
5 Is there a way to move a façade towards M Street 30,  
6 40 feet, with nothing behind it that would give us  
7 the feeling that the building was on that line and  
8 that the building could be expanded into that space  
9 when I will say the war is over, 20, 30 years from  
10 now?

11 In other words, could we say that this is  
12 not a permanent condition? That we, the Zoning  
13 Commission, this is not a permanent acceptance of a  
14 condition, it's a temporary blip on the history of  
15 the United States, and that we would permit the  
16 building to go out to a more traditional width at  
17 such time that it was possible, allowing expansion of  
18 the building in the future, more FAR, Mr. Jacobs is  
19 not nodding but I just think that we are overreacting  
20 or reacting, not overreacting, to something that will  
21 seem very silly 25 years from now and a potential  
22 lost opportunity may be visited by future  
23 Commissions.

24 I don't plan to be here then, although I  
25 see Mr. Sher questioning that.

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1           But it just seems to me that we ought to  
2 recognize what we're doing here and that it's foreign  
3 to this City and its fabric. And so my first thought  
4 is to build a façade that you can expand to later and  
5 then you have the same streetscape and we don't have  
6 the same danger as filling it with office workers.  
7 Am I making myself clear as strange as this may seem?

8           MR. ROWE: Yes, yes. I'm sure there is no  
9 technical reason you couldn't do that. I think that  
10 there's obviously practical reasons. I think it  
11 would harm the open space that we're trying to create  
12 along there. I mean, I don't see without the use we  
13 don't see the 50 foot setback as a detriment to the  
14 project.

15           COMMISSIONER PARSONS: Well, I'm sure it's not  
16 a detriment to the project. I'm talking to the  
17 fabric of the City.

18           MR. ROWE: And I also include the fabric of the  
19 City in that because we're very conscious of that. I  
20 would actually rather, with no retail within the  
21 building, would rather have the larger setback than  
22 have a wall with nothing, like the FBI Building for  
23 instance, with nothing right on the street. I would  
24 rather have the open space and the planted space.

25           Like I say I don't think there's any

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1 technical reason in 30 years if peace breaks out that  
2 you couldn't put another 30 foot of retain on that  
3 and it might be commercially viable.

4 I couldn't predict that but I would  
5 discourage putting a Potemkin façade out there at  
6 this point. I think it's contrary.

7 COMMISSIONER PARSONS: Not even with retail on  
8 the ground?

9 MR. ROWE: If there was retail in it?

10 COMMISSIONER PARSONS: Nothing above it. Just  
11 retail.

12 MR. ROWE: If there was retail on the ground  
13 floor. But the security guidelines are asking us to  
14 keep retail wherever possible outside that 50 foot  
15 setback.

16 MR. QUIN: Mr. Parsons, there's another thought  
17 just to put in your cap for visualizing what's  
18 happening. If M Street had a right of way of 160  
19 feet we would still be 20 feet under in terms of  
20 setback, do you follow what I'm saying?

21 In other words, M Street is 90 feet. If  
22 that were a boulevard and M Street is supposed to be  
23 a major boulevard and spine, if that were like K  
24 Street, I'm not suggesting it should be that wide but  
25 one way of looking at the layout is that this is a

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1 wider street and you're using the non vehicular part  
2 of it for pedestrians. Just a thought.

3 COMMISSIONER PARSONS: For this one project?

4 MR. QUIN: For the project.

5 COMMISSIONER PARSONS: It makes no sense for  
6 the rest of the street.

7 MR. QUIN: Well, there's a wall, there's an  
8 historic wall which you have to stop at that.

9 COMMISSIONER PARSONS: Right, and buildings  
10 growing like mad across the street.

11 MR. QUIN: Right, and providing open space  
12 where you can is a wonderful thing, we submit.

13 I think the horse is dead, Madam  
14 Chairman.

15 CHAIRPERSON MITTEN: All right, then I guess  
16 you'll be getting off.

17 (Laughter.)

18 CHAIRPERSON MITTEN: Did you have any other  
19 questions?

20 COMMISSIONER PARSONS: I still don't like it.  
21 Go ahead.

22 CHAIRPERSON MITTEN: Mr. May?

23 COMMISSIONER PARSONS: I did want to ask Mr.  
24 Slater or anybody else, are there parking meters  
25 along M Street? In the proposal. You mention a

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1 number of parking meters. So there will or won't be  
2 cars parked along?

3 MR. SLADE: There can be. This will be DDOT  
4 decision, not a U.S.DOT.

5 COMMISSIONER PARSONS: When you mention parking  
6 meters, where are you talking about?

7 MR. SLADE: On New Jersey, Tingey and Fourth.

8 COMMISSIONER PARSONS: Within the Southeast  
9 Federal Center?

10 MR. SLADE: New streets that will be  
11 constructed, yes. And that count was approximately  
12 90 new spaces that will be available to the public.

13 COMMISSIONER PARSONS: Within the dedicated  
14 streets by this project.

15 I did want to ask Mr. Jacobs just a  
16 technical matter, Mr. Quin. You just got there. Mr.  
17 Jacobs or the company is purchasing this land in some  
18 fashion from GSA and then turning over the streets,  
19 transferring fee title to the District of Columbia,  
20 is that what I understand?

21 MR. QUIN: Yes, that's correct.

22 COMMISSIONER PARSONS: And beneath them as  
23 well? It's not just the surface. It's the?

24 MR. JACOBS: That's correct. Air rights and  
25 everything else.

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1           COMMISSIONER PARSONS: Yes but it's a little  
2 more complicated in that there is a portion of New  
3 Jersey Avenue that, in order to achieve 160 feet in  
4 total width, a portion of that will be covenanted  
5 above grade and below grade. Below grade for a  
6 portion on the east side of the dedicated right of  
7 way so as to give the City utility room below grade  
8 plus an additional space which is all on plat, I  
9 think it's tab A?

10                       No, the last tab in the exhibit which we  
11 have got to file, I think, that shows a pattern that  
12 gives you open space just in front of the building on  
13 the, it would be the west side of the building but on  
14 the east side of New Jersey Avenue, and that's what  
15 constitutes the full 160 feet.

16           COMMISSIONER PARSONS: There will be no  
17 underground private space or vaults or anything under  
18 this dedicated public space?

19           MR. JACOBS: No.

20           COMMISSIONER PARSONS: And the air rights are  
21 not reserved?

22           MR. JACOBS: No, no. It's full fee. And the  
23 calculation of the FAR of 3.78, I believe, we had  
24 excluded the area we will be dedicating for the New  
25 Jersey, Fourth and Tingey.

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1 CHAIRPERSON MITTEN: Thank you Mr. Parsons.  
2 Mr. Hood?

3 COMMISSIONER HOOD: Thank you Madam Chair. I  
4 just have a few questions for Mr. Jacobs. You can  
5 hold your seat for a moment. I want to start with  
6 Mr. Rowe, I believe.

7 Explain to me this on Third Street, this  
8 controlled access and how that's going to function?

9 MR. ROWE: What's designed is retractable  
10 bollards on either end on the south end of Third  
11 Street there is a guard booth that controls access to  
12 the access and egress to and from the garage. So  
13 that is.

14 COMMISSIONER HOOD: Let me just say, if I'm  
15 coming from M Street and the pedestrian walkway from  
16 Third Street and I'm just a regular person who lives  
17 in the neighborhood, will I be able to show my  
18 drivers license and some form of ID and be able to  
19 utilize Third Street as a pedestrian walkway and be  
20 able to go to the waterfront?

21 MR. ROWE: It's open. No driver's license.

22 COMMISSIONER HOOD: So I can just walk in?

23 MR. ROWE: Just walk in. It's publicly  
24 accessible.

25 COMMISSIONER HOOD: It's starting out pretty

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1 good. You took all my fire away now.

2 (Laughter.)

3 COMMISSIONER HOOD: Anyway, Mr. Jacobs? Thank  
4 you Mr. Rowe.

5 Mr. Jacobs, you mentioned about the  
6 LSDBEs and the DOEs and I see here the auto copy was  
7 in tab O about the new Convention Center which you  
8 should be applauded for.

9 But I've seen you a number of times and  
10 I'm just wonder what your track record is other than  
11 the Convention Center? I think this was an exception  
12 and I applaud you for what you all have done here.

13 But one of my concerns is what I also  
14 read in the article. It's in the second paragraph  
15 and it says, The first source program due to a lack  
16 of available skilled craftsman.

17 That's why I always ask and I think Mr.  
18 Quin can affirm this, I always ask if we can have a  
19 list, and I know the list is in there, I've seen it.

20 I know it's in there. And I think that's the way to  
21 go.

22 But I'm hoping that in some of the  
23 previous ones and the ones that are coming later,  
24 even after this project, because I think the citizens  
25 are shortchanged when we don't know in advance so the

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1 City can have their pool together so that they can  
2 get some of those jobs being offered and I applaud  
3 you for the Convention Center but I would like to  
4 know previously, you had other projects in front of  
5 this Commission and I'm just curious what is your  
6 track record?

7 MR. JACOBS: Well, I like to think our track  
8 record is very good, Mr. Hood, Commissioner Hood.  
9 This is an evolving art we're about as well as a  
10 science and every project that we pursue we get  
11 better and in this project much like the Convention  
12 Center that in fact was many years ago when we  
13 conceived the program that resulted in this success,  
14 we are building on those successes.

15 And our contractor is ever mindful of the  
16 importance that we as a company place on the  
17 participation and one of the points that was raised  
18 earlier was the, I forgot what the point was because  
19 they passed me a note and I will refer to the note in  
20 a minute.

21 But we are ever vigilant in that. The  
22 point I was going to make is we have been before this  
23 Commission in producing projects in the District for  
24 a long time. I think, if we're known for anything,  
25 we have never made a misrepresentation in front of

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1 this Commission or any other and we have never failed  
2 to carry through on our commitments whatever the  
3 project was.

4 But another important point is that we  
5 have an ONM program which is also has an affirmative,  
6 a strong affirmative action community orientation  
7 with job procurement and job availability from  
8 apprenticeship on through.

9 So given a project of this scale and I  
10 don't have the number in mind, Brian may, as to the  
11 number of employees, full time, we will be operating  
12 the building as well, managing the building, that we  
13 will be making available to the community with  
14 apprenticeship programs to develop people not just in  
15 the construction skills, which are extended but of  
16 finite duration for this project, but also on an  
17 ongoing operating basis.

18 COMMISSIONER HOOD: Thank you. Another  
19 question I have right now, I don't know if this is  
20 the correct hearing to ask this question, or the one  
21 prior but it's all running together so I'm going to  
22 ask it.

23 The screening of, right now I believe,  
24 down in that area trucks to go to other federal  
25 buildings. They go in there, they get screened or

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1       whatever, go through the x-ray machine, whatever  
2       they're doing, whatever the operation consists of,  
3       and then they go back out and go to another federal  
4       building.

5                       Is that activity still going to take  
6       place down there behind the Department of  
7       Transportation or where is that going to? Has anyone  
8       discussed that?

9                       MR. JACOBS: No. That is, there will be an  
10       offsite program but it is not, in terms of our  
11       involvement, anywhere involved with the specific  
12       project. It will be an offsite delivery screening  
13       from which deliver will then come on a prescreened  
14       basis to the building.

15                      COMMISSIONER HOOD: Are you aware that that is  
16       now taking place for other government buildings right  
17       there now and, because I'm hearing all this about the  
18       security and my question is, do we know if that's  
19       going to still exist?

20                      MR. JACOBS: Well, I think I can't answer  
21       Commissioner Hood with precision and George Fields  
22       may be able to give him a fuller description of it,  
23       and Art can, but just a point to be made springing  
24       from one of my earliest comments. This project is  
25       the seed from which the entirety of 44 remaining

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1        acres, ours being 11, the total 55, will result in a,  
2        under the 2000 Act for the Southeast Federal Center,  
3        a privatization of the entirety with mixed use  
4        development on the remainder.

5                MR. TUROWSKI: Yes, Commissioner. That  
6        security screening of trucks that you see going on  
7        right now at the Southeast Federal Center, is  
8        temporary. It is on that part of the Southeast  
9        Federal Center separate from the 11 acres dedicated  
10       for DOT. We refer to it as the 44. The 44 of course  
11       are part of our Southeast Federal Center overlay case  
12       and the plan for the redevelopment of this 44 acres  
13       does not include that truck screening function going  
14       on there temporarily right now.

15               COMMISSIONER HOOD: So you're going to  
16       obviously move that somewhere else?

17               MR. TUROWSKI: That's correct. It would be  
18       inappropriate for the 44 acre redevelopment.

19               COMMISSIONER HOOD: That's what I was thinking.  
20       I was wondering how we're talking about all this  
21       security and all of a sudden we're doing this  
22       activity. Okay. Thank you. Thank you Madam Chair.

23               CHAIRPERSON MITTEN: Thank you, Mr. Hood. Mr.  
24       May?

25               COMMISSIONER MAY: Thank you. I'm not sure

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1 where to start but I will just jump right in.

2 The first question I have is a fairly  
3 general one. Is there any other sort of design  
4 review that this project is going to undergo, fine  
5 arts? GSA design excellence, anything like that?

6 MR. QUIN: No. It has no other, other than we  
7 feel like we've been through design review a few  
8 times with the office of planning.

9 COMMISSIONER MAY: Well, it shows. I mean the  
10 design, in changing.

11 MR. QUIN: That's good. In the landscaping and  
12 all of that part, but it is not subject to CFA.

13 MR. JACOBS: Yes, but if I can interject, we  
14 have gone through the architecture design program  
15 with Ed Finer now on several occasions at GSA with  
16 presentations and he was very much involved in the  
17 evolution of the design.

18 COMMISSIONER MAY: Was there an actual peer  
19 review involved?

20 MR. JACOBS: Yes there was. There was. And  
21 two?

22 COMMISSIONER MAY: Okay, and what version of  
23 the building did they see? Because I've seen like  
24 four and I'm wondering which one it was.

25 And I was particularly interested to see

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1 this one because I had forgotten about this one and  
2 it looked like that one was probably the, well, this  
3 one answers a lot of the questions that I have about  
4 this one and so I'm wondering which version did they  
5 see, do you know?

6 MR. JACOBS: They saw evolving evolutions and  
7 they were both peer reviews as well as the most  
8 recent meeting was with Ed Finer and some of his  
9 colleagues. When we were presenting some of the  
10 final elements, not the absolute final, but what he  
11 finally reviewed and we took into account his  
12 comments, particularly with respect to the entrance,  
13 which has evolved into a bolder presence.

14 COMMISSIONER MAY: We went round again, right?

15

16 All right, that's reassuring, I mean, the  
17 design excellence program has an excellent track  
18 record and that's very helpful.

19 I guess the other general question I had  
20 goes back to the security question just because one  
21 of the things that I read seemed to imply that the  
22 decision or the determination of either the threat  
23 level or the precautions that were necessary for this  
24 building were the result of a review by a security  
25 consultant as opposed to some determination made

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1 within the government or something else, that it was  
2 the result of a security consultant's opinion.

3 Now maybe I misread that or maybe it's  
4 been superseded by other factors?

5 MR. TUROWSKI: A part of the security  
6 prescription for a given project isn't simply the  
7 application of design criteria or policy. It also  
8 involves a risk assessment by security professionals  
9 that take into account those things that the design  
10 criteria and the other policy prescriptions just  
11 can't, for example, in this particular building the  
12 security consultants would pay particular attention  
13 to the effect of retail presence in the building.

14 There really isn't anything in the design  
15 criteria that speaks to the security design criteria  
16 that speak to retail space, so it is a, the security  
17 prescription for a project like this and for, in  
18 fact, for all construction projects, leased and  
19 owned, is a combination of the application of  
20 criteria and a risk assessment by security  
21 professionals based on the activity that takes place  
22 inside the building and what the building is designed  
23 to do, that sort of thing.

24 COMMISSIONER MAY: Okay, I think I understand  
25 what you're trying to describe. I guess what I was

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1 trying to get at was whether this is the extent to  
2 which you actually have any flexibility in these  
3 guidelines? I mean, the 50 feet seems to be hard and  
4 fast and as a result of federal guidelines, whereas  
5 the situation with retail seems to be a lot more  
6 flexible because we've seen the project slowly get a  
7 little bit more retail into it or at least that's  
8 they way I've read the development of the project.  
9 Is that fair to say?

10 MR. TUROWSKI: Somewhat. I mean, we have  
11 design criteria. We have recommendations. Certainly  
12 the onus of rationalization, if you will, would be on  
13 those who allow the security criteria to go either  
14 unmet or who bring in additional risk assessment  
15 issues and consider security elements in that design  
16 criteria and other criteria done.

17 COMMISSIONER MAY: DO I also understand  
18 correctly that most of the design criteria are that  
19 led to these determinations are actually pre  
20 September 11, that they're a result of Oklahoma City  
21 more than anything else? Because that seems to have  
22 been the case in a lot of other federal design  
23 projects, that it was really that previous episode  
24 that formed these guidelines?

25 MR. TUROWSKI: That's true. I mean, that was

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1 the impetus that got these guidelines going. But  
2 even as we speak, the guidelines ongoing are  
3 undergoing a revision and we do expect a promulgation  
4 from the Department of Homeland Security for  
5 guidelines covering, a specific set of guidelines,  
6 covering lease space in existing lease buildings.

7 COMMISSIONER MAY: DO you anticipate that's  
8 going to have any effect on this project where it is  
9 right now because we're already out of the starting  
10 gate?

11 MR. TUROWSKI: No, no.

12 COMMISSIONER MAY: Okay. Okay, I guess I'll go  
13 back to some of the more specific design related  
14 questions. The evolution of the project in the  
15 different sort of phases of it, it certainly is a  
16 very interesting series of pictures and particularly  
17 very recently with the renderings that we got in the  
18 latest package and the information that you see  
19 tonight, if the picture of the building is becoming  
20 clearer, because it was, there was something about  
21 either the nature of the renderings or the design  
22 decisions that were being made that was sort of  
23 muddying the, what I thought was a fairly clear  
24 design idea that shows up in this version of it.  
25 This is the January 21 package that has an elevation

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1 on it that shows the original rounded entry element  
2 that was more separate and also shows a more distinct  
3 base, middle and top where the top is actually  
4 shorter and so there is more middle to the middle.

5 And it also, the building is still on the  
6 corner. It doesn't step back and I'm wondering why  
7 some of those particular moves occurred in those  
8 particular areas, in other words, in terms of  
9 announcing the entry and holding the corner and  
10 making the most of the building's occupancy of the  
11 site despite the setback, it seems like it's become  
12 sort of whittled away in these areas and it has, the  
13 presence that the building has on the corner as a  
14 result of these changes, doesn't seem to be as strong  
15 to me.

16 So I'm wondering from a design point of  
17 view, what's driving those changes?

18 MR. ROWE: Well, I think that there was several  
19 things that drove the changes. I'll deal with the  
20 whittling away of the corner first. The whittling  
21 away of the corner actually came about to a certain  
22 extent both through discussions with JBG, the GSA and  
23 Office of Planning wanting actually to soften that  
24 corner a little bit and to emphasize the turning the  
25 corner of that linear park along M Street and to

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1 provide that 1,800 square foot retail area along that  
2 corner. We didn't have any problem with it actually.

3 I think that it works well compositionally. The red  
4 plane that's orthogonal, let me see if I can find a,  
5 can you get the Jersey Avenue perspective, Mike?

6 I think that the orthogonal planes that  
7 mark the façades of M Street and M Place, and the way  
8 that it reads through the site right now and provides  
9 a backdrop to that entrance, is pretty successful  
10 actually. I think we think that it works well. I  
11 mean I think admittedly this is not a building that  
12 comes you know outright 20 feet from the street as  
13 other commercial buildings perhaps in Washington do,  
14 but for what it is, for a cabinet level public  
15 building, we think it works quite well. We really, I  
16 don't have, we didn't make that change with any  
17 trepidation at all, given that there is that setback  
18 already, we think that that compositionally it works  
19 well, no problem.

20 Other changes that you might notice is  
21 that the plane between the two projecting bays, the  
22 two projecting white bays on New Jersey Avenue, have  
23 come out closer, I think it's approximately 20 feet  
24 recessed back closer to New Jersey Avenue. Again  
25 that was programmatic in working with the DOT and the

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1 space planners, there were some programmatic changes,  
2 but again, I think that the articulation of it is  
3 successful and clearly differentiates the entrance  
4 from the rest of the building and provides a grand  
5 scale for that entrance.

6 COMMISSIONER MAY: I think I had less of a  
7 question about the entrance, that it's in the latest  
8 iteration of it, I guess, but I am curious, though,  
9 about the top. Why did the top get bigger?

10 MR. ROWE: I think that was our choice. It was  
11 a compositional choice. It was a desire to provide a  
12 tall base to the building with the double height,  
13 with the 18 foot first floor that could eventually be  
14 changed to retail along M Street, and combining that  
15 with the second floor and then combining the floors  
16 above into essentially two level windows to give it  
17 that scale and once we did that we really thought  
18 that the top needed to be more different and it  
19 couldn't just be two stories any more. Because it  
20 read too much like the façade below it, the middle  
21 below, so we thought that this worked well and  
22 actually was a little more unusual, provided a little  
23 more design tension to it, so we're quite happy with  
24 the way it's turned out.

25 COMMISSIONER MAY: I guess on that particular

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1 point and on the way you turned the corner, I'd just  
2 have to disagree because I think that the, I was  
3 troubled by a lot of the images I was seeing, that it  
4 just seemed like the building had a really good grip  
5 on the entire site and I'm frankly less troubled  
6 about the setback at 50 feet because of the width of  
7 the street, because of the way that very broad  
8 sidewalk can relate to the building and its height,  
9 and frankly so much of M Street has a very difficult  
10 sidewalk, particularly when you go down there by the  
11 wall. Thank God they repaired the wall where it was  
12 leaning or they're in the process of, but that, I  
13 mean, it's actually kind of comforting in some ways  
14 to see that much pedestrian space along the street  
15 there in my view although it doesn't have to be quite  
16 that big.

17 I really, there are just these couple of  
18 points where I think that stepping back on that  
19 particular corner it just seems like it seems to lose  
20 its grip on the site as a whole and as I said the  
21 other one is the way that the top has been treated  
22 because it stopped being, when it went away from  
23 being this image to this image, to me it stopped  
24 being base, middle and top and started being a layer  
25 cake and too much evenness between the base, middle

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1 and top.

2 That's also true in the way it carries  
3 around the corner and we're seeing the side of that  
4 building there, which again, I'm not sure the current  
5 development of that façade is showing the best side  
6 of that building.

7 But it does depend to some extent on the  
8 renderings that we see. Because in some renderings I  
9 think it's more attractive than in others.

10 Have you done studies of the building in  
11 the context of the neighborhood either, I mean, I  
12 know that most of it is vacant or a lot of it is  
13 vacant, but it would very interesting to see what a  
14 noilly plant or something like that that shows the  
15 density of this building as it compares to the  
16 neighborhood as it will be built out. And I'm  
17 wondering if you've done things like that?

18 MR. QUIN: Not as it will be built out. I  
19 think we've imagined, as we talked about earlier,  
20 we've imagined and seen some sketches that indicate  
21 that there's going to be a public open space, a park  
22 at the end of New Jersey Avenue kind of as a gateway.

23 I think that that's a good thing and that's we've  
24 picked up on that and wanted to in terms of the canal  
25 blocks also, we recognize that the canal blocks are

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1 going to be funded and established across the street.

2 But we've really looked at it from really the way  
3 that it is now and the possible development along M  
4 Street and not so much in the Southeast Center itself  
5 because we really haven't seen it, we haven't seen  
6 it.

7 I mean, I think we could imagine it and  
8 we could imagine it being a mix of open spaces  
9 extending the street clear down to the waterfront.

10 COMMISSIONER MAY: Well, if you haven't seen it  
11 yet, I'm sure the Office of Planning will be glad to  
12 give you a presentation.

13 MR. QUIN: We've seen the sketches but nothing  
14 definitive.

15 COMMISSIONER MAY: I think it would be helpful,  
16 I mean, if any study like that were done, just to be  
17 able to see this building in that context, and to see  
18 the atrium space as open space when you see this, the  
19 solid of the building, because I think it might allay  
20 some of the concerns about even the setback. And it  
21 may provide further guidance when it comes to other  
22 developments along M Street, so this is in part  
23 directed in your direction but in part also I think  
24 for OP, for their future guidance to the development  
25 of the overall context.

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1                   Let?s see. I have a really minor  
2 question. There is a transition between marble and  
3 precast that occurs at three feet up or something  
4 like that?

5                   MR. QUIN: Yes, right at the lowest.

6                   COMMISSIONER MAY: Is there something that  
7 marks that?

8                   MR. QUIN: Yes, the lowest level of the sill on  
9 the third floor. It would be right there so those,  
10 that section of the façade is basically sitting on  
11 the marble base.

12                   COMMISSIONER MAY: But there?s not a horizontal  
13 course or something that actually marks it?

14                   MR. QUIN: Yes, there is. There?s a course  
15 laid into the precast and at the top of the stone  
16 with the sills.

17                   COMMISSIONER MAY: Can you show the view of the  
18 entry? Because we might be able to see it there.  
19 Well, maybe not. Strategically placed trees.

20                   (Laughter.)

21                   MR. ROWE: Yes, it is right along this line.

22                   COMMISSIONER MAY: So there?s a ledge and a  
23 shadow line?

24                   MR. ROWE: Yes, meant to be pretty clean,  
25 though really. It?s going to be pretty close to the

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1 face of the precast.

2 COMMISSIONER MAY: Well I'm interested because  
3 it seems like in some, I mean, yes, it's that sort of  
4 transition from stone to precast occurs pretty often  
5 and we've seen that many times. We don't usually  
6 see it with Vermont marble, though, it's usually  
7 limestone to precast, which when you get 30 feet away  
8 you can't tell the difference. So your idea is  
9 you're not going to be able to tell the difference  
10 here, you're going to imagine this is?

11 MR. ROWE: No, no, no.

12 COMMISSIONER MAY: You're going to be happy to  
13 see it?

14 MR. ROWE: We're perfectly happy to see it.  
15 We'd like to see the difference. We really like the  
16 character of the Vermont marble and we really see no  
17 problem with that defining the base of the building.

18 It's what a lot of the buildings in Washington are  
19 built out of and it makes that connection we're  
20 talking about.

21 COMMISSIONER MAY: Yes, no. I'm not talking  
22 about, it's the change, are you trying to imply that  
23 the entire building is marble? Are you trying to  
24 show them both as different?

25 MR. ROWE: I'm trying to show them as

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1 different. I mean it's a subtle difference but you  
2 know it's we're not trying to disguise the marble.  
3 We would have used limestone if we'd wanted to.

4 COMMISSIONER MAY: Okay it just seemed very  
5 curious because it's far enough away and the colors  
6 are close enough that it's not different enough to be  
7 noticeable. I think it is.

8 MR. QUIN: It will be pretty noticeable on top  
9 of marble.

10 MR. ROWE: We think it will be pretty  
11 noticeable and that's our intent. As you get closer  
12 you see more detail in the building and rather than  
13 like we say, replicate historical styles and details  
14 we wanted to make that analogy with the richer  
15 material and I think it will be apparent.

16 COMMISSIONER MAY: Okay, well, I'll trust you  
17 then that that will be the case.

18 Where is the actual sidewalk line along M  
19 Street? Has that been determined? Because it seemed  
20 like there was a big planting zone and then the  
21 sidewalk was 12 feet away or something like that.  
22 There's that other view where the site plan is?

23 MR. ROWE: Yes, yes. There's the detail where  
24 the.

25 The sidewalk line follows these kind of

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1 square indentations and then there's paths out to the  
2 street through the planting beds.

3 COMMISSIONER MAY: So if you step off your, if  
4 you're parked along the street there and you try to  
5 step out of your car, you're going to be stepping  
6 into the planning zone?

7 MR. ROWE: There's a setback of approximately  
8 like I'm not sure or?

9 COMMISSIONER MAY: Two feet or something?

10 MR. ROWE: Yes, yes.

11 COMMISSIONER MAY: So you could make your way  
12 over there?

13 MR. ROWE: Yes and I think they're roughly 30  
14 feet apart, the passageways.

15 COMMISSIONER MAY: I'm curious. In the listing  
16 of the amenities of the project you don't list, urban  
17 design and architecture as an amenity and I'm  
18 wondering what the thinking was there? Was it simply  
19 because we raised questions about it that you decided  
20 not to proffer it?

21 MR. ROWE: Frankly what happens in the PUDs,  
22 when we list that as a superior architecture of  
23 amenity we get in such a big debate as to what that  
24 means and we felt we had enough going for us, we had  
25 superior architecture but how do you prove it? Do

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1 you prove it by a building that is a non PUD? Well,  
2 some non PUD buildings are superior architecture.

3 So it's in the eye of the beholder and we  
4 just felt that there was no need to claim that in  
5 this case. But if you would like to find it, we're  
6 in agreement with that. I'm sure you are.

7 So I was kind of hoping that you would  
8 try to really make that case, that it really was  
9 superior design and not that I would accept it or  
10 reject it at this moment, but I just, I like hearing  
11 the case.

12 MR. ROWE: I know.

13 (Laughter.)

14 MR. ROWE: And if we argued it that way then  
15 you would have more opportunity to say it needs such  
16 and such for superior architecture.

17 (Laughter.)

18 COMMISSIONER MAY: Okay, that's it for me.

19 CHAIRPERSON MITTEN: Thank you Mr. May.

20 There are a series of recommendations in  
21 the Office of Planning report and I wonder if you  
22 could respond to some of them that clearly we're  
23 going to need more detail on some of the things and I  
24 think you all recognize it as well and I wondered if  
25 you could just take a few minutes and respond to

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1 this.

2 MR. QUIN: We can run through that quickly if  
3 you want to.

4 CHAIRPERSON MITTEN: Yes please.

5 MR. QUIN: If you look at page 1 of the  
6 recommended action, that's probably the easiest place  
7 to reference.

8 CHAIRPERSON MITTEN: Yes.

9 MR. QUIN: The first one is we have the  
10 agreement that's in your submission tonight an  
11 agreement for the canal blocks, and the provision of  
12 assurance of Zoning Administrator there is no Zoning  
13 Administrator now there's an interim Zoning  
14 Administrator but the section of the regulation is  
15 section 3202.3 under which Market Square was built,  
16 for example, and there were many other buildings that  
17 were built under that where they are on the same  
18 record lot, they had two wings or two towers or two  
19 components connected but they are maintained in  
20 single ownership or erected in single ownership and  
21 that's the language of 3202.3.

22 CHAIRPERSON MITTEN: Okay.

23 MR. QUIN: The palates for the next two, we  
24 brought those. They're here. We actually have stone  
25 to show you, if you like. However you'd like to do

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1 that. I didn't know whether Mr. May was going to get  
2 into that or not but we have them here. We can show  
3 you that now if you'd like. Or just keep on going  
4 with the list now?

5 CHAIRPERSON MITTEN: Just keep on going and  
6 then if anybody wants to take a look at that.

7 MR. QUIN: The master plan concept is under tab  
8 F I think it was in our prehearing statement, tab F.  
9 The detail elevations for the.

10 CHAIRPERSON MITTEN: I'm sorry, you just  
11 skipped over the plans elevations and material palate  
12 for retail buildings and kiosks?

13 MR. QUIN: We have both. We have two sets of  
14 palate boards.

15 CHAIRPERSON MITTEN: Okay?

16 MR. QUIN: One for the retail, one for the  
17 building and one for the landscaping.

18 CHAIRPERSON MITTEN: Okay and then the more  
19 detailed description and program I think somebody had  
20 mentioned that that's still being discussed in terms  
21 of the seasonal kiosks?

22 MR. QUIN: That's correct.

23 CHAIRPERSON MITTEN: So should we expect some  
24 more?

25 MR. QUIN: Oh, that's right. Tab A is on the

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1 amenities, the one we that we pointed out earlier.

2 CHAIRPERSON MITTEN: Yes.

3 MR. QUIN: If you look at that that has more of  
4 it.

5 CHAIRPERSON MITTEN: Okay, all right.

6 MR. QUIN: Sorry. Provision of detailed  
7 elevations for underground parking security stations  
8 on Third Street. I think we have not. We can  
9 respond to that. That's in the back, Steve?

10 The plans? Oh, the ones that we filed  
11 tonight? You have the package.

12 CHAIRPERSON MITTEN: Yes. Okay.

13 MR. QUIN: They're in there. Provision of, I  
14 knew we had the plans. Provision of concept plan for  
15 proposed comprehensive signage program, we have a  
16 program for that which we are about to, tab D, right.

17 Resolution of transportation requirements  
18 as will be acted and noted in a report from DDOT. We  
19 believe we have submitted the last step of that today  
20 to DOT that was the restriction on the 30 foot  
21 trucks. We originally said 40 foot and time  
22 limitations. We have not heard back from DDOT so we  
23 will have to talk to them. We went to Mr. Leyden  
24 earlier today to give him the language. He said to  
25 speak to Ms. McClary. We spoke to Ms. McClary. She

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1 said go back to Mr. Leyden.

2 (Laughter.)

3 MR. QUIN: So that's where we are.

4 CHAIRPERSON MITTEN: Okay and so we haven't  
5 seen that particular thing yet? This?

6 MR. QUIN: We can give you the language but we  
7 probably should wait until we work it out.

8 CHAIRPERSON MITTEN: Okay and I had a few  
9 follow up questions about DDOT so okay, just keep  
10 going.

11 MR. QUIN: Okay. The assurance of preservation  
12 of Southwest Plaza in perpetuity, that's easy.  
13 That's the planned unit development requirement.  
14 The assurance of provision of retail space in  
15 Building 170, same thing, that's part of your  
16 covenant tying it to the approved plans and part of  
17 our lease, Mr. Jacobs indicates.

18 The execution of first source agreement,  
19 we will have that executed. We already have it  
20 executed on our behalf, it just has to be signed on  
21 the other side by the various, the two agencies.

22 CHAIRPERSON MITTEN: Okay.

23 MR. QUIN: And that's the normal stage we are in  
24 on a PUD, as you know.

25 Provision of additional information

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1 regarding measures to minimize environmental benefits  
2 including storm water? If you look at the filing  
3 that we made tonight, there's a section on  
4 environmental contributions that covers that.

5 CHAIRPERSON MITTEN: Okay, okay.

6 MR. QUIN: Tab B. The resolution of an  
7 outstanding funding commitment to the area  
8 improvements by the applicant we are still working  
9 with the Office of Planning on that and it's going to  
10 be a mixed area as I understand it. Maybe Mr. Altman  
11 would like to comment on it but we've reached at  
12 least I think a concept that part would be on site  
13 and part would maybe off site. But that would be  
14 discussed.

15 CHAIRPERSON MITTEN: That's the \$1.5 million?

16 MR. QUIN: Yes, correct.

17 CHAIRPERSON MITTEN: And so that's going to  
18 include the themed and site animation and activation  
19 program and then there will be some additional?

20 MR. QUIN: Yes.

21 CHAIRPERSON MITTEN: Okay so we will expect an  
22 additional submission about that, then, correct?

23 MR. JACOBS: I believe when Mr. Altman reports,  
24 he and I have reached an agreement on the application  
25 but not the specific use of those funds, the amount

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1 and the general agreement as to how they will be  
2 used. We just haven't identified the specific points  
3 of application.

4 CHAIRPERSON MITTEN: Okay so I think it would  
5 just to tie it down though there will need to be an  
6 additional submission. But I'm glad that you have  
7 reached an agreement in general.

8 Okay, thank you.

9 MR. JACOBS: Thank you.

10 CHAIRPERSON MITTEN: I had just a couple of  
11 questions, a few about for Mr. Slade and then a few  
12 about the retail. So I'll do the questions about  
13 transportation first. Good evening.

14 MR. SLADE: Good evening.

15 CHAIRPERSON MITTEN: I believe that you had  
16 suggested that you basically reached a resolution  
17 with DDOT about all of their outstanding concerns,  
18 but in their report and I'll ask Ms. McClary about  
19 this when she comes up, there's an additional study  
20 underway of a broader area?

21 MR. SLADE: Yes.

22 CHAIRPERSON MITTEN: So that's still, there's  
23 still a pending question out there, is that correct?

24 MR. SLADE: Yes. Shall I elaborate on the  
25 question a little bit for you?

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1 CHAIRPERSON MITTEN: Yes, and I mean, did you  
2 ever go back? The reason that apparently DDOT hired  
3 their own consultant is because the area that you  
4 examined was not sufficient for their, to satisfy  
5 them, so did you go back and do any follow up  
6 analysis yourself?

7 MR. SLADE: I'd put it a little differently.  
8 The area that we studied and the assumptions that we  
9 made in our study was, we were directed by them to  
10 conduct the standard traffic impact study for this  
11 project as we would with any zoning case or PUD or  
12 whatever that we, you know, my firm comes before you,  
13 I come before you with.

14 CHAIRPERSON MITTEN: Yes.

15 MR. SLADE: The issue here was different in  
16 that the Southeast Federal Center, the 44 acres, lies  
17 immediately to the south and the issue became a sore  
18 thumb because the Third Street not having to be open  
19 to public traffic for security reasons so DDOT wanted  
20 to understand what the implications of that would be.

21 We don't know what's going to happen on the 44 acres  
22 yet so what we submitted in a supplemental report to  
23 DDOT, we felt, addressed it as anyone could right  
24 now, which is to say let's take a guess at what's  
25 going to happen based on an SFO from GSA. I don't

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1 remember the numbers but a million square feet or 2  
2 million square feet or whatever it is.

3 CHAIRPERSON MITTEN: Yes?

4 MR. SLADE: And studies that we're involved in  
5 and others are doing right now, DDOT studies for the  
6 South Capitol Street corridor to convert it into a  
7 grand boulevard and other studies to the east where  
8 the 11<sup>th</sup> Street Bridge is across the river and to  
9 modify that, constraints that exist today that would  
10 open up access to this part of the riverfront on the  
11 west side of the Anacostia River.

12 So we took some guesses based on the  
13 studies that have been at least started if not  
14 completed, as to how the remainder of the street  
15 network would develop in the future. It's a very  
16 constrained area now I mean to get to the 44 acres.  
17 You will use these two streets that we're  
18 constructing.

19 CHAIRPERSON MITTEN: Right.

20 MR. SLADE: But in the future there will be  
21 other streets coming in from the west from South  
22 Capitol Street corridor. Nothing from the east now  
23 because the Navy Yard now is of course a barrier to  
24 traffic.

25 And so we did supplement what we'd

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1 submitted in our standard study with this additional  
2 study that we did that said we think there's going to  
3 be this much additional traffic and these many  
4 additional lanes and when you put that much traffic  
5 on those many lanes it's well within the capacity of  
6 those future streets.

7 DDOT has onboard consultants to do those  
8 kind of studies and they're going to do what we did  
9 but in a much more detailed level.

10 CHAIRPERSON MITTEN: Okay, thank you.

11 MR. JACOBS: Madam Chairman, may I make a  
12 clarification?

13 CHAIRPERSON MITTEN: If you turn on your mike.

14 MR. JACOBS: Okay, I thought I had. Mr. Altman  
15 has brought to my attention that, in the information  
16 we handed out this evening with regard to the \$1.5  
17 million additional area wide benefits which was a  
18 subject of your inquiry a moment ago?

19 CHAIRPERSON MITTEN: Yes?

20 MR. JACOBS: On the second page there is a  
21 parenthetical, it's probably one of the problems with  
22 computers, this was something we had perhaps  
23 considered long ago, but it was to be included as  
24 part of the site animation walking museum as we  
25 described transportation so that was part of it.

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1                   That is not the case.

2                   CHAIRPERSON MITTEN:   Okay.

3                   MR. JACOBS:   That is separate and apart.   The  
4                   \$1.5 is in addition to that what you've seen.

5                   CHAIRPERSON MITTEN:   So we should just cross  
6                   off the parenthetical?

7                   MR. JACOBS:   Just cross out the parenthetical  
8                   and it will read accurately.   Thank you.

9                   CHAIRPERSON MITTEN:   Thank you.

10                   Now a couple of questions about the  
11                   retail if I could?   The small kiosk that will be at  
12                   Fourth and M?   Is at least the way that's being  
13                   discussed so far, sounds like it will be somewhat  
14                   redundant with the services that are being provided  
15                   in the building given that there will be the blind  
16                   stand and then there will be another sort of small  
17                   retail store that has sundries and so forth.

18                   Given that there isn't any kind of main  
19                   door from the building where the occupants of the  
20                   building will go out that way, it seems to me that  
21                   that kiosk will be ignored in large measure because  
22                   of its size and that there is not going to be a lot  
23                   of pedestrian activity over there.

24                   So I'm wondering how effective that  
25                   really is anticipated to be in terms of animating

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1 that corner?

2 MR. TUROWSKI: I think on both ends of the site  
3 clearly the more prominent piece of retail is at the  
4 corner of New Jersey and M Street. With that kiosk  
5 in that location and again I think what we are  
6 looking at in terms of pedestrian traffic as well  
7 into the building and frankly into the site itself,  
8 since Fourth Street will be one of the major points  
9 of entry to the water's edge in terms of coming into  
10 the site, that what we're looking at for that kiosk  
11 is something that we're still coming up with the  
12 actual theme in terms of what type of retail it in  
13 fact really will be, would be something that  
14 hopefully would be kind of an entry point or a  
15 gateway kind of bringing people along the M Street  
16 corridor when we have the other seasonal kiosk that  
17 we put out there.

18 So our hope and intention is that there  
19 are really limited times throughout the year when  
20 that is the only kiosk if you will along M Street.  
21 It is the only permanent structure in terms of kiosk  
22 but again the seasonal kiosk that we've talked about,  
23 hopefully it will be kind of an anchor, not so much  
24 so in the retail sense, but from an architectural  
25 sense in terms of drawing people along M Street and

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1 seeing that this is a first of many different kiosk  
2 locations.

3 MR. JACOBS: Just as an additional point, in  
4 our conversations with the Navy, we've come to learn  
5 that a number of their employees use the Eastern  
6 Market point of ingress from Metro and so we assume  
7 therefore that a number of DOT employees will do  
8 likewise and that then will become their first point  
9 of reference coming into the building.

10 CHAIRPERSON MITTEN: Okay. This is just a  
11 logistical question that comes to mind because of all  
12 the security concerns. That particular kiosk and  
13 then the seasonal kiosk, these, the folks who are  
14 operating those are going to need to have access to  
15 certain facilities. Is there going to be an  
16 accommodation of that given the security concerns of  
17 letting non DOT employees into the building? I'm  
18 thinking primarily of rest room facilities.

19 (Laughter.)

20 MR. TUROWSKI: We will have public facilities  
21 available in the Southwest Plaza where our Building  
22 170 and the new retail building, which will provide  
23 convenience for folks who are working there and  
24 otherwise.

25 CHAIRPERSON MITTEN: Okay, okay.

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1 MR. TUROWSKI: So it will be isolated but there  
2 will be I think the possibility in terms of the  
3 corner of New Jersey and M and then down in the  
4 Southwest Plaza as well.

5 CHAIRPERSON MITTEN: Okay.

6 MR. TUROWSKI: I?m glad you reminded us.  
7 That?s something we.

8 CHAIRPERSON MITTEN: I always wonder where  
9 these people, what do they do?

10 MR. TUROWSKI: That?s one of the amenities I  
11 guess we do.

12 (Laughter.)

13 CHAIRPERSON MITTEN: Can you tell us a little  
14 bit about the kind of retail that you plan to attract  
15 to building 170 and I?m asking this because it  
16 strikes me that, particularly if you add a mezzanine  
17 or something that really is going to be needed as  
18 destination retail because no one will just happen,  
19 there won?t be a critical mass of people to just come  
20 by.

21 So how will you ensure that or how will  
22 you attempt to assure that that is actually viably  
23 occupied in a way that not only serves the  
24 population, the DOT population, but the larger  
25 community?

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1 MR. TUROWSKI: I think in our tab A we have a  
2 little bit more detail outlines in terms of some of  
3 our retail marketing plan and ideas, but to answer  
4 your question, we have been thinking of that building  
5 primarily as a restaurant slash food service type of  
6 operation. Now as to the specifics, obviously we  
7 don't know yet at this point in terms of kind of who  
8 that would be, but I think it addresses many of the  
9 concerns that you raise in terms of having something  
10 that would be more destination oriented and something  
11 that at the same time would be providing a service to  
12 not only the DOT employees but again what we're all  
13 hopeful for in terms of the build out and the balance  
14 of this site is that we do create more of a 24 hour  
15 kind of destination and by having this and having the  
16 plaza area and having the ability to provide outdoor  
17 seating, I think some of the renderings show you know  
18 some of the tables with the umbrellas, that that is  
19 along the lines of what we we're thinking about now  
20 for that building in particular and then with the  
21 other retail structure that's next to it, being  
22 almost another 4,000 square feet, we think we have  
23 the ability to again create more than one food use  
24 opportunity so if we have an accumulation of a couple  
25 of food uses in that area, we think that as well

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1 helps to kind of reinforce the decimation idea.

2 MR. JACOBS: I think there's another  
3 aspect of it that we viewed as very important in the  
4 earlier testimony that Brian offered, he referred to  
5 Loretta Caldwell & Associates and our contacts with a  
6 broad constituency within the community not just the  
7 ANCs but small businesses and others and churches and  
8 schools and it is part of our program to have  
9 activities, concerts, whatever kinds of activities  
10 for public organizations, private organizations, to  
11 get people into the habit of coming into the  
12 Southeast Federal Center and we hope at some point  
13 there will of course be a critical mass with the  
14 whole idea being the Southeast Federal Center as what  
15 I would now call the Southeast Center being developed  
16 to the south of our site and it's important to note,  
17 it's been noted several times but just to reiterate,  
18 there is no back to this building. It is all front  
19 if you will and that was important because we believe  
20 that the greater population that really interacts  
21 with it will be developed on an extended basis to the  
22 south with the remainder of the 44 acres.

23 CHAIRPERSON MITTEN: Okay, thank you.

24 Let me just see quickly any follow up.

25 Mr. Parsons?

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1           COMMISSIONER PARSONS: Yes. I was a little  
2 surprised by Mr. Quins?s response to Mr. May. How is  
3 it that the Commissin of Fine Arts has no  
4 jurisdiction here?

5           MRO. QUIN: Its boundaries for Shipstead stop  
6 at, I?d have to get the map back out but it?s up by  
7 certainly, no, it?s north of M. It would be closer  
8 to the Southwest Freeway I think.

9           COMMISSIONER PARSONS: And how about the  
10 National Capital Planning Commission?

11          MR. QUIN: The Planning Commission gets  
12 involved in three ways. The first is they have  
13 review, the normal federal interest review after the  
14 Zoning Commission makes a decision. They have a  
15 requirement in the Southeast Federal Center Act that  
16 requires consultation as determined by the  
17 administrator of GSA.

18          COMMISSIONER PARSONS: You mean the  
19 administrator defines consultation?

20          MR. QUIN: Defines the adequacy of it, yes.

21          COMMISSIONER PARSONS: Could be left on my  
22 voice mail?

23          MR. QUIN: I would suspect you would have to be  
24 reasonable but it does lead, ultimately it?s the call  
25 of GSA.

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1                   And the third area is in the highway plan  
2 amendment for the streets. There's a requirement  
3 when you put a new street in that you have to have a  
4 modification to the highway plan so that the street  
5 will be in accordance with that plan and the highway  
6 plan by statute comes to NCPC. So those are the  
7 three areas as I see it.

8                   COMMISSIONER PARSONS: So this would be I guess  
9 the first cabinet level office building for the  
10 federal government in this City not approved by the  
11 National Planning Commission or Commission of Fine  
12 Arts?

13                   MR. QUIN: No, I don't think. That may be but  
14 by sheer lack of, or location. For example, the SEC  
15 building went but that was because it was in an area  
16 that was covered by Shipstead Luce. If that had been  
17 located in another area of the City, it would not  
18 have been. I mean, unless the building were on lease  
19 property, there is no requirement. If it is a  
20 federal building, as you know, it comes under the  
21 Shipstead, in lieu of zoning provisions of the 1952  
22 Planning Act.

23                   COMMISSIONER PARSONS: Right. So maybe this is  
24 beyond the scope of this hearing but, well it is  
25 beyond the scope, but do you think the supplies to,

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1 as Mr. Jacobs calls it, the Southeast Center, which  
2 has a lot better ring than its previous name.

3 MR. QUIN: Right.

4 COMMISSIONER PARSONS: There will be no  
5 jurisdiction all the way to the river. The Planning  
6 Commission, the Commission of Fine Arts, it will all  
7 be on the design issues, if you will, will only be  
8 the Zoning Commission?

9 MR. QUIN: I think that's correct.

10 COMMISSIONER PARSONS: So we become the design  
11 entity for this entire section of the city?

12 MR. QUIN: Yes I believe that's true unless  
13 there's something else that would require to go  
14 forward and I can't think of any legal basis that now  
15 exists. I think that they're, and what happens and  
16 this is not really directly answering your question,  
17 but when a high prototype building gets built, you'll  
18 find across the City that buildings follow that in  
19 competitive ways.

20 So if you look at the, this is really  
21 judgmental, an opinion, but you see that the  
22 character of buildings in Washington have increased  
23 in my view so much by virtue of patterns. And in as  
24 art preservation has had an effect on better  
25 buildings and better buildings are being built as a

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1 matter of right, which gets us back into the  
2 superior.

3 COMMISSIONER PARSONS: The point that good  
4 design is not an amenity in a PUD?

5 MR. QUIN: To the point where it's hard to  
6 define that.

7 COMMISSIONER PARSONS: I think that's a real  
8 breakthrough tonight. Thank you. Maybe we'll never  
9 see one of those again.

10 (Laughter.)

11 MR. COULTER: May I add to that answer just one  
12 clarification that we have in fact met on a number of  
13 occasions with the NCPC staff with regard to this  
14 application and have, correct me if I'm wrong, three  
15 or four separate occasions have had meetings with  
16 staff and discussed the status of the project and  
17 received feedback from them and in one case receiving  
18 written feedback from them on some of the things that  
19 our current design that we have before you tonight,  
20 also attempted to respond to some of the concerns  
21 that they had addressed at the staff level.

22 COMMISSIONER PARSONS: Well, Madam Chairman, I  
23 find this uncomfortable. I mean, it might be a matter  
24 of law that we're it. But I certainly don't want to  
25 get in a position where in a federal interest review

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1 that's going to occur after we deliberate on this for  
2 weeks or months where the Planning Commission comes  
3 forward and says, well now that it's our turn this  
4 doesn't see right.

5 So I want to make sure that we leave the  
6 record open and make a special request to the  
7 Planning Commission that they weigh in now, early  
8 during the record as we will leave it open here  
9 tonight rather than waiting until the end of the  
10 movie, because it's just not going to be productive.

11 CHAIRPERSON MITTEN: Right, I agree.

12 COMMISSIONER PARSONS: That we get that kind of  
13 a mess on our hands, if there is that kind of an  
14 issue.

15 MR. QUIN: I think, do you have in your record  
16 a copy of the March letter from NCPC? While don't we  
17 file that letter with you in our response? We'll  
18 file it for the record so you will have it because  
19 there were comments made. Frankly the comments were  
20 very similar to what we've been talking about,  
21 security, how you deal with Third Street, the  
22 setbacks in retail plus the loading.

23 It was attached to the OP setdown report  
24 but our response was not.

25 COMMISSIONER PARSONS: Anyway, I think we

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1 really ought to seek out through staff an early  
2 position by the Planning Commission on this issue.

3 CHAIRPERSON MITTEN: Okay.

4 MR. QUIN: We will file our response. We did a  
5 little memorandum in response.

6 CHAIRPERSON MITTEN: I think I mean what Mr.  
7 Parsons is suggesting is just to make sure that you  
8 know, is to help facilitate the process not to put up  
9 a roadblock. There's an existing roadblock. There's  
10 going to be the referral.

11 MR. QUIN: Right.

12 CHAIRPERSON MITTEN: Just to do it early as  
13 opposed to later?

14 COMMISSIONER PARSONS: The one point I'm a  
15 little bit concerned about incoming back is that the  
16 test for NCPC is the federal interest when it goes  
17 over and is not really a design review as such in the  
18 sense of the in lieu of zoning where you deal with  
19 height, bulk and all of those factors.

20 COMMISSIONER PARSONS: They may determine there  
21 is no federal interest, Mr. Quin?

22 MR. QUIN: I would hope so.

23 COMMISSIONER PARSONS: Better now than later?

24 MR. QUIN: Right.

25 CHAIRPERSON MITTEN: Thank you, Mr. Parsons.

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1 Anybody else have follow up? Let me just quickly see  
2 if from ANC 6D, Mr. Johnson or Mr. Assoline? Any  
3 questions on cross examination?

4 Okay, and is anyone here from 6B? Is Mr.  
5 Jarvo here? Okay, just want to make sure we didn't  
6 skip over the cross examination opportunity.

7 All right, I think we're ready to move to  
8 the report by the Office of Planning. I'd just like  
9 to take a five minute recess and we'll come back and  
10 proceed. Thank you.

11 (A brief recess was taken at 9:00 p.m.)

12 (Back on the record at 9:05 p.m.)

13 CHAIRPERSON MITTEN: Before we move to the  
14 report by the Office of Planning, Steve Green is here  
15 from the Office of the Deputy Mayor for Planning and  
16 Economic Development and I'd like to give you the  
17 opportunity to go next. Would you turn on your  
18 microphone?

19 MR. GREEN: Good evening, thank you,  
20 Chairperson and members of the Commission for letting  
21 me testify in this mater. I am here, I will give you  
22 a copy of a letter that I have brought to you that I  
23 have written on behalf of the administration offering  
24 our full support for the project. I will read part  
25 of the letter but I would like to make a couple of

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1 introductory remarks, which is that, there are times  
2 when the Planning Office gets to look at things from  
3 a very high altitude and observe from that altitude  
4 and there are times when those of us in the Office of  
5 Economic Development get to observe the activities of  
6 planning and their negotiations and interactions with  
7 developers from a distance and sometimes arguably an  
8 altitude and one of the things I will comment here on  
9 is this negotiation has been going on for quite some  
10 time between the interested parties and I think it's  
11 a real credit to all those interested parties of the  
12 product that is the outcome of that both in terms of  
13 the amenity package and the quality of the design,  
14 quality of the architecture and overall level of  
15 cooperation that's been exhibited by both the  
16 developer, the General Services Administration and  
17 the Office of Planning.

18           It has been a long process, we have  
19 observed it and have been participant in it at time  
20 sand I would like to (a) make you all aware of the  
21 extensive length of negotiations that I've had the  
22 opportunity to witness and comment on just insofar as  
23 our strong support for moving the project forward.

24           The DOT headquarters as you know and,  
25 Commissioner Parsons, you mentioned it is the first

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1 cabinet level agency built in the District in quite  
2 some time. I think it's the first privately owned  
3 one built in over 25 years. And in our view it is an  
4 incredibly important first step in the redevelopment  
5 of the sort of neglected, perhaps long neglected as  
6 UVA would say, Anacostia waterfront.

7 Reintroducing this eleven acre parcel  
8 back into the grid and fabric of the City is a huge  
9 first step. As you know, the Mayor has been quite  
10 focused on the redevelopment of the Anacostia  
11 waterfront. This first eleven acres out of the 55  
12 acre Southeast Federal Center is an enormous first  
13 step. We are grateful to both the Administration to  
14 the General Services Administration and to the  
15 developer for getting it forward, getting it this far  
16 and getting it forward, moving it forward.

17 We have worked quite closely with both  
18 the District Department of Transportation and the  
19 Office of Planning to create a cabinet headquarters  
20 that balances a number of as you have seen tonight,  
21 disparate requirements. As it has arguably been  
22 simpler to undertake this kind of an activity  
23 particularly given the secure, the more recent  
24 security requirements in a more campus like maybe  
25 perhaps suburban setting either here or perhaps not

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1 even in the District and one of the things that this  
2 extensive length of negotiations has resulted in is a  
3 privately owned taxable entity with jobs, retaining  
4 jobs in the District of Columbia.

5 Those are both enormous wins for the  
6 District, the willingness of the General Services  
7 Administration to help provide or to provide for  
8 housing requirements in the balance of this 44 acres  
9 really goes a long way to creating a mixed use and  
10 will probably be with the development across the  
11 street and the redevelopment of the Capper-  
12 Carrollsburg area, a mixed use, mixed income  
13 neighborhood, which I think in many ways is the  
14 fundamental underpinning of a sound economic  
15 development program that will add to the economic  
16 independence of the District.

17 It should also be noted that the JB that  
18 the development, the amenity package that has been  
19 agreed to by the developer including a significant  
20 contribution to the development of the canal blocks  
21 park as well as a contribution to the waterfront  
22 improvements in this area is I think extraordinary  
23 and is an acknowledgment of the fact that this  
24 building is not just an island and it does sit within  
25 a larger area and that making a, I think GBG is

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1 actually putting their money where their mouth is and  
2 it's to their credit. As we in the Office of  
3 Economic Development in conjunction with a  
4 significant amount of leg work by members of the  
5 Office of Planning are looking to try to facilitate  
6 private redevelopment in this area creating resources  
7 for those kinds of amenities is very difficult to do  
8 as you all well know in these budget times, creating  
9 those kinds of funds are extremely difficult and a  
10 significant contribution is being made by the  
11 developer to that, those efforts.

12 We believe that the canal block parks in  
13 conjunction with what we hope to be a significant  
14 riverfront part developed in the balance of the 44  
15 acres linking it to New Jersey Avenue, will really  
16 create an extraordinary asset that will become  
17 arguably a destination. It will be an amenity for  
18 the neighborhood, the 1,700 units of housing being  
19 built across the street as well as perhaps the 1,500  
20 units of housing being built in the Southeast Federal  
21 Center, but it also helps it become a destination for  
22 folks in the District, other parts of the District,  
23 and create waterfront access, linking this to the  
24 canal block parks is just yet more of a way to make  
25 this a destination and an amenity for the folks in

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1 the neighborhood.

2           It is that it is both a combination of  
3 the economic impact of this development in  
4 combination of this very strong amenity package that  
5 causes us to be here tonight. As you know we don't  
6 choose to come here on every development. We  
7 appreciate the opportunity to come down here and to  
8 come over and make testimony. We try to reserve it  
9 for times when we feel strongly about the  
10 significance of the impact of developments to the  
11 overall economic development of the District.

12           This certainly is one of those and I  
13 appreciate the opportunity to speak to you this  
14 evening. Thank you.

15           CHAIRPERSON MITTEN: Thank you, Mr. Green. Any  
16 questions for Mr. Green? All right, thank you very  
17 much for coming down tonight.

18           And now we're ready for the report by the  
19 Office of Planning.

20           MR. ALTMAN: I think part of it was just given  
21 very well. You can tell we work closely together  
22 when we each give our, it was very good.

23           I will spare you the 12 hour video on  
24 this and, since you have requested a verily brief  
25 presentation I really am going to sort of go to the

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1 highlights. I actually think Steve Green of the  
2 Deputy Mayor's office did a very good job of setting  
3 the context of what of the significance of this  
4 project and the planning and development that's  
5 before the Commission tonight.

6 As you know this is the site from the  
7 briefing that we did, the hearing that we had, on the  
8 Southeast Federal Center zoning. It sits within that  
9 very important contest and I think this really shows  
10 the importance of this site and the sensitivity with  
11 which it needs to be, the building, needs to be  
12 treated because of its relationship both to the Hope  
13 Six, which you've also heard, and on the other side  
14 of M Street, as well as to the Southeast Federal  
15 Center, this headquarters building and the PUD really  
16 stand right at the center of that and I think that's  
17 why the treatment of it all around is so important.

18 We are here tonight in strong support of  
19 this, the proposed PUD, as Steve Green said, this has  
20 been the result of extensive discussion, extensive  
21 negotiation, over the past I'd want to say 18 months,  
22 three years, apparently. That's when you know you've  
23 been here a while. Three years of negotiations  
24 starting with the original selection of this site and  
25 the environmental impact statement of this site.

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1                   And I actually want to show you that  
2 because this has been a result of really an ongoing  
3 dialogue with both JBG, with GSA and with the federal  
4 Department of Transportation and I think it has been  
5 a very healthy example of how the City and the  
6 federal government cooperate on a major project of  
7 this scale and the significance of what this will do  
8 as a catalyst for the waterfront area. Keep going,  
9 keep going. We've got it.

10                   Sorry, these are like the intro that  
11 anything that we ever talk about in the world.

12                   Okay, here it is. So just to remind us a  
13 little bit in the terms of the presentation that we  
14 did make on the Southeast Federal Center, what this  
15 accomplishes, go to the next one because I think  
16 there were a few principles that were key here to  
17 remind us. One, why this is so important, bringing a  
18 cabinet level agency to the waterfront is a huge  
19 catalyst, the 5,000 plus employees, the economic  
20 benefit, the fiscal benefit, what's happened at the  
21 Navy Yard, will only be again accelerated and  
22 magnified by this, that's a huge benefit to this  
23 waterfront overall offering life to it. It's part of  
24 the nixed use nature and I think this is a great  
25 example of the federal cooperation because you have

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1 the Department of Transportation headquarters and  
2 then the Southeast Federal Center where we also have  
3 residential, so you can see how the project starts to  
4 come together.

5           Extending the existing streets to the  
6 river was very important and a lot of discussion  
7 about that, but New Jersey Avenue, Third Street,  
8 Fourth Street, key streets that are really  
9 fundamental to the permeability of this site, what  
10 happens at Arthur Capper, what happens at the  
11 Southeast Federal Center, were really key and that  
12 was a part of this negotiation.

13           M Street obviously into a corridor  
14 relates to the whole question of the activation of M  
15 Street, the retail, the kiosks the landscaping, is  
16 all a part of that so that was a critical objective.

17           Creating the parks, obviously access through but the  
18 creation of these public plazas, the Southwest Plaza,  
19 the contribution of the canal blocks, you really are  
20 starting to build this interconnected system of parks  
21 and trails leading down to the waterfront where, as  
22 you know, in the southeast federal zoning, Center  
23 zoning, this is proposed for the WO zone and you can  
24 see how this project connects up with another series  
25 of very active public spaces and then on to the canal

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1 blocks. So it is really critical what's being  
2 accomplished here and this is the example, the park  
3 from the zoning.

4 Obviously you talked a bit about how it  
5 fits in the historic character of the neighborhood  
6 and as presented by the Applicant, you heard from the  
7 architect about how the use of materials and the  
8 relationship of the architectural context was very  
9 important to this.

10 I just want to step back and then we'll  
11 go to the detail discussion of our support for the  
12 PUD that's before you. But there is a history of the  
13 sort of chronology to this and this doesn't nearly  
14 begin to cover the hundreds of meetings and many  
15 small details in negotiation, but really I want to  
16 start at the beginning because when you look at the  
17 principles that we talked about it was really what we  
18 want to accomplish with this overall site and this  
19 redevelopment project of the Southeast which is the  
20 largest redevelopment, waterfront redevelopment  
21 project in the City right now.

22 We started out when this was actually one  
23 building when it was in the environmental impact  
24 statement as Mr. Jacobs will recall and as GSA will  
25 recall and federal DOT, and one of the first things

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1 that we did was work with them to say it has to be  
2 cut into two buildings or it really would have been  
3 one wall and we've jumped over that in many  
4 iterations but it was the first example of how you  
5 start to break this building up and it was very  
6 important because that then allowed Third Street to  
7 go through.

8 We obviously and as we stated in the  
9 report are very concerned about federal security  
10 requirements. Commissioner Parsons, your comments,  
11 Mr. May, this is the environment wherein we obviously  
12 are not security experts. We're concerned about the  
13 impacts of 50 foot setbacks, we're concerned about  
14 not being able to open streets to vehicular traffic.

15 We have shared those concerns obviously with GSA,  
16 with the federal government, because of the impact,  
17 particularly like you could have as you move out of  
18 the federal corridor.

19 It's one thing also in the downtown where  
20 we're concerned with continued street closures but  
21 particularly as you move into neighborhoods and  
22 waterfront neighborhoods, the context becomes more  
23 and more important.

24 However, with our stated concern and  
25 hopefully will be our continued vigilance, working

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1 both with Capital Planning Commission and with the  
2 federal government on this in terms of overall  
3 security guidelines, I think we've worked very hard  
4 and have been successful with the applicant to create  
5 I think a building and a building environment that  
6 still allows for considerable activation. It is not  
7 walled off as a fortress. It is not walled off as if  
8 it's its own campus. It very much in terms of the  
9 public spaces, in terms of the streets coming  
10 through, in terms of all the things that we can do  
11 working with those security requirements, to make  
12 sure that this is an inviting building and does not  
13 feel like the first major federal presence at the  
14 Southeast Federal Center, new federal presence, I  
15 should say, of a headquarters building, would be one  
16 that separates it either from the Southeast Federal  
17 Center or from the neighborhood and I think we've  
18 worked very hard and accomplished a significant  
19 amount to do that.

20 That is why one of the first things that  
21 was critical is Third Street. Of course we'd prefer  
22 vehicular access but we are, that was not, given the  
23 security requirements, it would be accomplished but  
24 we do have is a street that, at one point, could have  
25 full vehicular access. It does have open pedestrian

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1 access in the neighborhood. You can walk through  
2 there, you're not walking through a security  
3 checkpoint so there is a sense of particularly Third  
4 Street being so important to relationship to the  
5 neighborhood, it really does allow for that and will  
6 be a street that gets you through to the public  
7 space.

8 Critical to that was the parking access  
9 reconfiguration. Originally the parking actually  
10 was, the parking access it would have gone around  
11 Third Street and there would have essentially been  
12 between the plaza and the building, it would have  
13 been the entry way separate from the building into  
14 the underground parking. A lot of discussion and  
15 negotiation about that such that that access is now  
16 directly into the building. What that allowed for  
17 was the creation of the Southwest Plaza, so that you  
18 actually get a very nice public space there between  
19 the retail building and the headquarters building.  
20 That's now public space as opposed to being separated  
21 by entry way for the parking.

22 There's a major part and it was a very  
23 complicated, I think, to recognize the work that was  
24 done by the architectural team on that in order to  
25 accomplish that objective and working with federal

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1 DOT and GSA, to meet the security requirements of  
2 having that parking within the building and at the  
3 same time allow this creation of a really nice public  
4 access and a really nice public space as part of  
5 this.

6 Another was the incorporation of detached  
7 retail around the building. Of course we'd always  
8 prefer retain in the building. I'm sure all of us  
9 would. But in light of the security issues, we were  
10 not able to accomplish that. The way that that was  
11 mitigated and I think one was clearly through not  
12 only through building 174, if that's the right number  
13 on there for me? As well as an additional retail  
14 building that's been proposed from when actually it  
15 first came before us. They now have an additional  
16 retail building that was shown earlier in plan so you  
17 have more retail space around the southwest place and  
18 around the public space leading to New Jersey Avenue  
19 but significantly also since the time of set down the  
20 incorporation of the retail element at New Jersey and  
21 M putting aside the issue of the notch for a second  
22 of how the building was designed evolved, nonetheless  
23 the retail at that corner which is what we wanted to  
24 really push very hard on, so that when you get off of  
25 the metro stop at New Jersey Avenue and you walk up,

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1 you're not going to a blank wall or just going to you  
2 know maybe since the entryway to the agency is on New  
3 Jersey, that it would be maybe a side entrance or  
4 peripheral entrance in some way, this is a  
5 significant corner. As was said by Commissioner May,  
6 this is a very significant corner, you come off of  
7 that Metro, we want to make sure there's an active,  
8 you feel that you're coming to an active space. It's  
9 the entryway and the gateway into the site, it's the  
10 first thing you'll see, you're going to get federal  
11 employees streaming there, you're going to have  
12 residents, and hopefully in a short time coming to  
13 that site at the Southeast Federal Center. That's  
14 very important and they worked very hard with us to  
15 create this retail part of not just the kiosks, this  
16 is separate from the kiosks, but actually retail  
17 element of the building. I think it will be highly  
18 successful and will really be very important to that  
19 corner.

20 Finally the contribution to the canal  
21 blocks as well as the waterfront improvements, the  
22 two piece of this amenity package. We worked very  
23 closely with the developer to make a significant  
24 contribution to the canal blocks park, \$2.5 million.

25 That is very important to the overall open space

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1 network, it matches a federal funds that we've  
2 received, the \$2.5 million. We got \$5 million. So  
3 that part can really happen. I think that will be  
4 one of the first parks that will actually be  
5 constructed in the City I don't know in how long,  
6 major contribution forward in the waterfront  
7 development and, in addition, I'm glad that Ben  
8 Jacobs clarified this, the \$1.5 million for  
9 waterfront improvement above all the amenities that  
10 have been identified thus far that we are going to  
11 submit to you some more detail on, for waterfront  
12 improvements in the area, that's another significant  
13 contribution.

14 So overall I just wanted to highlight the  
15 chronology of negotiations because it really is a  
16 fundamentally different project from the project that  
17 walked in the door today and important that it  
18 achieved a number of those objectives that we laid  
19 out in terms of fitting into the context of this site  
20 and having this very significant catalyst in the near  
21 southeast waterfront.

22 So with that I will turn to Joel who will  
23 go through quickly the detail of the zoning and then  
24 will be available for questions.

25 MR. LAWSON: Thanks Andy. My name is Joel

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1 Lawson, development review specialist with the D.C.  
2 Office of Planning. As Andy said, I'm going to talk  
3 a little bit about some of the more specific aspects  
4 of this Application. I'll try not to be too  
5 repetitive. I think the Applicant has covered most  
6 of the issues that I was considering addressing so  
7 this should go fairly quickly.

8 This map shows the U.S. DOT site, which  
9 is sort of embedded in the Southeast Federal Center  
10 site. The map also shows the adjacent zoning  
11 categories, both existing and proposed, existing to  
12 the west and to the north and proposed zones for the  
13 Southeast Federal Center, the CR and R5E which  
14 surrounds the U.S. DOT site.

15 The Application as submitted is for  
16 initial zoning of the site as C3C, while the  
17 consolidated PUT application would permit additional  
18 height. OP continues to feel that CR is more  
19 appropriate base zone. We support the Application  
20 for C3C zoning in conjunction with this PUT  
21 application, which would permit height and density in  
22 addition to that allowed by the base zone.

23 The proposed development conforms to most  
24 other zoning regulations, relief from penthouse  
25 mechanical room set back, compact car space grouping

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1 and onsite retail parking requirements are required.

2 OP does not object to these requests.

3 Although not strictly a zoning regulation  
4 issue, confirmation that the building is designed  
5 fully conforms to the Height Act of 1910 and any  
6 approval of this Application should be subject to  
7 receiving a ruling by the Director, D.C. RA and  
8 resolution of the issue as necessary.

9 Thank you. As Andy has stated and has  
10 been stated in the past by other people, the federal  
11 security requirements have been an overriding issue  
12 with this Application and OP is consistently  
13 expressed concerns with a number of aspects that  
14 arise from these security requirements and how they  
15 impact the ability of the development to provide  
16 maximum benefit to the community and to contribute  
17 towards the creation of a vibrant Southeast Federal  
18 Center neighborhood. OP understands the requirement  
19 to provide adequate security for federal employees  
20 but we feel this doesn't have to be at the expense of  
21 overall community vitality.

22 To address these concerns then we have  
23 had, as Andy said, literally years of discussions  
24 with the Applicant and they've come forward with a  
25 fairly innovative package of mitigation efforts to

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1 address these security requirements. I think they're  
2 basically all listed there so I won't go through them  
3 in detail. I just note that OP would encourage  
4 further efforts at integration of perimeter security  
5 into the landscape design to maximize opportunities  
6 for the pedestrian friendly streetscape.

7           Again, as Andy stated, you took away all  
8 my thunder, that's okay. The amenity package as  
9 proposed by the Applicant is a comprehensive one and  
10 OP feels it's a strong one. It includes a  
11 significant contribution towards the planning and  
12 construction of the canal blocks park which is  
13 located directly across M Street, it includes the  
14 development of the Southwest Plaza, a public open  
15 space which will provide for both informal use by the  
16 public and more formal programming for events such as  
17 markets or shows by local performers. It includes  
18 the installation of a transportation walking museum  
19 through and around the site which OP feels is a  
20 potentially very exciting aspect to the amenity  
21 package. It includes an adaptation of the existing  
22 Building 170 for retail use, a comprehensive  
23 neighborhood signage program to raise awareness of  
24 public areas in the waterfront pathways, a very  
25 comprehensive transportation management program,

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1 first source employment agreement and a memorandum of  
2 understanding between local small and disadvantaged  
3 business enterprises and the applicant is also  
4 committed to providing additional amenity funding in  
5 the amount of \$1.5 million, which has yet to be  
6 worked out in detail.

7 In addition, of course, the Applicant is  
8 also providing for the dedication and construction of  
9 portions of New Jersey, Fourth and Tingey Street,  
10 which will have a very major impact on the Southeast  
11 Federal Center, the development of the Southeast  
12 Federal Center site.

13 As I said, OP believes that the PUD  
14 application is generally consistent with many  
15 comprehensive plan goals and objectives. The  
16 generalized land use map shows the site as federal  
17 lands, the proposed zoning is in keeping with the  
18 current and proposed zoning and anticipated land uses  
19 for adjacent properties.

20 The site is also within the central  
21 employment area and would further its goals and  
22 objectives by providing economic diversification and  
23 job generation in portions of the CEA outside the  
24 downtown area, as well as provide an influx of  
25 workers who will support neighborhood commercial

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1 establishments.

2 While the proposal generally furthers  
3 comprehensive plan chapter two and six economic  
4 objectives, OP has had concerns that security  
5 requirements will limit the ability of the building  
6 to fully conform to urban design objectives.

7 However, as noted earlier, proposed  
8 design site measures are intended to mitigate those  
9 concerns.

10 The U.S. DOT development is generally  
11 consistent with the AWI near Southeast goals and  
12 objectives, as noted on this slide. And on the  
13 following slides the project address the issues that  
14 Andy described in a bit more detail earlier on in our  
15 presentation.

16 MR. ALTMAN: So that concludes the  
17 presentation. I'd say you know we're obviously  
18 strongly in support of the Application before you.  
19 We've worked extensively on it. I think it's a great  
20 example of how the City and the federal government  
21 can work very closely to accomplish something. The  
22 fact that it is federal land that is being zoned  
23 comes both on the tax roles is obviously significant  
24 because it does allow all of us the opportunity that  
25 we otherwise couldn't have had and I think it's

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1 achieved something that really will be a catalyst for  
2 the entire waterfront, for the near Southeast.

3 CHAIRPERSON MITTEN: Thank you very much. Any  
4 questions for Mr. Altman or Mr. Lawson? Mr. Hood?

5 COMMISSIONER HOOD: I just have a quick  
6 question for Mr. Altman. In a previous case, which  
7 is Southeast Federal Center case, we had testimony I  
8 believe from a representative from Admiral Weaver and  
9 they had, they spoke of some security concerns. Have  
10 they gotten back to you? Have they followed up?  
11 Because I don't think that we have got anything  
12 additional I can't remember what the concerns were  
13 but I know they came in and testified about that.

14 I'm serious, with all this mention of  
15 security, I know they said they had some concerns  
16 they would be getting back with us later on.

17 MR. ALTMAN: The concerns that they have, maybe  
18 you've had closer contact with them, but really  
19 didn't relate to this project, did you know did it  
20 relate to the Southeast Federal Center zoning, had  
21 more to do with the perimeter which is the line of,  
22 the relationship of where the Navy Yard abuts the  
23 Southeast Federal Center and just concern about the  
24 sensitivity of the treatment of that edge between the  
25 two sites and I think that's really much more a

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1 matter of ongoing discussion with the Navy than  
2 something that will be worked out in a specific  
3 agreement, as an amendment to that zoning.

4 I think their primary concern is that, as  
5 the Southeast Federal Center development goes forward  
6 and moves through the zoning process, but frankly  
7 through the development process, that they'll have  
8 the opportunity to work with GSA and with whomever  
9 the selected developer is to have a dialogue with  
10 them about their security issues.

11 So I don't think this at the end of the  
12 day will be something that will be resolved  
13 regulatorially, in a regulatory way through zoning,  
14 but rather just I think through ongoing discussion  
15 with them.

16 COMMISSIONER HOOD: Okay, that's good. Thank  
17 you.

18 CHAIRPERSON MITTEN: Thank you Mr. Hood.  
19 Anyone else have questions? Mr. Parsons?

20 COMMISSIONER PARSONS: Yes. Mr. Altman, I  
21 guess you heard the dialogue I had on the M Street  
22 issue. Were you here for that?

23 MR. ALTMAN: Yes.

24 COMMISSIONER PARSONS: You know, this reminds  
25 me of the Arcade case that we just went through, that

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1 in the 1970s or whenever it was that we decided  
2 arcades were a neat thing to do so we built eleven of  
3 them in this City and now we're in-filling them with  
4 retail.

5 So that's the thought I have on this  
6 Commission setting the stage at this point that, when  
7 the security issues dissolve, that we would foresee  
8 that this building could be expanded to the north,  
9 I'm not sure how much. I'm not sure my colleagues  
10 agree. But the point of it is the without re-beating  
11 this horse too hard, this is out of step with the  
12 setbacks in this City and the only reason we're doing  
13 it is because of a problem at the beginning of this  
14 century.

15 And I don't think it's your last in  
16 perpetuity. So this is not a 20 year lease building.

17 It doesn't even look like one. We've got plenty of  
18 those. SO I don't know if you have any thoughts on  
19 that or how we could deal with it but let me stop  
20 talking for a minute and see what you think.

21 MR. ALTMAN: It's obviously a complicated issue  
22 that is broader than this one building. To be honest  
23 with you it has to do with the environment that it's  
24 happened both in terms of the security and in terms  
25 of the requirements.

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1 I guess what we have tried to accomplish  
2 given that, because we are not security experts. I  
3 don't pretend that I can challenge what security  
4 requirements are, but what we can do and what I think  
5 we have effectively accomplished is thinking ahead to  
6 a future circumstance where security requirements  
7 hopefully will not be as stringent and where there  
8 might be adaptability of this building is to do a  
9 couple of things.

10 One is to build in as was shown by the  
11 Applicant, the ability to convert the ground floor as  
12 retail, not as an arcade but as a fundamental part of  
13 the building and I think one thing we've learned from  
14 the experience in terms of retail is you want it to  
15 be one as continuous as possible along the ground  
16 floor of buildings and the other is that it's  
17 actually a fundamental part of the building and I  
18 think that has been accomplished here in its  
19 adaptability in the future, so should this not be a  
20 federal tenant or should their security requirements  
21 change, it has the ability to do that.

22 That really relates to the M Street  
23 situation and the Third Street is clearly designed in  
24 such a way that should security requirements change  
25 that again that can accommodate vehicular access and

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1 it meets the DDOT standards, has the ability to do  
2 that, it is also will not feel to the pedestrian that  
3 this is an inaccessible site or that you have to go  
4 through security checkpoints to get through, so from  
5 the pedestrian point of view, it will we think be an  
6 attractive and inviting place.

7 But in terms of M Street, I mean really,  
8 we worked with the requirements that were given and  
9 really tried to make I think the best of the  
10 situation both in terms of the landscaping and in  
11 terms of building in the ground floor retail, the  
12 retail at M. and New Jersey was a way that we felt  
13 was important to actually have a retail presence  
14 there, not the kiosk but an actual permanent retail  
15 presence there, respects the need for the separation  
16 in terms of the building and security requirements,  
17 but at the same time allows a permanent retail  
18 presence and really I think that's what we spent a  
19 lot of time trying to work through.

20 COMMISSIONER PARSONS: Let me move to building  
21 heights. As I understand it, if the Zoning  
22 Administrator does not conclude that this is a single  
23 building. There are only two options. Reduce it by  
24 20 feet or get an exception from the Mayor.

25 MR. LAWSON: That's not quite right. The

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1 determination by the director ECRA is necessary to  
2 see whether or not the roof over the atrium in the  
3 east building would conform to the Height Act  
4 requirement. The building itself, the bulk of the  
5 building has a height, the east building, has a  
6 height of 180 feet so it would conform to the Height  
7 Act. It's just the roof of the atrium portion of the  
8 building, the glass section, which may be  
9 nonconforming.

10 I should note that, from our standpoint,  
11 we don't have a design problem with the height of the  
12 building. We feel it's an appropriate design  
13 response. We fee it's kind of a technical issue that  
14 needs to be dealt with and if the determination is  
15 that this is for purposes of the Height Act, not for  
16 purposes of the zoning regulations but for purposes  
17 of the Height Act, this is considered two buildings,  
18 then the east building could be considered  
19 nonconforming. The applicant would either have to  
20 request relief from the Height Act, and I believe  
21 you're correct I believe that is from the Mayor, or  
22 they would have to make alterations of that portions  
23 of the roof over the atrium that is nonconforming.

24 COMMISSIONER PARSONS: So how are we to deal  
25 with that? Is the Zoning Administrator pinning that

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1 opinion as we speak or?

2 MR. LAWSON: Currently there is no zoning  
3 administrator.

4 COMMISSIONER PARSONS: All right.

5 MR. LAWSON: As we stated in our report we feel  
6 that approval should be conditional upon resolution  
7 of the issue one way or another, either the  
8 determination was made that it conforms to the Height  
9 Act or the Applicant would tell us essentially how  
10 they would address that. It's probably not from a  
11 design perspective not a difficult issue to deal with  
12 in that they could form a roof underneath the atrium  
13 roof which technically makes it meet the requirement  
14 and then the atrium roof becomes an architectural  
15 embellishment or whatever. I'm not sure what the  
16 process is to go before the Mayor to ask for relief  
17 from the Height Act. I'm not sure how often that  
18 happens and how detailed that is.

19 COMMISSIONER PARSONS: Not very often.

20 MR. LAWSON: I would expect not. So I mean I'm  
21 not sure how complicated that process is but it would  
22 be up to the Applicant to advise us on how they would  
23 address the issue.

24 COMMISSIONER PARSONS: But it is possible that  
25 the height of the eastern building could be reduced

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1 by 20 feet?

2 MR. LAWSON: It would not have to be reduced 20  
3 feet. It would be, the building itself would not  
4 have to be reduced at all. The atrium, the sloped  
5 roof over the atrium would have to go from  
6 approximately 117 feet to 110 feet. The Height Act  
7 allows a height of 20 feet higher than the facing  
8 street, in this case M Street which is 90 feet, so  
9 they would be allowed 110. The building, the main  
10 portion of the building has a height of 108 feet so  
11 it's fine. The atrium roof at the peak has a height  
12 of about 107 feet so it would have to be reduced.

13 COMMISSIONER PARSONS: I guess I'm totally  
14 confused.

15 MR. LAWSON: Oh, sorry, sorry. I think I said  
16 107. I meant 117 feet.

17 COMMISSIONER PARSONS: That's what I thought,  
18 okay.

19 So if the Mayor made his decision they  
20 would have to come back to us? I mean, if the result  
21 was that the building had to be changed they'd have  
22 to come back to us or are you suggesting that we make  
23 some condition that says whatever happens happens and  
24 it's okay?

25 MR. LAWSON: I believe the Zoning Commission

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1 should be able to address this through a condition,  
2 yes.

3 COMMISSIONER PARSONS: Fine, thank you.

4 CHAIRPERSON MITTEN: Anyone else? Mr. Quin,  
5 did you have any questions for the Office of  
6 Planning?

7 MR. QUIN: No.

8 CHAIRPERSON MITTEN: Commissioner Johnson, did  
9 you have any questions for the Office of Planning?

10 COMMISSIONER JOHNSON: No.

11 CHAIRPERSON MITTEN: Now we're ready to move to  
12 Ms. McCrary from DDOT.

13 MS. MCCLARY: Hello. My name is Rachel  
14 McClary. I am a transportation planner with the  
15 District Department of Transportation. DDOT's review  
16 of the planned development application and we filed  
17 comments. I will briefly go over our comments here.

18 Generally DDOT believes the Applicant has  
19 made progress in terms of resolving many of DDOT's  
20 original concerns with the Application. Remaining  
21 concerns and issues I will discuss below.

22 DDOT is concerned about the impact of the  
23 proposed security perimeter around the building which  
24 is required in a distance of 50 feet around all of  
25 the buildings. DDOT and the Applicant have agreed

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1 that the security perimeter can be located two feet  
2 from the curb line. That seemed like a reasonable  
3 compromise in terms of traffic safety and also  
4 protecting the pedestrian environment for folks on  
5 the sidewalk.

6 However, the Applicant will still need to  
7 compete the process for obtaining a public space  
8 permit for all security elements that are in public  
9 space including the streets that the Applicant is  
10 dedicating to the District.

11 The applicant will not need a permit for  
12 the elements that are in private space.

13 Loading, DDOT is concerned that the  
14 garage and truck loading operations on Fourth Street  
15 will add to congestion and vehicle truck conflicts on  
16 this road. It is especially true because Fourth  
17 Street will serve along with New Jersey Avenue as one  
18 of the development's major access roads. We  
19 submitted some language recommending prohibitions to  
20 the times that trucks can be allowed to use the  
21 Fourth Street loading dock. The Applicant had  
22 concerns with the prohibitions DDOT recommended and  
23 they gave me an alternate proposal. I have not had a  
24 chance to review it yet. I will do so and work with  
25 the Applicant to iron out the last details.

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1           Retail parking for Building 170 on Tingey  
2 Street. DDOT supports parking option C for Building  
3 170. The option specifies that there will be  
4 parallel parking along Tingey Street. The Applicant  
5 has expressed concern about a potential lack of  
6 dedicated parking for Building 170 management. DDOT  
7 is willing to work with the Applicant to secure  
8 public space permits for one to two Building 170  
9 management parking spaces if the Applicant wants to  
10 pursue this option.

11           New Jersey right of way. The Applicant  
12 is proposing that New Jersey Avenue, Southeast,  
13 between M and Tingey Streets be dedicated with a 110  
14 foot right of way width, which included a 55 foot car  
15 roadway width. This will be accomplished by shaving  
16 the 160 foot right of way that exists north of M  
17 Street by 50 feet to the east. This configuration  
18 will mean that the right of way line ends at the east  
19 curb and that there is no quote unquote public space  
20 east of the right of way line.

21           DDOT was concerned that this would limit  
22 access to public utilities and other things that we  
23 might need access to on the sidewalk space so the  
24 Applicant has agreed to give the District a surface  
25 and subsurface easement to the space. DDOT supports

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1 this compromise and notes that registration of the  
2 agreement should be a condition of PUD approval.

3 DDOT has reviewed the Applicant's  
4 dedication plot for the portions of New Jersey,  
5 Tingey and Fourth Street surrounding the site.  
6 Generally DDOT supports the proposed right of way  
7 dedication of areas of easements and notes that the  
8 Applicant has agreed to construct the streets to DDOT  
9 specifications. DDOT notes that dedication and  
10 construction of the streets should be a condition of  
11 PUD approval.

12 I wanted to note an anomaly in the  
13 documents that were sent around by the office of the  
14 surveyor. They included a proposed street reopening  
15 plan that apparently is no longer relevant. I don't  
16 know if any of you have seen it. It includes a  
17 proposed surface easement on Tingey for parking but  
18 is no longer the applicable document. There is no  
19 parking easement proposed on Tingey any more.

20 As described in the OP report and DDOT's  
21 report, DDOT is concerned with the tie in of Tingey  
22 and M Streets at New Jersey Avenue and future  
23 operations at this intersection. DDOT also believes  
24 that there may be an opportunity at this location for  
25 a grand terminus of New Jersey Avenue. DDOT will

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1 work with the Applicant, GSA, WASA and Office of  
2 Planning to design an intersection that works  
3 operationally and conceptually at this location.

4 Closure of Third Street. The Applicant  
5 as you know is proposing that Third Street be built  
6 to DDOT standards but not open to vehicular traffic.

7 As noted throughout the hearing, DDOT has concerns  
8 about what will happen when Third Street is not  
9 opened as a fully functional and connected road. To  
10 address our concerns I have retained a consultant to  
11 look at what operations will be like when U.S. DOT is  
12 the sole occupant of the Southeast Federal Center and  
13 also to look at operations when the Southeast Federal  
14 Center is fully built out.

15 I expect the results of that study to be  
16 back tomorrow and would be prepared to submit a  
17 supplemental statement within two weeks to the Zoning  
18 Commission.

19 DDOT is also interested in reviewing the  
20 environmental impact study for the southeast federal  
21 center site in reference to this csae but as far as I  
22 know it's not available yet.

23 Third Street sunset provision. The  
24 Applicant's supplemental Third Street analysis states  
25 that after the lease at U.S. DOT expires the

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1 buildings may be leased to one or two private tenants  
2 that do not require the security perimeter. At that  
3 time the owner or the District of Columbia can remove  
4 the security perimeter and open Third Street to  
5 vehicles. Generally DDOT is supportive of this  
6 statement and is strongly supportive of periodic  
7 review of the current security requirements. DDOT  
8 however believes that the security perimeter should  
9 be removed by the Applicant or owner not the District  
10 and that the cost of any modifications required to  
11 open Third Street to traffic be borne by the  
12 Applicant or owner.

13 DDOT recommends as well that the sunset  
14 provision agreement that we revisit the status of  
15 Third Street be included and the PUD approval.

16 Thank you for this opportunity to review  
17 the Application. I am happy to take any questions.

18 CHAIRPERSON MITTEN: Thank you. I was having a  
19 little sidebar with Mr. Parsons when you first got  
20 started and on page 2 of your report regarding  
21 traffic impact study, I don't know if you said  
22 anything different that what is in the written  
23 report. But the written report says that you will  
24 evaluate the merit of the various measures, the  
25 mitigation measures that had been suggested by the

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1 Applicant's expert.

2 RS. MCCLARY: We're talking about mitigation  
3 for the non vehicular status of Third Street.

4 CHAIRPERSON MITTEN: No, we're talking about  
5 the fact that the level of service at M Street and  
6 South Capitol and M are unacceptable currently and  
7 then we would be adding more traffic to that.

8 MS. MCCLARY: I guess there's two. The traffic  
9 study that we've commissioned will only, well, only  
10 it will look at generally operations in the area but  
11 it's looking to assess the impact of not having Third  
12 Street available as a link.

13 CHAIRPERSON MITTEN: Okay, we're not connecting  
14 yet.

15 MS. MCCLARY: Okay.

16 CHAIRPERSON MITTEN: In your report on page 2  
17 under traffic impact study it says The consultant,  
18 and I guess I had originally taken that to be the  
19 Applicant's consultant as opposed to your consultants  
20 since their report isn't done, but it says, The  
21 consultant has proposed a certain number of  
22 mitigation measures to improve traffic movement in  
23 the area. Now who is that, the consultant?

24 MS. MCCLARY: Their consultant, right. SO that  
25 would be the signal and other things on M Street that

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1 would need to be installed to help facilitate  
2 movement.

3 CHAIRPERSON MITTEN: Right. So it says, DDOT  
4 will evaluate the merit of these measures for  
5 implementation.

6 And have you done that?

7 MS. MCCLARY: We will do that, yes. No we have  
8 not.

9 CHAIRPERSON MITTEN: And I guess there?s a  
10 timing issue here if that?s something that should be  
11 a condition of the PUD approval then we need to know  
12 that, or is that just a side issue for you all?

13 MS. MCCLARY: DDOT would of course need to  
14 approve any signals that are in place. I don?t think  
15 it needs to be a condition of that, that that needs  
16 to be a condition of the PUD approval.

17 CHAIRPERSON MITTEN: Okay so you?re satisfied  
18 that, without any, that the PUD can go forward and  
19 that you will have sufficient leverage with, I mean  
20 the Applicant might not be interested in paying for  
21 anything.

22 MS. MCCLARY: Well, they?ve already agreed to  
23 do the signal at New Jersey and M, I think that?s the  
24 main traffic control issue that we would need to look  
25 at. If there needs to be additional controls at M

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1 and Third, M and Fourth, we would work with them to  
2 figure out the details of that.

3 CHAIRPERSON MITTEN: Okay. How are, there is  
4 no mention in opening these streets or anything about  
5 bikes, bike lanes and I'm assuming that at some point  
6 in this area there will be a street or streets that  
7 will be the designated streets where bike lanes will  
8 be added to the streets to provide access to the  
9 trail along the waterfront.

10 Are any of the streets that we're talking  
11 about in the context of this application to be the  
12 streets with bike lanes?

13 MS. MCCLARY: I don't know if the bicycle  
14 coordinator has a particular plan. Certainly Third  
15 Street would be one of the obvious streets for  
16 bicycles to go down and I think that's what we would  
17 encourage.

18 CHAIRPERSON MITTEN: Because in a practical  
19 sense we're going to be having a lot of, and we  
20 talked about this actually, I don't know if you were  
21 involved in the case, but in the Station Place case  
22 where the trail, the Metropolitan Bridge trail goes  
23 along the sidewalk and so there's the potential for  
24 conflict. And given that we are going to be keeping  
25 the record open for a supplemental report from you

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1 from your consultant's report, I'd like you to just  
2 consult with the principal coordinator.

3 MS. MCCLARY: Yes, I can talk with him. I  
4 think my assumption this whole time has been that  
5 Third Street would be the main bicycle and pedestrian  
6 access given that it won't have any cars on it but I  
7 will check and see what the master plan that he's  
8 preparing might look like for down there.

9 CHAIRPERSON MITTEN: And if that's the case  
10 then there might need to be some treatment of Third  
11 Street so that people will know where the bikes may  
12 be coming. Okay.

13 MS. MCCLARY: Good point.

14 Anyone else have questions for Ms.  
15 McCrary? Anyone else? Mr. Quin?

16 Commissioner Johnson, did you have any  
17 questions for Ms. McClary?

18 COMMISSIONER JOHNSON: No.

19 CHAIRPERSON MITTEN: Okay, thank you. Is  
20 there anyone else here representing another  
21 government agency that I'm not aware of that would  
22 like to testify?

23 Someone's something is going off and we'd  
24 appreciate it if you would shut that off, Mr. Sher.

25 All right, I think Commissioner Johnson

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1 and Commissioner Avsolan, I don't know if he's coming  
2 forward. We're ready for your report.

3 MR. JOHNSON: Good evening. My name is Ed  
4 Johnson. I'm the secretary for ANC 60 and now  
5 formally the chair of our zoning committee. As  
6 you've noticed, Commissioner Avsolon is here lurking  
7 in the back to look over my shoulder and I believe  
8 Commissioner Siegel was going to make a statement  
9 since this impacts his area as well.

10 As you know from our initial report of  
11 September 10, the NC voted unanimously to give  
12 conditional support to the Department of  
13 Transportation headquarters, consolidated PUD and  
14 related MAP amendment from CR to C3C.

15 I believe the Applicant deserves special  
16 recognition for an outstanding job of community  
17 outreach. In particular their responsiveness to  
18 community input reflected in the final submission  
19 truly sets a standard for future PUT applicants to  
20 strive for. As you know, we don't often say that  
21 about all the applicants that come before you.

22 CHAIRPERSON MITTEN: That's high praise.

23 MR. JOHNSON: I really want to take the  
24 opportunity to do that. In fact, I may go a step  
25 further and say that the Zoning Commission should

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1 certainly consider this as an example for some of its  
2 own standards for future PUDs

3 I'd like to briefly provide some  
4 clarifications to the conditions set forth in our  
5 earlier report in reference to the Office of  
6 Planning's list of required clarifications. I  
7 believe you really covered that with the Applicant  
8 earlier and we're fine. I won't go any further.

9 In reference to our request for the  
10 inclusion of the Southeast Federal Center, EIS with  
11 this PUD, something we requested in the earlier  
12 submission, our understanding is that the draft EIS  
13 is due out soon but it could actually be quite a  
14 while for the final EIS to be out. And the inclusion  
15 of the draft of this PUD would be perfectly  
16 acceptable to the ANC.

17 The Applicant's transportation management  
18 plan for this is excellent but we do request that the  
19 Zoning Commission take into account the overall  
20 impact of traffic on the entire proposed development  
21 for the surrounding area. That's sort of our  
22 motivation for asking for the Southeast Federal  
23 Center EIS or draft EIS to be included in this PUD as  
24 we are looking to encourage you to look at the bigger  
25 picture. I know we've had a little discussion about

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1 that, you know, with DOT. D.C. DOT as well, a few of  
2 our various people here.

3 I also want to take a moment particularly  
4 in terms of traffic, take a moment to respond to a  
5 question that Commissioner Hood posted in an earlier  
6 hearing in regard to constituent concerns. You know,  
7 Mr. Hood asked us if the ANC Commissioners talked to  
8 their constituents or if we just made decisions in  
9 the absence of resident input. I'm going to refer  
10 him to the nearly seven hours of public testimony on  
11 the development plan before the City Council earlier  
12 this week. Mr. Hood, I can assure you that our  
13 constituents are not bashful and that they are heard  
14 very loudly and very clearly here in the ANC.  
15 Because at that particular hearing one of the  
16 universal concerns was the environmental impact and  
17 particularly the impact of traffic and parking across  
18 our entire ANC.

19 I mean, I am the commissioner for 60-01  
20 which is the far end and in numerous meetings my  
21 constituents have brought up concerns about the  
22 development of this end, not to mention the proposed  
23 development in our own and how all of that will tie  
24 together. I mean there's an extraordinary amount of  
25 development that's either under construction or

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1 proposed and we just again really want to encourage  
2 you to look at the cumulative effect of each and  
3 every project.

4 If you will allow me to paraphrase  
5 Senator Dorgan's observation, A few million square  
6 feet here, a few million square feet there and pretty  
7 soon it adds up to real traffic.

8 Mr. Lawson and Mr. Brandis, both from the  
9 office of planning are working with us to provide  
10 some information to put together at least a rough  
11 tabulation of recent current and proposed development  
12 across ANC-6D to provide some sort of baseline  
13 framework for looking at the cumulative impact of all  
14 this new development and I hope we will have that  
15 completed in time to add it to the record for this  
16 case. That is all I have.

17 CHAIRPERSON MITTEN: Thank you, Mr. Johnson.  
18 Any questions for Commissioner Johnson? Mr. Hood?

19 COMMISSIONER HOOD: I'll just take a personal  
20 privilege. Mr. Johnson, I can assure you that I  
21 appreciate your comment because that's good to year.

22 Just so you don't think I just say it down here but  
23 I was in a meeting last night and my concern again  
24 was making sure that the constituents know that we  
25 are representing the constituents. I am also a

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1 former president of CSA so I know how it is to get  
2 that impact and that's why I asked that question and  
3 I applaud your commission for doing that.

4 MR. JOHNSON: You're welcome to our four and a  
5 half hour ANC meeting since you clearly have the  
6 stamina for your own.

7 (Laughter.)

8 COMMISSIONER HOOD: I'll tell you what I'll do.  
9 I'll bring some of my ANC commissioners.

10 (Laughter.)

11 CHAIRPERSON MITTEN: Anyone else? Mr. Quin?  
12 Any questions? Okay.

13 MR. JOHNSON: Okay, that you very much.

14 CHAIRPERSON MITTEN: And I'll just note for the  
15 record since we don't seem to have anyone here from  
16 6B although they wanted to be considered as an  
17 effective ANC that we do have a report from them  
18 stating their unanimous support for the project.

19 So now I'll just ask for a show of hands.  
20 How many people do we have who would like to testify  
21 in support? Okay we have four people. We have four  
22 chairs. Come on forward. Mr. Siegel, why don't we  
23 start with you and then we'll just work our way down  
24 the table?

25 MR. SIEGEL: Thank you, Chairperson and

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1 Commissioners. Again I sit before you as a major  
2 property owner next to the Southeast Federal Center  
3 and I am a Commissioner of ANC 6-D-07, but I am a  
4 private property owner and I have met eight times as  
5 an ANC commissioner with multiple JBG meetings and  
6 company workers and I feel very comfortable with what  
7 has gone on tonight in front of the Zoning  
8 Commission.

9 This is more than a neighborhood. This  
10 has been sorely needed and wanted by also  
11 Congresswoman Norton for the last 10 years. And I'm  
12 very happy with the Third Street provision. I'm very  
13 happy with the detached retail provision. I'm happy  
14 with the 50 setback along M Street.

15 There is one other thing and that is the  
16 loading dock conflict and that from what I hear about  
17 it is that they're going to do prescreening and sort  
18 of prescreen deliveries so that that conflict has  
19 been resolved in my mind because obviously a major  
20 government building such as the DOT and also being  
21 right next to the newly developed Navy Yard, which I  
22 am very proud of, needs to be protected.

23 So I'm happy with the quality of the JBG  
24 planning and I'm also the secretary treasurer of Hope  
25 Six CDC that's right across the street and we are

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1 working or planning to work closely with, the  
2 developers and our community demands, needs and wants  
3 and are very happy with the promised degree of  
4 cooperation that we are going to get from the  
5 developers.

6 So as a private property owner and as a  
7 single member District Commissioner, which I did have  
8 a two hour meeting just about eight days ago,  
9 Commissioner Hood, with members of Carroll  
10 Apartments, about 25 people of the 60 residents, a  
11 lot of them invalids, but a two and a half hour  
12 meeting is a long time but I did bring up the DOT  
13 building and also the Southeast Federal Center. I  
14 keep those, my seniors very much informed.

15 But I'm also the secretary treasurer of  
16 Hope Six and I'm keeping those people informed too  
17 because these are the people who are going to move  
18 right back and be that, work with that major asset  
19 right across the street and we want all those  
20 amenities. Thank you.

21 CHAIRPERSON MITTEN: Thank you, Mr. Siegel.  
22 Ma'am?

23 MS. PATTERSON: Thank you Madam Chair. Good  
24 evening, Commissioners. I'm Alice Patterson,  
25 Community Relations Officer with Clark Construction

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1 and was assigned to the Convention Center project and  
2 worked very closely with the team there to achieve  
3 the 45 LDSBE participation that we did and the jobs  
4 for many district residents also work to help put  
5 together the step up apprenticeship program. I was  
6 very happy to hear that there was going to be an  
7 LSDBE and first source requirement on this project.  
8 We have continued our relationship with the  
9 District's office of local business development. We  
10 meet on a regular basis with them and also with the  
11 department of employment services.

12 We have continued our relationship with  
13 the job readiness programs, with court services and  
14 offender supervision agencies, and with just churches  
15 around the City that refer people to us for jobs. We  
16 worked with the D.C. Apprenticeship Council and have  
17 been continuing since the Convention Center project  
18 to place D.C. residents into apprenticeship programs  
19 in Clark projects around the City and we're also  
20 working with LSDBEs that were at the Convention  
21 Center project. We've sent them on to many other  
22 jobs around the City because we were very successful  
23 there. They were successful and we want to see them  
24 continue that success so we've been referring them to  
25 many Clark jobs and many of them that were successful

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1 at the Convention Center project are now working on  
2 other Clark projects around the City.

3 Also there are two LSDBEs that were just  
4 certified. One, a company to provide final cleaning  
5 and another a company to install metal panels, which  
6 there was not LSDBE or is no LSDBE to install metal  
7 panels in the City. So we have adopted those two  
8 companies. We are working with them every step of  
9 the way to ensure that they do get contracts whether  
10 it be joint ventures or second tier contracts on  
11 other projects and hoping that they will be able to  
12 do business on the DOT project.

13 We just want you to know that we remain  
14 committed to continuing the success that we had at  
15 the Convention Center and see that there is a lot of  
16 potential for the LSDBEs that were successful there  
17 to continue to grow their businesses.

18 And also for a lot of the young people,  
19 young residents who went into apprenticeship programs  
20 to finish those apprenticeship programs and become  
21 journeymen and productive citizens in the District.  
22 Thank you.

23 CHAIRPERSON MITTEN: Thank you very much. Sir?

24 MR. EVANS: Hello, my name is Kedrick Evans.

25 Ms. Patterson asked me to come down tonight I guess

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1 to talk about me being an LSDB.

2 It's interesting how Mr. Jacobs actually  
3 planted this seed here. He didn't even know he did  
4 it. I'm going to name a few projects we've worked  
5 on. The Convention Center, 98 homes in Beezer Homes,  
6 actually a Hope Six project as well, the Georgetown  
7 Incentive Radar I was involved in. I also have 600  
8 homes I'm doing right now at Beezer Homes. Giant  
9 Foods, I'm working on now. That's why I look like  
10 this. That's why I'm dressed like this now. You have  
11 to excuse my attire. We're actually doing the Giant  
12 in Hyattsville. I'm scheduled to do about nine or  
13 ten Giant stores a year.

14 Urban League headquarters, actually the  
15 Beezer Project, they like our work so much they let  
16 us actually let us build ten homes from the ground up  
17 and if we do a good job on that we're going to get 50  
18 more.

19 And the good thing about it is we  
20 actually get the Community involved. Hope Six, I've  
21 hired I think 15 or 16 people in the past three  
22 months actually out of Ward 8 and that's why actually  
23 HUD used Washington Sprinkler as a pilot company to  
24 actually give funding to. That's difficult sometimes  
25 to get the money to do more work but they've taken us

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1 under their wing like Ms. Patterson did and Mr.  
2 Jacobs did with Clark Construction.

3 On the masonry side we started off in  
4 sprinkler and then it kind of went off into masonry.

5 Some of my masonry contracts is actually Gallery  
6 Place, Station Place and, like Ms. Patterson  
7 mentioned, we're also on 901 New York Avenue right  
8 across the street building a sprinkler system there  
9 and I also have Georgetown University Law Center.

10 So LSDB has been very, very kind to us.  
11 It's been a great program for us, a great stepping  
12 stone and we're hoping to get more work and we're  
13 looking forward to you guys making a decision on this  
14 one so we can pass and we can go to work on this one.

15 (Laughter.)

16 CHAIRPERSON MITTEN: It doesn't sound like  
17 you're going to be small or disadvantaged for very  
18 long but we hope you stay local.

19 (Laughter.)

20 MR. EVANS: We hope so. Actually I like  
21 staying small. Thank you.

22 CHAIRPERSON MITTEN: Okay, thank you for coming  
23 down. Miss Dascalu?

24 MS. DESCALU: Thank you, Madam Chair and good  
25 evening, Commissioners. My name is Diana Dascalu. I

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1 am the Anacostia project director for Natural  
2 Resources Defense Council and I would first like to  
3 resubmit a letter that we submitted to the  
4 Commissioners as well as GSA commenting on the DOT  
5 Headquarters for the record. And in addition I would  
6 like to outline a few points made in those written  
7 comments in my oral statement.

8 First NRDC would like to commend the work  
9 put into this plan by the GSA, OP and GBG, LLC, and  
10 encourage moving forward with key environmental  
11 components of this plan such as open space, access to  
12 the waterfront, and the underground parking garage  
13 component that will decrease impervious ground cover  
14 to some degree.

15 However, with that in mind, NRDC would  
16 like to stress that, for these components to be used  
17 to their fullest potential not only for community  
18 access but for storm water management technique, low  
19 impact development techniques should be implemented  
20 and mandated in this design plan and this would  
21 include low impact design strategies such as drainage  
22 swells, rain guard ends, fire retention techniques  
23 that basically capture an infiltrate runoff at the  
24 site as opposed to using a traditional storm water  
25 strategy of just trying to get the water off the

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1 property as fast as possible and into our rivers.

2           So there are a few legal mechanisms NRDC  
3 has been exploring based on the question that  
4 Commissioner Honaham posed to me at the Southeast  
5 Federal Center hearing. One option particularly to  
6 give this body its sort of legal weight in  
7 implementing the goals of the Anacostia Waterfront  
8 Initiative is because this is a PUD, you know and  
9 from my rudimentary knowledge of zoning regulations,  
10 the Commission has a broad discretion on implementing  
11 and approving this plan so basically this body could  
12 implement these techniques by simply making the  
13 approval contingent on some of these techniques and  
14 making the JBG plan contingent on implementing these  
15 techniques for storm water management,

16           Second and more broadly we're researching  
17 ways to perhaps change or modify the existing zoning  
18 regulations to include some sort of Anacostia  
19 waterfront overlay that would mandate LIDE as or use  
20 much as the regulations do for height restrictions or  
21 land use in a particular area.

22           So that's something we're looking at  
23 broadly and we welcome suggestions from the Zoning  
24 Commission as well as the Office of Planning, and  
25 would be willing to work on that with you.

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1                   Because storm water is the single  
2 greatest pollutant to D.C. waterways and especially  
3 in periods of excessive rains as we've had recently,  
4 each plan that is brought before this Commission that  
5 is along the waterfront or close to the waterfront  
6 will always add to the problem of storm water runoff  
7 directly into the river.

8                   So these LID practices must be mandated  
9 in the design phases and plan approvals of each plan.

10                  So we look forward to working with the  
11 Zoning Commission on ensuring that these much needed  
12 redevelopment plans that are taking place and are all  
13 for, implementing go forward without compromising all  
14 of our community goals for a fishable, swimable  
15 Anacostia. So thank you very much. Any questions  
16 for this panel? Anybody have any questions?

17                  COMMISSIONER HOOD: I just want to commend Mr.  
18 Evans and the young lady from Clark Construction and  
19 also Mr. Jacobs. That's been the issue with me.  
20 LSDBS and the DOT and it sounds like it's really  
21 working. Keep up the good work.

22                  CHAIRPERSON MITTEN: Anyone else have  
23 questions? Mr. Quin, any questions? I don't even  
24 know if Mr. Johnson's here any more.

25                  Thank you all for coming down and being

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1 so patient with us this evening.

2 Anyone else who would like to testify in  
3 support?

4 (No response.)

5 CHAIRPERSON MITTEN: Anyone who'd like to  
6 testify in opposition?

7 (No response.)

8 CHAIRPERSON MITTEN: I'll only ask that  
9 once. No need to ask twice. All right, Mr. Quin,  
10 any closing remarks?

11 MR. QUIN: Yes. Four points. Let me  
12 start by saying this is a complex case for  
13 implementation. And just to spell that out, we have  
14 an existing lease that's expiring for DOT and the  
15 complexity of construction over Metro is always  
16 something that takes time. The permitting process  
17 can't begin until the approval is given. The  
18 easements that we have to provide for DOT and all  
19 those conditions, the whole street opening process is  
20 a companion process that we have to go through. The  
21 public space is another. So they're just some of the  
22 items that we have to do. So it's very important for  
23 us to get your decision as soon as possible. I guess  
24 that's what I was leading up to as the first point  
25 and carry over to the other points as well.

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1           So that what we hope we can do is to have  
2 any reports that are to be submitted, including ours,  
3 by October 8 and a response to that by October 15 and  
4 a decision on October 20. Because otherwise it gets  
5 kicked over for an entire month to November 17.

6           CHAIRPERSON MITTEN: Okay.

7           MR. QUIN: That's just the overall statement.  
8 There are three specific things that I wanted to  
9 cover just to make sure that we're doing what you  
10 want us to do.

11           First is we want to, we understand we  
12 have several things to submit and I wanted to just  
13 make certain that I was covering those. One is the  
14 submission working with Mr. Altman on the \$1.5  
15 million.

16           CHAIRPERSON MITTEN: Yes.

17           MR. QUIN: Any additional response to DDOT we  
18 don't know what they're filing but whatever it is,  
19 we'll be working with them. And there was a question  
20 really I had of Mr. May. There was a question  
21 something about a context drawing and I'm not sure  
22 whether that was something we were supposed to do or  
23 whether it's something we can simply by knowing what  
24 the proposed zoning is for the balance of Southeast  
25 Federal Center. We know the heights for CR. We know

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1 the overlays, we know the W zones. So that should be  
2 almost something you could do in your head because  
3 you know the zoning and you know what[s proposed. So  
4 I don?t think we need to file that but I want to  
5 make sure that we didn?t need to file it.

6 (Laughter.)

7 COMMISSIONER MAY: I think any additional  
8 filing on this is optional. But I would suggest it  
9 simply because I think it would make the case better  
10 that what?s being proposed for the overall  
11 development of this site, the occupancy of this  
12 site, I think would be proven. You would put people  
13 at ease about how this building occupies the site if  
14 you did that sort of drawing.

15 MR. QUIN: We?ll file it.

16 So that was point number one,  
17 just to make sure we covered. And I think that?s all  
18 we, I think there are still other things to be filed  
19 but I think from us that?s what you require.

20 CHAIRPERSON MITTEN: That?s what I have.

21 MR. QUIN: The second item was there?s  
22 discussion about the Height Act if the zoning  
23 administrator did not approve the east building, a  
24 portion of the east building. I can?t imagine that he  
25 wouldn?t approve it but if he does we would like the

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1 flexibility to adjust the atrium by lowering the  
2 atrium in some manner or by fixing the atrium, which  
3 is another way to do it, putting a roof under it.

4 Mr. Parsons, I'm sure you are familiar  
5 with that. You can finish your building and then  
6 have a top that's an architectural embellishment  
7 above that.

8 So there are a number of ways of doing it  
9 but we would like the flexibility if we have to  
10 reduce it by 10 feet to just do so.

11 CHAIRPERSON MITTEN: Would you just include a  
12 condition with the language that would suit you?

13 MR. QUIN: Yes. And there is one other point  
14 which I just want to go on record with, that the bike  
15 path is, well, we'll work with DOT on that I suppose.

16 It seems peculiar to us that we are dedicating the  
17 land and then are given, being asked to do certain  
18 things like public space committee but we'll work  
19 that out with DDOT in terms of one of the things that  
20 they have asked that they suggested is that they  
21 would give us a letter supporting the public space  
22 permits prior to going forward so that we would have  
23 something in hand. What we didn't want to do is wind  
24 up in a situation where we couldn't do certain  
25 things in public space to implement the plans when

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1 the public space is our land.

2 CHAIRPERSON MITTEN: Right, right.

3 MR. QUIN: So in fact we suggested that legally  
4 you could impose the requirement on private property  
5 which goes into public space. But we'll work that  
6 out with DDOT. I just wanted to go on record to note  
7 that the land that is becoming public space to a  
8 large extent is land that is being conveyed to JBG  
9 and therefore we feel that we have certain rights to  
10 that but we'll work that out with DDOT.

11 So having said all that, if there is any  
12 other thing that you want us to file we'd be glad to  
13 do so but we would very specially request and  
14 hopefully get a decision from you on October 20 and  
15 try to set up that process if it's okay with the  
16 process.

17 CHAIRPERSON MITTEN: All right, thank you.  
18 Let's first, is there anything that any of the  
19 Commissioners are interested in having from the  
20 Applicant? Okay, I see no.

21 Ms. McClary? NO, wrong person. She's  
22 gone.

23 Well, we'll just have to convey to her  
24 that her deadline is October 8 for her supplemental  
25 statement and then we can work with the.

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1 MS. PATTERSON: Madam Chair? I think the  
2 Applicant was saying their supplemental would be  
3 October 8 and the goernment responses would be  
4 October 55?

5 MR. QUIN: Yes, but our response to DDOT, DDOT  
6 said they would file it in two weeks, which would be  
7 October 8, I mean, from yesterday.

8 CHAIRPERSON MITTEN: So then the Applicant  
9 would be able to respond to DDOT?s supplemental as  
10 well as, yes.

11 MR. QUIN: Yes. We can call Rachel. I mean,  
12 that?s no problem.

13 CHAIRPERSON MITTEN: Okay. Then I think that  
14 was it, then.

15 So we?ll have any supplemental  
16 submissions by October 8. Responses and proposed  
17 findings of fact and conclusions of law, by the 15<sup>th</sup>  
18 with the goal that this would be on our October 20  
19 agenda and we were also going to make an early  
20 referral to NCPC with the help of staff for federal  
21 impact review, yes?

22 MR. SIEGEL: Yes, I think they meet next week  
23 and probably can do something for that deadline.

24 CHAIRPERSON MITTEN: Okay great. So I think we  
25 have our schedule set and I would like to thank

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1 everyone who came down this evening and were patient  
2 and we you know this is still relatively an early  
3 hour, Mr. Quin, so sorry we missed you last week but  
4 you know, certain things intervened.

5 MR. QUIN: Thank you.

6 CHAIRPERSON MITTEN: This hearing is adjourned.

7 (Whereupon at 10:20 p.m. the proceedings  
8 were adjourned.)

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