

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

GATEWAY MARKET CENTER  
CONSOLIDATED PUD & RELATED  
MAP AMENDMENT

Case No.  
06-40

Thursday,  
July 24, 2008

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 06-40 by the District of Columbia Zoning Commission convened at 6:44 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman  
GREGORY N. JEFFRIES Vice Chairman  
CURTIS L. ETHERLY Commissioner  
MICHAEL G. TURNBULL Commissioner  
FAIA, (OAC)  
PETER MAY Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary  
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MATT JESICK

This transcript constitutes the minutes from the Public Hearing held on July 24, 2008.

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

2 6:44 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen. I have already  
5 mentioned who has joined me here on the dias.  
6 Again, the same thing applies. The proceeding  
7 is being recorded by a Court Reporter and it  
8 is also webcast live.

9 The subject of this evening's  
10 hearing is Zoning Commission Case No. 06-40  
11 and it is the continuation of the hearing  
12 scheduled from June 5, 2008. It was a request  
13 by Gateway Market Center, Inc. for approval of  
14 Consolidated PUD and Related Map Amendment for  
15 property located in Square 3587.

16 Notice of today's hearing was  
17 published in the DC Register on April 11, 2008  
18 and copies of the announcement are available  
19 to my left on the wall near the door.

20 This hearing will be conducted in  
21 accordance with the provisions of 11 DCMR 3022  
22 as follows. Again, this is a continuation.

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1 We will see if we have preliminary matters.  
2 In this case, we have actually heard the  
3 applicant's case.

4 There have been some amendments or  
5 changes that we will have 15 minutes of that  
6 and we will ask questions and then I think we  
7 will go into cross examination. Then we have  
8 the report of the Office of Planning; report  
9 of other Government agencies; report of ANC-5B  
10 and 6C.

11 Colleagues, I think we have given  
12 both -- well, one ANC has party status. 6C  
13 has been given party status, but it depends on  
14 how we evaluate the submittal, whether we give  
15 them the great weight.

16 Also, organizations and -- 6C that  
17 is. 5B is automatic. Organizations and  
18 persons in support; organizations and persons  
19 in opposition; rebuttal and closing by the  
20 applicant. The following time constraints, as  
21 I mentioned previously, the applicant will  
22 have 15 minutes, because of the continuation;

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1 organizations 5 minutes; individuals 3  
2 minutes.

3 The Commission intends to adhere  
4 to time limits as strictly as possible. The  
5 Commission reserves the right to change the  
6 time limits for presentations if necessary.  
7 Upon coming forward to speak to the  
8 Commission, please, give both cards to the  
9 reporter sitting to my right.

10 When presenting information to the  
11 Commission, please, turn on and speak into the  
12 microphone. The decision of the Commission in  
13 this case must be based exclusively on the  
14 public record. The staff will be available  
15 throughout the hearing to discuss procedural  
16 questions.

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

20 Would anyone who has not been  
21 sworn in, please, rise to take the oath? But  
22 you know what, let's be safe. Please, all

1 rise to take the oath.

2 Ms. Schellin, would you, please,  
3 administer the oath?

4 MS. SCHELLIN: Yes. Please, raise  
5 your right hand.

6 (Whereupon, the witnesses were  
7 sworn.)

8 MS. SCHELLIN: Thank you.

9 CHAIRMAN HOOD: At this time, the  
10 Commission will consider any preliminary  
11 matters. Does the staff have any preliminary  
12 matters?

13 MS. SCHELLIN: Well, I was just  
14 looking. We have a letter dated July 17<sup>th</sup>  
15 from ANC-5B asking that they be allowed to  
16 submit their letter late, but it looks like  
17 they got it in on time.

18 CHAIRMAN HOOD: So we don't need  
19 to do --

20 MS. SCHELLIN: I think it is okay,  
21 but just in case if you guys maybe just by  
22 general consensus --

1 CHAIRMAN HOOD: Yeah, I think  
2 will.

3 MS. SCHELLIN: -- agree, if that's  
4 okay.

5 CHAIRMAN HOOD: I had underlined  
6 that.

7 MS. SCHELLIN: Okay.

8 CHAIRMAN HOOD: Okay. So by  
9 general consensus, colleagues, does anyone  
10 have a problem with accepting the Advisory  
11 Neighborhood Commission 5B's letter? As  
12 stated, the issues were getting formed in the  
13 months of July and August and we had a Special  
14 Public Meeting, I think it was two days ago,  
15 and I want to comment them for doing that.

16 Okay. Mr. Ray, let's get started.  
17 Mr. Ray and Mr. Greene, what do you have?

18 MR. RAY: Yeah. Good evening.  
19 Mr. Chairman, as a preliminary matter, Ms.  
20 Sang Oh Choi wanted me to express his regrets  
21 that he could not be here tonight. He is out  
22 of town. Mr. Chairman, in view of your 15

1 minutes, we're going to have Craig Wright come  
2 forward, the architect, and he is going to  
3 address the concerns that were raised by  
4 various Members and hopefully, we will be able  
5 to address all of those in his presentation.

6 CHAIRMAN HOOD: Didn't we already  
7 give him expert --

8 VICE CHAIRMAN JEFFRIES: We did  
9 not.

10 CHAIRMAN HOOD: We didn't? Oh,  
11 but you are not proffering him as an expert?

12 MR. RAY: No.

13 CHAIRMAN HOOD: Okay. Okay. I'm  
14 not saying you're not good at what you do. We  
15 just have a process.

16 MR. WRIGHT: I understand. I just  
17 want to start again with the section, we have  
18 made our annotations clearer than the previous  
19 submission, so our building height is listed  
20 here as 119 feet 6 inches. And then we have  
21 18 feet up to the top of the penthouse screen  
22 wall on the section. This type of annotation

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1 we followed through with all of our elevations  
2 as well.

3 I'll start with the floor plans  
4 and address some of the work we have been  
5 doing since our last session. And I think we  
6 have addressed many of the concerns of both  
7 the Commission and the ANC groups that we have  
8 been talking to.

9 One of the first changes that we  
10 have made is we have introduced a new elevator  
11 that on the first floor lands here. When we  
12 get up to the second floor, I'll show you how  
13 that works with the loading now, so that the  
14 loading is much easier for the residential  
15 people to come in and unload from the loading  
16 dock area.

17 Also, on this slide, I just want  
18 to make it clear, for the ANC groups that we  
19 have been talking to, that there are -- there  
20 were some concerns about the entries along the  
21 Florida Avenue side and the 4<sup>th</sup> Street side.  
22 Just to make it clear that there are several

1 retail entries along Florida Avenue and there  
2 is also the office entry on Florida Avenue  
3 side to help activate this street.

4 The other change we have made is  
5 there were two projecting bays down here at  
6 the ground level. We have actually pushed  
7 them back to within the property line. And  
8 that was to give more sidewalk space to the  
9 cafes and seating out there on the street,  
10 which was some of the concern of the ANCs.

11 We also have an entrance off of 4<sup>th</sup>  
12 Street side which is the entrance to the  
13 residential lobby and it's also the entrance  
14 to the ANC and community space in that corner  
15 of the project.

16 Now, this is the second floor  
17 plan. Off of the Morse Street side, we have  
18 our loading entrance and our garage entrance.  
19 The loading entrance now works that if you  
20 were a resident, you would pull your truck or  
21 moving van into here and you would have a  
22 short back of the house hallway here back to

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1 the elevator that is now dedicated for the  
2 residential freight use.

3 We have also incorporated a trash  
4 chute that goes all the way up to the  
5 residential units here as well.

6 Also on this plan we have been  
7 working hard on our retail concept and now you  
8 can see our retail concept is actually inverse  
9 to what it was previously. We now have the  
10 retail stalls gathered around the building  
11 core and the circulation is actually along the  
12 perimeter now, which allows for seating and  
13 visibility along the perimeter glass from down  
14 on the street level, so the people on Florida  
15 and 4<sup>th</sup> Avenue or 4<sup>th</sup> Street can see the retail  
16 that's going on up on that level.

17 This again is to emphasize the  
18 entries along the Morse Street and then the  
19 green is the circulation path around this  
20 retail.

21 We have also introduced some  
22 smaller retail kiosk type venues, which are

1 underneath that skylight, if you remember from  
2 the previous presentation.

3 I just want to highlight on the  
4 residential level how this elevator now works.  
5 The elevator comes up and there is a small  
6 vestibule. Within the vestibule is the trash  
7 chute and some space just to hide the dirt and  
8 clutter, that will happen with people moving  
9 in and out of the units.

10 Also, on this level, I would like  
11 to show that we have started to study glass on  
12 this western side of the building, which is  
13 the side that faces the Burger King, which is  
14 a party wall, but the owner is going to look  
15 at introducing some glass on that side of the  
16 building.

17 Also, up on this unit, we have  
18 corrected our plans so that they match the  
19 elevation on that side. There are -- there is  
20 some glazing in that -- in those two units on  
21 the end.

22 The other thing we have done is we

1 have kept the stair in this location up  
2 throughout the whole entire building.  
3 Previously, the stair was in this bay. We  
4 have moved it back and kept it in this bay.  
5 It does allow for a cleaner unit layout for  
6 this end unit.

7 The only thing new on the roof-  
8 scape is that one new elevator comes up at  
9 this point. It still is within the penthouse  
10 screen wall. And the elevator will probably  
11 be 10 feet above the roof in that area.

12 I'll start with sort of general  
13 comments about the elevations. We sort of  
14 applied the same applications to all the  
15 elevations around the building.

16 Previously, we had a gap here at  
17 the third level, which split the building into  
18 two pieces and gave the facade a disjointed  
19 effect. There were also concerns that it  
20 looked like a more modern building sitting on  
21 top of an older building.

22 We have addressed that by bringing

1 the residential bay type language down through  
2 the third level of the building. So we really  
3 embraced this idea of the residential bay that  
4 moves along across the whole Florida Avenue  
5 facade. Thus, eliminating that break in the  
6 building and those exposed columns at that  
7 third level of the building as well.

8 We have also removed the two  
9 smaller bays down at this level, so that it  
10 gives a much cleaner, stronger looking base at  
11 the retail level. We have also developed the  
12 signage band across this retail level a bit  
13 more, so there is a stronger element at that  
14 level.

15 Also, our general rendering of the  
16 elevation, I think we have gotten it a little  
17 bit friendlier looking. We have eliminated  
18 the two types of brick and we're down to one  
19 buff color type of brick for the whole  
20 project.

21 This is the 4<sup>th</sup> Street side. We  
22 have done the same thing here. We have

1 eliminated that sort of break in the building  
2 with the exposed columns at that third level.  
3 And again, we brought the bays down through  
4 the third level.

5 We did the same thing on the Morse  
6 Street side, which only affected this corner  
7 of the building. We brought this large bay  
8 down and eliminated the setback here.

9 This is the west elevation where  
10 we now have introduced glazing in strips  
11 across this elevation. In the lower portion,  
12 we have recessed the brick a bit to give some  
13 relief at the bottom area of the building.

14 We have developed some renderings  
15 for the project. This is a shot of the 4<sup>th</sup>  
16 and Florida Avenue corner of the building. It  
17 does highlight some of the retail activity  
18 that we will have at this corner with  
19 hopefully a coffee shop type of venue along  
20 this side of the street. Hopefully, there  
21 will be another restaurant down at this end of  
22 the project.

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1                   And then again, the middle here  
2 will be that entrance to the residential and  
3 the ANC room.

4                   This is an idea of the lighting  
5 scheme. We are keeping in the typical D.C.  
6 lights. Originally, we were thinking of doing  
7 the dark sky type lighting. However, we just  
8 thought in this area it would be better for  
9 the area to be brighter and more lively  
10 feeling than the dark sky would allow for.

11                   This is an aerial shot again of  
12 the 4<sup>th</sup> and Florida corner of the building.  
13 It highlights the setback up here, the top two  
14 floors and the green roof across this expanse  
15 of the roof. This is a view from 5<sup>th</sup> Street  
16 which would be the view from the residential  
17 neighborhoods close to the project.

18                   And this is a view from the Metro  
19 platform looking towards Florida Avenue.

20                   VICE CHAIRMAN JEFFRIES: I'm very  
21 appreciative of that shot, thank you.

22                   MR. WRIGHT: Thank you. And then

1 this is a shot from underneath the Metro  
2 bridge looking up Florida Avenue looking at  
3 this west elevation and the new glass on that  
4 side.

5 And then this is just a first idea  
6 of perhaps what the retail on that Morse level  
7 will be. Again, we are thinking that it is  
8 going to be glass type counters that bring the  
9 retail venues and then along the perimeter  
10 will be tables and chairs and circulation  
11 space for pedestrians.

12 VICE CHAIRMAN JEFFRIES: Did you  
13 say Morse or 4<sup>th</sup>?

14 MR. WRIGHT: Morse.

15 VICE CHAIRMAN JEFFRIES: Oh.

16 MR. WRIGHT: You come in the Morse  
17 Street side to get to this retail.

18 VICE CHAIRMAN JEFFRIES: Oh, okay.  
19 But this is the second floor that you can see  
20 from the ground level and look up?

21 MR. WRIGHT: Yes.

22 VICE CHAIRMAN JEFFRIES: Okay.

1 MR. WRIGHT: And then we do have a  
2 50 second video clip here to show you. This  
3 video is just those six views all joined  
4 together.

5 (Video clip played)

6 VICE CHAIRMAN JEFFRIES: That last  
7 shot was going westbound on Florida, right?

8 MR. WRIGHT: Yes.

9 VICE CHAIRMAN JEFFRIES: Okay.

10 CHAIRMAN HOOD: Let me just ask,  
11 what is that called? I noticed a PowerPoint  
12 presentation. What is it called when it is  
13 moving? I know there's some fancy technical  
14 name to it.

15 MR. WRIGHT: It's just called a  
16 fly-through, I guess.

17 CHAIRMAN HOOD: What is it called?

18 MR. WRIGHT: A fly-through.

19 CHAIRMAN HOOD: Fly-through. And  
20 the reason I asked, I asked this in another  
21 case.

22 VICE CHAIRMAN JEFFRIES: Yes, it

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1 did I --

2 CHAIRMAN HOOD: And I don't know  
3 what the name of it was.

4 VICE CHAIRMAN JEFFRIES: In fact,  
5 you might have asked for it for this case.

6 CHAIRMAN HOOD: I don't think it  
7 was this case.

8 VICE CHAIRMAN JEFFRIES: It wasn't  
9 this case? Okay.

10 CHAIRMAN HOOD: No.

11 VICE CHAIRMAN JEFFRIES: I know  
12 that Fred Greene had something to do with  
13 this, because of Florida Rock.

14 MR. WRIGHT: Yeah, yeah, and it's  
15 a fly-through and, you know, sometimes I make  
16 a mistake and call it a fly-by or a drive-by,  
17 but it's a fly-through.

18 MR. GREENE: Mr. Chairman, we  
19 think that's responsive to most of the  
20 questions and issues that was raised by  
21 various Members of the Commission. We would  
22 just add, at this point, that Mr. Wright in

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1 his presentation addressed four of the issues  
2 that was raised by the ANC-6C. They also  
3 raised several others.

4 One is that they asked us to do as  
5 much as we can to support the small and local  
6 entrepreneurs in the area. We will be working  
7 with the Department of Housing and Community  
8 Development as well as the Deputy Mayor's  
9 office to do all that we can to make sure that  
10 the small entrepreneurs are successful.

11 They also ask that we try to have  
12 a greater mixture on the AMI. On that issue,  
13 Mr. Chairman, there's not much that we can do,  
14 at this point. This is a project that does  
15 not have, for example, money from the Housing  
16 Trust Fund or anything of that nature. The  
17 AMI was set by the Department of Housing and  
18 Community Development based on the fact that  
19 this was all private funds at this juncture.

20 And the Department of Housing and  
21 Community Development is going to do a new  
22 appraisal of this project, once the Commission

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1 finalizes its decision on the PUD to add -- to  
2 determine whether or not we have to pay  
3 additional money as well.

4 So we have done the best we can do  
5 on the AMI, at this point. Thank you, Mr.  
6 Chair.

7 CHAIRMAN HOOD: Okay. Are you  
8 finished, Mr. Wright?

9 MR. WRIGHT: Yes.

10 CHAIRMAN HOOD: Okay. I will tell  
11 you -- okay. Let me ask my colleagues and I'm  
12 not sure this is the appropriate time, but we  
13 read the submittal from 6C and I will tell you  
14 while it's in 5B's domain, I think 6C raised  
15 a lot of well-thought out questions, from what  
16 I read.

17 And as -- Mr. Ray's sticking point  
18 was, I think, the AMI and he has already  
19 articulated that. I don't know, Ms. Schellin,  
20 help me, do we need to articulate now whether  
21 we want to give 6C a great weight? And I will  
22 just say this to my colleagues, from the

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1       submittals I read, I would say that we can  
2       move forward with that, at this point, because  
3       we have all read them and I think they really  
4       raise some very analytical and good questions  
5       and good comments to the applicant from my  
6       reading.

7                   I'm one Commissioner and I just  
8       wanted to know how my colleagues felt before  
9       we get started. Does anyone have any  
10      objection to doing it? No objections? Okay.  
11      So ordered. We will do that.

12                   What we will do now is just open  
13      up -- well, let's see if we have any questions  
14      first, because after our questions, we will go  
15      straight into cross examination and we will  
16      begin with Chairman Shelton from 5B and the  
17      Chairperson, I think, is Chairman Wirt from  
18      6C. Karen, I'm sorry.

19                   I need you to come to the  
20      microphone. Do that right quick, so you can  
21      tell me who -- I think maybe it was specified  
22      who is going to be representing 6C. So you so

1 much else here, I'm sorry. We're not going to  
2 be long. I'm just going to ask her who is  
3 going to be representing 6C.

4 MS. PHELPS: Okay. I'm Anne  
5 Phelps. I'm Commissioner of ANC-6C04. This  
6 is Commissioner Ryan Velasco 6C07 and we have  
7 been authorized by the Chairperson to  
8 represent the ANC in this matter. And you are  
9 going to --

10 CHAIRMAN HOOD: Here is what I  
11 want to do.

12 MS. PHELPS: Okay.

13 CHAIRMAN HOOD: I want one of you  
14 all --

15 MS. PHELPS: That's me.

16 CHAIRMAN HOOD: -- to be the  
17 spokesperson.

18 MS. PHELPS: Um-hum.

19 CHAIRMAN HOOD: Okay. The last  
20 time I had two, I got in trouble. So I want  
21 one of you all to be the spokesperson. Okay.  
22 So you all can decide on that.

1 MS. PHELPS: That's me.

2 CHAIRMAN HOOD: We're going to  
3 give you the great weight.

4 MS. PHELPS: I'm happy to talk  
5 about that if you would like.

6 CHAIRMAN HOOD: What about the  
7 great weight?

8 MS. PHELPS: Um-hum.

9 CHAIRMAN HOOD: No, not at this  
10 time.

11 MS. PHELPS: Okay.

12 CHAIRMAN HOOD: I just wanted to  
13 make sure we're established, so we know --

14 MS. PHELPS: That's all right.

15 CHAIRMAN HOOD: -- how we're going  
16 to move going forward. Thank you very much,  
17 Commissioner Phelps.

18 MS. PHELPS: Okay.

19 CHAIRMAN HOOD: And Commissioner  
20 Velasco. Okay. All right. Okay. Any  
21 questions? Vice Chairman?

22 VICE CHAIRMAN JEFFRIES: Yes.

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1 Well, first of all, I would like to commend  
2 you for being somewhat responsive to a lot of  
3 the questions of the Commission. And it looks  
4 like there has been a lot of work done. I'm  
5 just very, very appreciative of that.

6 And I will have some questions for  
7 Mr. Williams -- sorry, Mr. Miller. Yes, Mr.  
8 Miller from TransWestern. Did you want me to  
9 deal with Mr. -- yeah, okay.

10 You can have Mr. Miller come up.  
11 And if you could put the slides towards the  
12 retail, particularly the retail along 4<sup>th</sup>  
13 Street. If you can just show us? Okay.  
14 Right there.

15 So thank you, Mr. Miller, for  
16 coming down this evening. I had some  
17 questions about retail strategy. I'm not  
18 certain about the configuration of the retail,  
19 as well as just locationally. I note in what  
20 you submitted that you, obviously, have  
21 extensive experience in closing retail  
22 transactions, not necessarily in this

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1 neighborhood and I understand that, but if you  
2 can just walk me through the retail strategy.

3 In particular, this sort of  
4 setback of the retail on the second floor.  
5 I'm trying -- I'm just trying to understand  
6 why it would come to that retail.

7 MR. MILLER: Well, I think our  
8 thinking on a couple different levels, one, is  
9 that trying to put a more retail front and a  
10 more consumer friendly edge to this vast food  
11 market that exists there today, I think most  
12 folks, unless you are in the know, wouldn't --  
13 it looks like a distribution center. And most  
14 or certainly a number of the operations have  
15 a retail component and it's kind of  
16 interesting and exciting when you walk in and  
17 see this very authentic wide variety of ethnic  
18 cuisines.

19 VICE CHAIRMAN JEFFRIES: Um-hum.

20 MR. MILLER: And wholesale goods  
21 and things you just can't get anywhere else in  
22 Washington. In general, it's not 100 percent

1 retail friendly. You are dodging, you know,  
2 tractor trailers and that type of thing.

3 The idea would be here, and this  
4 is a limited number of opportunities, but  
5 would be to have some of the folks that are  
6 operating deep within this heavy industrial  
7 setting, to bring their authentic goods, and  
8 this is, you know, very convenient for them in  
9 walking distance, so it wouldn't be a big  
10 stretch, into a more retail friendly setting.

11 I think the idea that we had  
12 originally, as you saw the stalls configured  
13 against the windows and having the circulation  
14 in the center, the idea was that there would  
15 be some natural light inside the shops. But  
16 as these small -- they are not quite kiosks,  
17 but small, you know, like a little butcher  
18 shop or a little produce shop, they typically  
19 have the back of the house is full of things  
20 and they have got a little of their retail up  
21 front maybe in a case.

22 You can imagine meats and baked

1 goods and things of that nature.

2 VICE CHAIRMAN JEFFRIES: But like  
3 Eastern Market?

4 MR. MILLER: Yes.

5 VICE CHAIRMAN JEFFRIES: Former, I  
6 mean, the former Eastern Market? That kind  
7 of --

8 MR. MILLER: Somewhat like that,  
9 but this would be more, I think, intense  
10 relative to it would just be, you know, a case  
11 and a register and a case and a register.

12 VICE CHAIRMAN JEFFRIES: Um-hum.

13 MR. MILLER: To maybe a deli and  
14 somebody that purveys meats and baked goods  
15 and going right down the line. But this would  
16 give, I think, an opportunity to give the  
17 first inkling of what could be in this area by  
18 melding retail friendly, consumer friendly,  
19 retail front to what is really a treasure in  
20 Washington of all of these really great  
21 opportunities to find interesting cuisines,  
22 sourcing authentic goods, different types of

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1 vegetables and things that chefs might be  
2 looking at and consumers really don't feel  
3 like they have got access to.

4 VICE CHAIRMAN JEFFRIES: So you  
5 are not necessarily looking at national  
6 retailers along 4<sup>th</sup> Street. You're really  
7 looking at those, you know, vendors that might  
8 be selling wholesale, you know.

9 MR. MILLER: On a number of the --

10 VICE CHAIRMAN JEFFRIES: On the  
11 other hand than just doing retail here.

12 MR. MILLER: Yeah, and a number of  
13 them are already selling, they are selling  
14 retail.

15 VICE CHAIRMAN JEFFRIES: Uh-huh.

16 MR. MILLER: And they might have a  
17 20,000 square foot distribution facility and  
18 1,000 square feet that they are selling  
19 retail.

20 VICE CHAIRMAN JEFFRIES: Okay. So  
21 those uses would go in this space?

22 MR. MILLER: And ideally, you

1 would get a number of them. So then you would  
2 -- someone who is not familiar with this whole  
3 market place, they could come in off the  
4 street in a new nice building with lots of  
5 light around, nice seating and experience and  
6 get a flavor for and hopefully then prime the  
7 pump both for future development and/or prime  
8 the pump for them maybe venturing into this  
9 more industrial setting and finding that there  
10 are other places that they can -- you know,  
11 that there are other great finds as well.

12 VICE CHAIRMAN JEFFRIES: And the  
13 retailers have told you that this would be a  
14 configuration that would be attractive to  
15 them?

16 MR. MILLER: We haven't done  
17 extensive retailer interviewing. Basically,  
18 in general, I would say that this would be new  
19 for any of the folks in the industrial setting  
20 and our thought is that as this gets  
21 configured, a number of the things that are  
22 configured here are going to be stationary.

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1 VICE CHAIRMAN JEFFRIES: Okay.

2 MR. MILLER: That you would have--  
3 if the baker didn't work out terribly well,  
4 you know, it's not going to be a huge cost for  
5 them to get into business, because a lot of  
6 this common space will already be built and  
7 configured and the expense won't be there.

8 So there will be a low hurdle to  
9 get in and sort of try this.

10 VICE CHAIRMAN JEFFRIES: Okay.

11 MR. MILLER: And because of that  
12 it makes it much easier to have some of the  
13 folks in the industrial setting try this new  
14 retail format.

15 VICE CHAIRMAN JEFFRIES: Now, can  
16 we go along Florida Avenue in terms of the  
17 experience there? So who is the retailer for  
18 the larger space?

19 MR. MILLER: The center space is  
20 the challenging space. I mean, clearly, you  
21 know, this is a great change. One of the --  
22 and we have deep space.

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1 VICE CHAIRMAN JEFFRIES: Um-hum.

2 MR. MILLER: It could be anything  
3 from, you know, a --

4 VICE CHAIRMAN JEFFRIES: And as a  
5 narrow --

6 MR. MILLER: A narrow --

7 VICE CHAIRMAN JEFFRIES: And if  
8 you could, Mr. Wright, just take the pointer  
9 and I'm a person walking into this retail  
10 space, just to make certain everybody is  
11 clear, you are coming in and then you are  
12 going, you are sort of snaking through and it  
13 opens up?

14 MR. MILLER: Um-hum.

15 VICE CHAIRMAN JEFFRIES: Okay. So  
16 that's what I'm trying to get to the bottom of  
17 and the configuration.

18 MR. MILLER: No, it's -- we've got  
19 two good retail spaces and one that is  
20 challenged.

21 VICE CHAIRMAN JEFFRIES: Right.

22 MR. MILLER: I mean quite frankly.

1 And you have got a grade change. You have a  
2 nice front door. It could be something like  
3 a health club, that would not be an unusual  
4 configuration for a health club.

5 VICE CHAIRMAN JEFFRIES: Okay.

6 MR. MILLER: It's got to be -- and  
7 it could even be someone that's spun out of  
8 the industrial facility as well that needs  
9 more back space. It could be somebody that's  
10 a little nontraditional retailer. There is  
11 not a huge on the retail front, but it could  
12 be a printing facility. It could be something  
13 we call quasi retail.

14 I mean, a health club would be the  
15 one that comes to mind off the bat.  
16 Unfortunately, there is only so much store  
17 front to go around.

18 VICE CHAIRMAN JEFFRIES: Right,  
19 right.

20 MR. MILLER: Now, there is some  
21 flexibility potentially in, you know, whether  
22 we take some of the store front from the far

1 left retail. We could potentially move that  
2 over a little bit. It's -- that wouldn't be  
3 typically enough retail for something like a  
4 CVS. They typically want a larger store  
5 front.

6 But it could be, you know, maybe  
7 you're familiar with Yes, Organic, for  
8 example.

9 VICE CHAIRMAN JEFFRIES: Um-hum.

10 MR. MILLER: They are local. They  
11 have taken some unusual configurations. We  
12 have even contemplated that there could be a  
13 connection if, in fact, the food stall idea  
14 worked well upstairs, that we could continue  
15 that down. And once you get a critical mass  
16 and if it works, people meandering through  
17 these stalls is a lot easier than meandering  
18 through the industrial complex.

19 VICE CHAIRMAN JEFFRIES: Yeah.  
20 Mr. Miller, I guess, you know, my feeling is  
21 that, you know, this space is like flex space  
22 to me. I mean, in some ways it is going to be

1 -- I mean, it's going to be and I don't mean  
2 to use the word organic, but this is going to  
3 be something that is pretty fluid, you know.

4           And I sensed that you, you know,  
5 might be coming back to us, you know, at some  
6 point, you know, in terms of if we set a  
7 certain amount of retail, sort of coming back  
8 and I'm wondering if this could be crafted in  
9 a way that, you know, perhaps allows some  
10 level of flexibility that you are not running  
11 back here.

12           I don't know if my fellow  
13 Commissioners would go along with that, but I  
14 do find that this retail strategy -- I think  
15 it could be actually very nice. It's just  
16 that, you know, it's pioneering, you know, for  
17 this area. I do like sort of what you are  
18 trying to achieve in terms of second floor in  
19 that sort of eastern market, butcher block  
20 kind of thing.

21           It's just, you know, a roll of the  
22 dice. And so, you know, it might be a

1 situation, you know, from where I sit that  
2 there can be something that the Commission and  
3 I'll leave it to the applicant to sort of  
4 figure out in terms of how some of this space  
5 could end up being somewhat flexible now.

6 I'm not going to be overly -- I  
7 mean, I think we would like to see that retail  
8 along Florida Avenue for certain, but I  
9 certainly want the project to be successful,  
10 you know, and to be able to rent these spaces  
11 and so forth.

12 MR. MILLER: We often find  
13 ourselves challenged by, you know, geometry.

14 VICE CHAIRMAN JEFFRIES: Yep.

15 MR. MILLER: And the way that a  
16 site lays out. And often times if you try to  
17 make every space perfect --

18 VICE CHAIRMAN JEFFRIES: Right.

19 MR. MILLER: -- you have a bunch  
20 of bad mediocre spaces.

21 VICE CHAIRMAN JEFFRIES: Right.

22 MR. MILLER: I think we have got

1 two good spaces here and one that is  
2 challenged and we might find a good fit.

3 VICE CHAIRMAN JEFFRIES: Right.

4 MR. MILLER: And I think the  
5 second floor space with the stalls is going to  
6 be a little bit -- it's going to be a little  
7 unique and I think that the project should get  
8 credit for doing something and stepping out of  
9 the box.

10 VICE CHAIRMAN JEFFRIES: Right.

11 MR. MILLER: It will be a little  
12 bit of a challenge. That could again, if it's  
13 successful, trickle down and be profitable and  
14 work for the project.

15 VICE CHAIRMAN JEFFRIES: Um-hum.

16 MR. MILLER: And there may be a  
17 tenant that's just waiting to open a health  
18 club in this market and that works, too. But  
19 if you look at the plan and you all lot at a  
20 lot of plans, you can see that we have -- you  
21 know, it may be a stretch in this market --

22 VICE CHAIRMAN JEFFRIES: Right.

1 MR. MILLER: -- to fill every inch  
2 of that space as it goes back below grade.

3 VICE CHAIRMAN JEFFRIES: Okay.  
4 Okay. That's all for me. And I have a  
5 question for Mr. Wright. I'm very  
6 appreciative of the excellent metrics and --  
7 or the renderings that were submitted. And it  
8 gave a much more depth to the actual  
9 architecture than the elevations.

10 I don't particularly care for that  
11 elevation, you know the one I'm talking about,  
12 as you are going eastbound on Florida Avenue,  
13 it just, you know, seems -- and you can show  
14 it actually.

15 MR. WRIGHT: The western  
16 elevation?

17 VICE CHAIRMAN JEFFRIES: The  
18 western elevation, absolutely. If there is a  
19 way it just -- well, actually, I read that you  
20 show it from perspective -- from a prospectus, so  
21 people could -- how they would really  
22 visualize it and experience it. You see it a

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1 little there, but the next one, right there,  
2 you know, has sort of a project quality to it,  
3 you know, a Chicago Projects quality.

4 So I think we -- you know, I feel  
5 very strongly that you are going to have to do  
6 a little bit more work on that elevation.

7 CHAIRMAN HOOD: And let me just  
8 interject, Vice Chair. I would totally agree.  
9 I love the other areas of the building, but  
10 when we go there, going that way on Florida  
11 Avenue, I just thin, we need to tighten that  
12 up a little bit. I guess that's the -- I'm  
13 sure I'll hear some more architectural  
14 language that I should be using, but I just  
15 think it needs to be better.

16 To me, that looks like a storage.  
17 I mean, that's -- it takes away from the whole  
18 look.

19 VICE CHAIRMAN JEFFRIES: Yeah, I  
20 mean --

21 CHAIRMAN HOOD: And that's the  
22 only side I have --

1 MR. GREENE: But Mr. Hood and Mr.  
2 Jeffries, too, now, you understand that at  
3 some point that small building will become a  
4 large building.

5 VICE CHAIRMAN JEFFRIES: What  
6 small building?

7 MR. GREENE: Where you see the  
8 Burger King now.

9 VICE CHAIRMAN JEFFRIES: Oh, is  
10 that scheduled for redevelopment?

11 MR. GREENE: Well, I mean, it's  
12 the closest to the Metro. At some point it  
13 will get developed.

14 MR. WRIGHT: That's the reason  
15 that is a party wall.

16 VICE CHAIRMAN JEFFRIES: Well,  
17 wait a minute. Wait a minute. So do you  
18 think that could happen in the next two years?

19 MR. GREENE: If I own it, it  
20 would.

21 VICE CHAIRMAN JEFFRIES: Well,  
22 listen.

1                   CHAIRMAN HOOD: Disregard my  
2 comment. I'm not speaking for the Vice Chair,  
3 but disregard my comment.

4                   VICE CHAIRMAN JEFFRIES: What's  
5 this?

6                   MR. RAY: Commissioner Jeffries,  
7 if I may, there is a plan, you know, for the  
8 market for that whole 24 acre site. And the  
9 city has entered into an exclusive right  
10 agreement with the developer.

11                  VICE CHAIRMAN JEFFRIES: This is  
12 for the Burger King site?

13                  MR. RAY: Yes, for the -- well,  
14 for the -- for everything on that site.

15                  VICE CHAIRMAN JEFFRIES: Show me  
16 the site plan. Let's put that up for a  
17 minute. No, that's an area. Can we -- do you  
18 have something that is -- okay, okay. Point  
19 me to the page that shows that area. Okay.  
20 You know, keep it there. I can look. Okay.  
21 So what you are saying is that site that is to  
22 the west of the building is going to be

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1 redeveloped?

2 MR. RAY: Yes. Commissioner  
3 Jeffries, the City Council actually passed a  
4 bill which created the boundaries of what is  
5 known as Capitol City Market.

6 VICE CHAIRMAN JEFFRIES: Um-hum.

7 MR. RAY: The boundaries being the  
8 railroad tracks on the east, 4<sup>th</sup> Avenue on the  
9 south, 6<sup>th</sup> Street on the east and 10<sup>th</sup> Street  
10 on the north.

11 VICE CHAIRMAN JEFFRIES: Um-hum.

12 MR. RAY: Which includes  
13 everything within that footprint except this  
14 particular building.

15 VICE CHAIRMAN JEFFRIES: Okay.

16 MR. RAY: Which was already before  
17 the Zoning Commission for a PUD application.

18 VICE CHAIRMAN JEFFRIES: Um-hum.

19 MR. RAY: And while no one knows  
20 the complete outcome of this --

21 VICE CHAIRMAN JEFFRIES: Or the  
22 timing.

1                   MR. RAY:  -- or the timing, but I  
2                   can say that the city has entered into an  
3                   exclusive right agreement with the developer,  
4                   which is a public document, which requires  
5                   that, you know, within two years of the City  
6                   Council approving this, the developer has to  
7                   come up with a final, what they call,  
8                   revitalization development plan and a land  
9                   disposition agreement for the site.

10                   So down the road there will be  
11                   other buildings there.

12                   VICE CHAIRMAN JEFFRIES:  Well,  
13                   let's go back to that elevation, because I  
14                   know of a couple of instances.  One that is at  
15                   a couple of places in the District, I want to  
16                   say, around Mount Vernon Triangle area.  It's  
17                   a very similar situation where we have been  
18                   looking at a blank wall for a while and, you  
19                   know, I'm not really getting into the business  
20                   of telling you to just reconfigure the whole  
21                   thing.

22                   But, I mean, you can do some

1 scoring. You can sort of break down some of  
2 the blank walls and just give it a little bit  
3 more articulation. So I don't think you need  
4 to make any drastic changes, but, you know, I  
5 would hate a situation that for like four or  
6 five years we have to look at that elevation  
7 waiting for, you know, Council and developer  
8 and you knows what the market situation is.

9           You know, I just think we can  
10 dress up this elevation. So I still hear what  
11 you are saying, but, you know, I know that the  
12 Chairman left me hanging here, but I'm -- I  
13 can do a solo act. And the solo act is that  
14 I really would like to see you dress up this  
15 elevation to some degree. Again, you can do  
16 some more scoring. Something and I don't  
17 think it needs to be overtly expensive, but,  
18 you know, for the time being, because that  
19 sets the stage for what this neighborhood  
20 looks like, you know.

21           And even if it's for four or five  
22 years or however long it is, we need to be

1 respectful.

2 MR. RAY: Yes.

3 VICE CHAIRMAN JEFFRIES: Um, let's  
4 see, I had another question. But I'm done.

5 COMMISSIONER TURNBULL: I just  
6 want to clarify. You are not asking, you are  
7 basically saying they don't have to add any  
8 more glass?

9 VICE CHAIRMAN JEFFRIES: No. No,  
10 I said scoring, articulation of what you have,  
11 so that we're not looking at just long flat  
12 stark panels here, but, you know, just  
13 something that just sort of breaks it down a  
14 little bit, so that it doesn't look sort of  
15 monolithic.

16 Mr, Wright, you know what I'm  
17 referring to?

18 MR. WRIGHT: Yes, I understand.

19 VICE CHAIRMAN JEFFRIES: Okay.

20 CHAIRMAN HOOD: Mr. Vice Chairman,  
21 I didn't leave you hanging. I wanted more  
22 glass there. And that was not appropriate for

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1 more glass, but I agree with you with the  
2 scoring and everything, but I wanted more  
3 glass there. If you were left hanging, so be  
4 it. Next, Commissioner May?

5 COMMISSIONER MAY: Yeah, thank  
6 you. I would tend to agree with Commissioner  
7 Jeffries and the concerns about the retail  
8 strategy. You know, there is one really, I  
9 think, clear good retail space. I think even  
10 the second retail space which is well,  
11 adjacent to the Burger King lot or whatever,  
12 I think that has some complications with it,  
13 too.

14 In particular with the loading  
15 situation, because you have got to go out the  
16 -- you know, you load on the floor above. You  
17 take the elevator down. You go -- you know,  
18 you do a loop and then come back and then go  
19 down three or four steps. Not ideal for a lot  
20 of retail operations. Certainly some that can  
21 work in that circumstance, but anything that  
22 involves bringing in large quantities of heavy

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1 stuff, it's going to be a little problematic.  
2 But the corner retail, I think is fine.

3 The second floor retail is also a  
4 very unproven concept and it's the sort of  
5 thing that in, you know, Washington we have a  
6 number of examples of, you know, I think,  
7 second story retail that didn't work. I'm  
8 trying to remember the specific examples, but  
9 I'm blanking immediately. They all tend to be  
10 sort of short runs and they wind up being --  
11 you know, going into other uses.

12 I can think of, you know, second  
13 story food court kind of operations like at,  
14 what do they call it, National Place, the  
15 shops, right, that National Place, 14<sup>th</sup> and F,  
16 13<sup>th</sup> and F. So I -- and it is also -- I mean,  
17 there is a lot of circulation space. There is  
18 not a lot of, you know, kind of backup house  
19 space the way it is laid out for those  
20 vendors. So you're going to see a lot of  
21 stuff, you know, hand trucking down the halls.

22 I mean, maybe that's fine if what

1 you are trying to create is the, you know,  
2 eastern market type feel. I'm just a little  
3 nervous about what -- how that is going to  
4 result.

5 I'm not sure what the answer is  
6 either, I just think that it's going to wind  
7 up -- you know, there is a lot of risk and  
8 this is going to go through a number of  
9 permutations before you find successful  
10 tenancy there. And that's really just the  
11 thing that concerns me the most.

12 I think in -- to some extent, your  
13 -- the way you have been kind of boxed in by  
14 the site, it's a big contributor to this. And  
15 I think in particular, the requirement that  
16 you have to do your loading off of Morse  
17 Street, which is the second floor, in  
18 particular it, you know, I think is kind of  
19 problematic. You wind up with that big slice  
20 through the hole center of the building. It  
21 makes it a very, very difficult challenge.

22 I'm not sure what the alternative

1 is to that, at this point. It's kind of water  
2 under the bridge. But it's still a big  
3 concern. You know, I think in terms of our  
4 decision making, I'm not sure how big that  
5 concern is for our purposes or how best to,  
6 you know, address our aspects of it.

7 I'm just a little -- I'm  
8 struggling with this, because I'm not sure  
9 what to say. I just don't have a good feeling  
10 that this is going to work really well. I  
11 don't have good suggestions on what could be  
12 done to improve it or even areas to explore  
13 or, I mean, you know, it has been suggested in  
14 one of the ANC submissions that there be a  
15 stairway along 4<sup>th</sup> Street to connect up into  
16 the retail space.

17 You know, I think that may be a  
18 good idea. I think that the further tweaking  
19 of kind of the back house access to the space  
20 might be worth looking at as well. I think  
21 circulation in general is a little bit sort of  
22 confused and a little bit too circumstantial.

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1 In other words you, you know, know you can  
2 enter the building at this point on this  
3 street and you know you can do it on this  
4 point in this street and then you have to go  
5 through all these access points coming in the  
6 different ways.

7 You know, to get really  
8 architectural on you and some folks will know  
9 what I'm talking about, I don't see the parte  
10 in this scheme at all. And I just think that  
11 sometimes that's very useful when you are  
12 dealing with a complex situation. The parte  
13 is just sort of the essential diagram where  
14 you take -- you know, you summarize what you  
15 have here in like 10 lines on a piece of  
16 paper.

17 And I just can't see it and I  
18 think that that's -- you know, there is an  
19 order problem with that.

20 VICE CHAIRMAN JEFFRIES: I haven't  
21 heard that word parte in such a long time.

22 COMMISSIONER MAY: I think there

1 are a couple of people in the audience who  
2 have heard it not too long ago. The --  
3 anyway, I just am not sure what to say about  
4 it. I think it's a very challenging problem.

5 On the more positive side of  
6 things, I think that the -- you know, just  
7 looking at the evolution of the elevations, I  
8 think it continues to improve. I think there  
9 is still a little room to improve it further.  
10 But I think that as you have simplified  
11 things, it has become a lot more coherent and  
12 I think -- I just think it has been overall  
13 quite an improvement over the various  
14 iterations.

15 I think that with regard to that  
16 party wall, I appreciate all that glass going  
17 in there. And I know that I had commented on  
18 that before and I know it is, you know, going  
19 to wind up being expendable as soon as the  
20 party wall goes in, those windows go away and  
21 those -- the people who are in those units are  
22 not going to be thrilled, because they are

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1 giving up their great views of the Metro and  
2 other stuff beyond it, too.

3 But I appreciate that gesture. In  
4 fact, you know, I could even see -- I'm sorry,  
5 Mr. Chairman, but I could even see less glass  
6 and more of the articulation that Vice  
7 Chairman Jeffries is suggesting. But I think  
8 that it's gotten better. But I also know that  
9 it's a throw away at some point.

10 But it may not be a throw away for  
11 10 years and that's a long time to be looking  
12 at that. And I am reminded of that in a  
13 number of examples around town, particularly  
14 crossing the 14<sup>th</sup> Street Bridge and seeing  
15 that big white wall that is part of the public  
16 property development there at the end of  
17 Virginia Avenue.

18 VICE CHAIRMAN JEFFRIES: APAC,  
19 that's another one that they have that big  
20 blank wall. It's relatively new, but, you  
21 know, who knows how long it is going to be  
22 there.

1 COMMISSIONER MAY: Right.

2 VICE CHAIRMAN JEFFRIES: Yeah.

3 COMMISSIONER MAY: So I -- you  
4 know, putting something in there, I think, is  
5 truly appreciated. And I think that's it in  
6 terms of my comments.

7 CHAIRMAN HOOD: Okay. Any other  
8 questions? Commissioner Etherly?

9 COMMISSIONER ETHERLY: Thank you  
10 very much, Mr. Chair. Very quickly, Mr.  
11 Wells, good to see you, sir. If you could  
12 come up just for a quick moment, I just wanted  
13 to walk through a couple of the loading  
14 logistics.

15 I just wanted to make sure with  
16 respect to the comparative piece that was done  
17 on kind of the loading and service vehicle  
18 analysis, the 950 F Street building that you  
19 used for somewhat of a comparative purpose,  
20 that is, if I understand correctly, some  
21 retail space, some office space, but no  
22 residential in that building, correct?

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1 MR. WELLS: That's right.

2 COMMISSIONER ETHERLY: And it's  
3 your sense, however, that the absence of  
4 residential in that building doesn't  
5 necessarily, what's the word I'm looking for,  
6 trouble you from an extrapolation standpoint  
7 in terms of looking at the traffic that would  
8 be generated from the loading and service?

9 MR. WELLS: It doesn't in this  
10 respect. I think that the building we  
11 surveyed gives us an indication of loading  
12 requirements for office and for retail.

13 COMMISSIONER ETHERLY: Okay.

14 MR. WELLS: In the same building.  
15 I think the residential would be added to  
16 that.

17 COMMISSIONER ETHERLY: Okay. And  
18 it's your understanding that -- the movements  
19 for your delivery vehicles, what do you  
20 anticipate? All moving westward on Florida  
21 Avenue, take that turn on 4<sup>th</sup> Street, Morse  
22 and then, essentially, during the reverse to

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1       come back out?

2                   MR. WELLS: Well, all the trucks  
3       have to wind up at Morse, of course, because  
4       that's where the loading dock is. They could  
5       come from either direction on Florida. They  
6       could come from New York Avenue, turn on Penn,  
7       turn down 4<sup>th</sup>.

8                   COMMISSIONER ETHERLY: I see.

9                   MR. WELLS: And then turn on  
10      Morse.

11                  COMMISSIONER ETHERLY: Come from  
12      the north.

13                  MR. WELLS: This building is  
14      located within a connected network of streets.  
15      Indeed, it is bounded by a local street, a  
16      collector street and an arterial street. So  
17      you could come almost from the four points of  
18      the compass. Where we really don't want the  
19      trucks coming from and going to are to the  
20      south through the residential neighborhood.  
21      But you can get there from Florida or New York  
22      and that network of streets within the market.

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1                   COMMISSIONER ETHERLY: Um-hum. So  
2 as I look at Table 2 of your report on page 5,  
3 it runs through again kind of a comparison of  
4 950, and what your kind of guessing or  
5 extrapolating to be the trips, the estimated  
6 trips for Gateway.

7                   MR. WELLS: Yeah, let me say this.  
8 I don't want to overplay my hand here. I  
9 mean, this is a single data point.

10                  COMMISSIONER ETHERLY: Um-hum.

11                  MR. WELLS: But much of the  
12 information we have or our industry has about  
13 truck trip generation and the kinds of trucks  
14 is almost anecdotal. I place a great deal of  
15 weight on our many project real estate  
16 developer clients who have to operate these  
17 buildings and what they are looking for.

18                  I think what this owner would look  
19 for is what other owners would look for and  
20 that is not to provide three tractor trailer,  
21 55 foot berths or three 30 foot berths. They  
22 would look to share those berths among the

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1 various uses and that's what we are doing  
2 here.

3 COMMISSIONER ETHERLY: So it would  
4 continue to be your belief that, one, that  
5 number of berths if you were held to the  
6 required standard, that number of berths would  
7 not be necessary, based on the anecdotal  
8 experience?

9 MR. WELLS: I think it would be  
10 grossly over-designed.

11 COMMISSIONER ETHERLY: It would be  
12 overkill, essentially.

13 MR. WELLS: It would be more  
14 berths than you need, more driveways than we  
15 need or if it's a single driveway for all  
16 those berths, it would be enormously wide  
17 taking away from the quality of the public  
18 realm. I think there is a number of public  
19 reasons and private reasons why you would not  
20 want to provide that number of loading berths.

21 COMMISSIONER ETHERLY: Okay.

22 MR. WELLS: These berths are not

1 used all the time continuously throughout the  
2 day. They are used from time to time and they  
3 can be shared among uses.

4 COMMISSIONER ETHERLY: Um-hum.

5 MR. WELLS: So for a building of  
6 this size, I feel comfortable that it is the  
7 right number of berths.

8 COMMISSIONER ETHERLY: And do you  
9 have a sense or recall what is happening  
10 north, on the north side of Morse Street  
11 behind the building now?

12 MR. WELLS: Mr. Ray indicated to  
13 you that there is a redevelopment plan afoot  
14 for the market.

15 COMMISSIONER ETHERLY: Um-hum.

16 MR. WELLS: We happen to be the  
17 traffic engineer for a contender to do that.

18 COMMISSIONER ETHERLY: Understood.

19 MR. WELLS: An owner of the -- if  
20 not quite a majority of the property,  
21 something approaching that. So when we looked  
22 at this project, we looked at it in the

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1 context of the overall redevelopment of the  
2 new town and capital city market.

3 COMMISSIONER ETHERLY: Um-hum.

4 MR. WELLS: So right now, it's  
5 basically a commercial warehouse distribution  
6 center.

7 COMMISSIONER ETHERLY: Okay.

8 MR. WELLS: With lots of small  
9 operators, a very interesting place, lots of  
10 trucks, there are over 500 trucks a day that  
11 are generated by those existing uses. So what  
12 is happening north of there is basically  
13 warehouse distribution. What will be there is  
14 a mixed-use transient-oriented development, we  
15 hope.

16 COMMISSIONER ETHERLY: Okay. Is  
17 it, I don't want to get too deep into the  
18 crystal ball, so to speak, because none of us  
19 necessarily know what that is ultimately going  
20 to look like, but are there any possibilities  
21 for changes to Morse Street that would, in any  
22 way, affect kind of this calculus that you are

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1 doing here with respect to the loading?

2 MR. WELLS: I --

3 COMMISSIONER ETHERLY: What I'm  
4 sniffing around is your turning radius  
5 diagrams were very helpful in terms of  
6 beginning to visualize what the trips look  
7 like.

8 MR. WELLS: Right.

9 COMMISSIONER ETHERLY: Now, I  
10 don't necessarily have any worry or concern  
11 that you would be able to handle the traffic  
12 that is going to be generated by this. I'm  
13 perhaps maybe getting too far afield in terms  
14 of thinking down the line, turning movements  
15 and all that stuff as you begin to account for  
16 all the traffic that may ultimately come into  
17 this intersection.

18 MR. WELLS: I don't think it's too  
19 early to think about those matters. I guess  
20 what I am hearing or inferring from what you  
21 are saying, what happens if Morse Street gets  
22 narrower?

1 COMMISSIONER ETHERLY: Yeah.

2 MR. WELLS: Does it get -- it  
3 would get -- it would take a greater level of  
4 skill to get the really big truck in and out  
5 of the berth.

6 COMMISSIONER ETHERLY: But you  
7 know, I don't think we need to go too deep  
8 into that, because it's all hypothetical at  
9 this point.

10 MR. WELLS: And that is an  
11 occasional -- that happens just on occasion.  
12 Most of the truck traffic here would be the 30  
13 foot single unit truck, delivery vans and so  
14 forth. And, frankly, life in the city is a  
15 lot of those trucks are going to load on the  
16 street.

17 COMMISSIONER ETHERLY: Um-hum.

18 MR. WELLS: That's what they want  
19 to do.

20 COMMISSIONER ETHERLY: Okay.  
21 Okay. Thank you.

22 MR. WELLS: Yes, you're welcome.

1                   COMMISSIONER ETHERLY: Thank you.  
2 Thank you very much, Mr. Chair.

3                   CHAIRMAN HOOD: Okay. Thank you.  
4 Commissioner Turnbull?

5                   COMMISSIONER TURNBULL: Mr. Wells,  
6 I wonder if I might just carry on with some of  
7 the points that Mr. Etherly brought up. You  
8 had mentioned earlier that you could see the  
9 potential of traffic coming in from New York  
10 Avenue, but right now that's -- you would have  
11 to be a kamikaze driver to come down that.

12                  MR. WELLS: No.

13                  COMMISSIONER TURNBULL: With all  
14 those delivery trucks going into those  
15 buildings, I wouldn't want to --

16                  MR. WELLS: It's a challenge. But  
17 the street connections are there.

18                  COMMISSIONER TURNBULL: They are  
19 there.

20                  MR. WELLS: And they are quite  
21 direct.

22                  COMMISSIONER TURNBULL: It's

1       there, yeah.

2                   MR. WELLS:  If I'm coming from the  
3       Route 50 or the BW Parkway --

4                   COMMISSIONER TURNBULL:  Yeah, you  
5       could do that.

6                   MR. WELLS:  -- I come southbound  
7       on New York Avenue and I turn left with the  
8       aid of a green arrow --

9                   COMMISSIONER TURNBULL:  Um-hum.

10                  MR. WELLS:  -- onto Penn and then  
11       it's a quick right onto 4<sup>th</sup> Street.

12                  COMMISSIONER TURNBULL:  Okay.

13                  MR. WELLS:  And 4<sup>th</sup> is a fairly  
14       wide collector street.

15                  COMMISSIONER TURNBULL:  And even  
16       with the other --

17                  MR.     WELLS:  With trucks  
18       maneuvering in and out.

19                  COMMISSIONER TURNBULL:  Yeah.

20                  MR. WELLS:  And that -- they can  
21       from time to time block those streets.

22                  COMMISSIONER TURNBULL:  Yeah.

1 MR. WELLS: I would acknowledge  
2 that.

3 COMMISSIONER TURNBULL: Well, as  
4 you turn onto Morse Street, the little  
5 building is going to be gone, the little guard  
6 shack or whatever it was, the kiosk.

7 MR. WELLS: That needs to go, yes.

8 COMMISSIONER TURNBULL: That's  
9 going to so --

10 MR. WELLS: That would be a public  
11 service to get rid of that.

12 COMMISSIONER TURNBULL: Yeah. I  
13 don't know if that serves those other  
14 buildings also right now.

15 MR. WELLS: I have never seen it  
16 staffed.

17 COMMISSIONER TURNBULL: Never  
18 staffed, okay.

19 MR. WELLS: So to my knowledge and  
20 from what I hear from others, it is simply not  
21 used. Not used for what it is intended to be  
22 used for.

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1                   COMMISSIONER    TURNBULL:  Was  
2                   intended.  Yeah, okay, I can see.  All right.  
3                   I'm assuming that the amount of -- and like  
4                   you said, the amount of time that people are  
5                   either going to have deliveries to the little  
6                   shops or people moving in once they have moved  
7                   in, there is -- the truck traffic drops down  
8                   significantly.

9                   MR. WELLS:  We have done a lot of  
10                  work over the years interviewing building  
11                  owners about how their tenants, in the case of  
12                  apartments, move in and out.  These apartments  
13                  are sized like most apartments in the city.  
14                  And they are relatively small, 900 and some  
15                  odd square feet.

16                 COMMISSIONER    TURNBULL:  Square  
17                  feet, yeah.

18                 MR. WELLS:  And that's -- I  
19                  couldn't fit my family in that.

20                 COMMISSIONER    TURNBULL:  Yeah.

21                 MR. WELLS:  But if I were single,  
22                  what a dream that would be, but, if I were

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1 single or it were just my wife and I, you  
2 know, we wouldn't have a lot to move. We  
3 wouldn't have a tractor trailer full of  
4 furniture to put in a 950 square foot --

5 COMMISSIONER TURNBULL: Right. No  
6 big Mayflower van going in.

7 MR. WELLS: No, that's correct.  
8 And the experience is that those moves are  
9 done by single unit trucks.

10 COMMISSIONER TURNBULL: Yeah.

11 MR. WELLS: And rental trucks and  
12 generally on weekends.

13 COMMISSIONER TURNBULL: So they  
14 could come down 4<sup>th</sup> Street from New York, I  
15 suppose.

16 MR. WELLS: Indeed, they could.

17 COMMISSIONER TURNBULL: Yeah.

18 Okay. Thank you.

19 MR. WELLS: You're welcome.

20 COMMISSIONER TURNBULL: I guess my  
21 next thing is I want to thank Mr. Wright for  
22 the perspectives. I think they did a lot for

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1 the Commission. I think they really do show  
2 the redesign of the elevations, I think, were  
3 quite significant. I think there is a lot of  
4 features to them now that tie it more  
5 together.

6 And I think realizing that the  
7 Burger King site is, obviously, a difficult  
8 one to deal with and I think the amount of  
9 glass that you got in there for what you have  
10 got, I mean, there is -- you've got glass in  
11 the only places you can have glass. So I  
12 think that's -- and I think it has been  
13 stretched. It has been mentioned before that  
14 those people will lose that at some point, but  
15 that could be several years.

16 I guess my only -- I guess I would  
17 just reiterate some of the concerns about the  
18 retail. And I was looking at the -- you know,  
19 it's like when you go to an airport, you've  
20 got a destination to go to. You're going for  
21 your plane and you can hit those shops that  
22 you never see. I mean, they are there and you

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1 can sort of find out what you need.

2 But I guess as I looked at the  
3 elevations, I guess I would be more drawn to  
4 those shops at night. They are lit. You see  
5 the activity up there. There is a draw to go  
6 in. I wonder if during the day, as I'm  
7 walking down, if I don't know -- there is only  
8 the one stair going up and then there is the  
9 elevator, I think, from looking at the plans.

10 I'm just wondering why would I --  
11 what is going to draw me in? What's the focus  
12 that is going to pull me off the street and  
13 get me up there and say you need to go to that  
14 little bakery up there or you need to -- I  
15 guess, I'm -- I appreciate the fact that you  
16 put the elevator in the loading dock.

17 We were concerned, I think, about  
18 traffic going through that retail space. I  
19 think the freight elevator getting people up  
20 and down was a very positive idea. But I  
21 guess I just would kind of reiterate some of  
22 the concerns that it's almost like you want

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1 something in the building that is going to  
2 shoot you up to that second floor. And I  
3 don't know what that is.

4 I don't know how you get people up  
5 there to -- it's like a lot of buildings are  
6 by the site, they either have an elevation  
7 coming if the site is that graded, you can  
8 come in at that one elevation. You don't have  
9 that quite, even though you are sloping, you  
10 don't have that luxury to come in at the  
11 second floor anywhere.

12 So you have got to kind of  
13 highlight something to get people up there.  
14 And I'm -- other than the people who are in  
15 the neighborhood are going to know about it.  
16 I mean, it's going to be a very local thing  
17 that people are going to know what's up there  
18 and they are going to go there, but I guess  
19 it's almost like there is either whether it is  
20 a design element or some kind of feature that  
21 is going to get you up there, whether it is  
22 graphics, signage or something that shows you

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1 you are missing a great space if you don't go  
2 up here to see these places.

3 MR. MILLER: Can I --

4 COMMISSIONER TURNBULL: I guess  
5 the more I think about it, as I say, when I  
6 look at -- when I see the night elevation and  
7 it is all lit up, I see those shops up there  
8 and I could be drawn to it. But during the  
9 daytime, I'm just --

10 MR. MILLER: Well, if I can?

11 COMMISSIONER TURNBULL: Yeah.

12 MR. MILLER: There is a major  
13 entrance off of Morse Street that is at grade.  
14 That was really the whole point that we used  
15 the grade change and made an entrance off of  
16 what is now currently the busy industrial  
17 area.

18 COMMISSIONER TURNBULL: Right.  
19 But you are not going to have that right now.  
20 You are not going to have that if you were to  
21 open in a few years. That neighborhood is  
22 still not going to be -- you're still looking

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1 at the other main streets that you have really  
2 developed that highlights these shops.

3 MR. MILLER: Well, there are a  
4 whole bevy of delis and food service  
5 operations already in that industrial complex.  
6 And they are quite difficult to find. So the  
7 thought here is this would be much cleaner,  
8 much easier to access. You would see the  
9 front door. You would see the windows. I  
10 mean, you know, you would go to the door --

11 VICE CHAIRMAN JEFFRIES: So you  
12 are really saying that Morse Street is where  
13 you are seeing people coming into these?

14 MR. MILLER: Well, currently,  
15 people that are going into all of the other  
16 industrial properties, pour any kind of retail  
17 food, delis, the workers there, they go in and  
18 get a sandwich at the Italian place that has  
19 got the big, you know -- they have got a big  
20 deli case and they have a line to get your  
21 subs, sandwiches and all that kind of thing.  
22 It's a big steel door.

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1                   VICE CHAIRMAN JEFFRIES: But what  
2 about the people who are not of this area, who  
3 are not normally -- this is really his  
4 question.

5                   MR. MILLER: So you've got your  
6 sort of chin out there. You have got the  
7 glass. People can see people dining up there.  
8 If you aren't of that area, if someone doesn't  
9 walk you around and say, you know, there is  
10 something in here that you ought to go behind  
11 the steel door with no store front and there  
12 is a deli in there, you really got to be in  
13 the know.

14                   Here at least there are -- there  
15 will be from the street you're going to be  
16 able to see people dining. You are going to  
17 have an at grade entrance. I mean, there is  
18 no doubt that there are -- would there be a  
19 more ideal way to set this up? Absolutely.

20                   VICE CHAIRMAN JEFFRIES: Right.

21                   MR. MILLER: Is this creative and  
22 looking to give a sort of clean, crisp, public

1 face to this wonderful, you know, kind of food  
2 environment that lies behind it and makes it  
3 much more accessible to the average customer?  
4 Yes. So is it going to be difficult to lease?  
5 Yeah, it probably will be, you know.

6 VICE CHAIRMAN JEFFRIES: Yeah,  
7 because you've got second and this is what  
8 Commissioner May and myself and Commissioner  
9 Turnbull have said, I mean, second floor  
10 retail, it's like if you come to the building,  
11 I'm driving or walking, you know, if it's a  
12 two or three step process to get to the  
13 retail, I'm probably not going all the time.

14 I mean, it has to be very, very  
15 accessible. I mean, this -- I'm preaching to  
16 the choir.

17 MR. MILLER: I guess, you know,  
18 because in my job you -- one wants to set low  
19 expectations, because you never --

20 VICE CHAIRMAN JEFFRIES: Right.

21 MR. MILLER: -- usually you find  
22 difficulties and bumps in the road.

1 VICE CHAIRMAN JEFFRIES: Right.

2 MR. MILLER: By the same token,  
3 you've got to have some kind of passion for  
4 doing something new and different.

5 VICE CHAIRMAN JEFFRIES: Right.

6 MR. MILLER: Or we would have the  
7 same old, you know, thing all the time.

8 VICE CHAIRMAN JEFFRIES: Okay.

9 MR. MILLER: This project is  
10 interiorly loaded. If you drive around the  
11 project, you can't see anything from any of  
12 the exterior road network. All the action is  
13 on the inside. And you go inside this project  
14 and it's like a beehive of activity. There  
15 are trucks and people and activity going on.  
16 It's an amazing amount.

17 Right now, this activity supports  
18 a number of delis, a number of sandwich joints  
19 and things of that nature. If you couple what  
20 could be brought from over on the ATF side and  
21 the neighborhood side, maybe they haven't  
22 ventured that deeply in, I mean, there is

1 really where the combination comes in.

2 And they would be able to access  
3 from grade, you know, on the -- what would be  
4 perceived, I guess, as we're talking about  
5 this is the back side of the building, but  
6 really the front door into where the activity  
7 is as far as, you know, street activity and  
8 just local activities, instead of drive-by  
9 activity. You effectively have more activity  
10 in the interior of this project than you do --

11 COMMISSIONER TURNBULL: On Morse  
12 Street.

13 MR. MILLER: -- on Morse Street.  
14 Morse Street is really --

15 COMMISSIONER TURNBULL: Do you see  
16 how that is really counterintuitive though as  
17 we look at this and we see Florida Avenue? I  
18 understand the world as it exists today, yeah,  
19 there is lots of activity that is to the  
20 north, the north of this. Got it. But it  
21 just --

22 MR. MILLER: Well --

1                   COMMISSIONER TURNBULL:  It's hard  
2                   to -- I mean, this building again is moving  
3                   around here.  It's doing a lot of things and  
4                   it's a very complicated building.

5                   MR. MILLER:  -- we are -- you  
6                   know, and quite simply the challenge is to  
7                   put, you know, 10 pounds in the 5 pound bag.

8                   COMMISSIONER TURNBULL:  Yep.

9                   MR. MILLER:  And this is -- and we  
10                  are -- I think we have got a number of  
11                  elements that are pretty -- put it this way,  
12                  that I'm a little bit inspired by the  
13                  opportunity to do something like this, to be  
14                  the front door to this project.  I think it  
15                  could be very cool.  Would it be nice to have  
16                  some other level of vertical transportation?

17                  COMMISSIONER TURNBULL:  The front  
18                  door being?

19                  MR. MILLER:  Well, the front door  
20                  being on -- facing our industrial complex, if  
21                  you will.

22                  COMMISSIONER TURNBULL:  No, what's

1 the front door?

2 MR. MILLER: I'm looking at Sheet  
3 A203, which is on the old set, which shows the  
4 -- no, no, it's on the new set. I'm sorry.  
5 It's in the -- that's really your main  
6 entrance then for those retail.

7 COMMISSIONER TURNBULL: It's the  
8 Morse Street elevation.

9 MR. MILLER: Yeah. No, that would  
10 be the main entrance and tapping off the  
11 current traffic. Now, the question is off of  
12 Florida Avenue there may be, as we have some  
13 more things that that the ATF side of the  
14 world wants to access, foot traffic on Florida  
15 Avenue, there is not a bunch of it right now.  
16 It's all car traffic, quite frankly.

17 COMMISSIONER TURNBULL: Um-hum.

18 MR. MILLER: And so on one front,  
19 it's going to look good as you drive by in  
20 your car, but you are probably going to park  
21 more on the Morse Street side anyway. The  
22 foot traffic, if there is something good to go

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1 to and we have all seen this, you've got to be  
2 careful to not make people go around two  
3 corners to get to it, but if you go around one  
4 corner and you know there is something good  
5 like hey, this is a cool thing.

6 And that's what -- I was led  
7 around the project to go into a number of  
8 these places that I would have never felt like  
9 I knew there was anything retail inside of a  
10 number of these distribution places. And it  
11 was all really cool.

12 But the first time you open the  
13 door by yourself, you probably aren't going to  
14 do it. This would give a retail face and  
15 there is a lot of bustling business.

16 Now, I think it helps even in the  
17 long term, because this project wants to have  
18 a face to it. It's going to be a very large  
19 project over time. This is the first notion  
20 of quality retail, a retail experience to this  
21 distribution area.

22 So it's going to do a lot of

1 different services. It will be a little bit  
2 challenging, but I think that these  
3 individual, very spread out food operations  
4 throughout this project, they will do better  
5 clumped together, quite frankly. I think you  
6 will do better with a baker next to the  
7 butcher, next to the guy who is making a deli  
8 sandwich and having them in one spot.

9           And you know, add a very  
10 authentic, probably more authentic than -- you  
11 know, we have gone -- we are into this -- into  
12 being a little bit of a food town now in  
13 Washington with all the whole foods and the,  
14 you know, more cheffy restaurants and that type  
15 of thing.

16           This is -- I think the project  
17 overall has got the soul of some really  
18 interesting food for Washington and this could  
19 be -- this could help to break that open a  
20 little bit. But it's -- it will be  
21 challenging.

22           VICE CHAIRMAN JEFFRIES: Yeah, the

1 amount -- I'm sorry, Commissioner Turnbull.  
2 This is a ground breaking, you know, strategy  
3 per retail. I think it's good. It seemed  
4 like it would be more successful in a much  
5 more dense established neighborhood where you  
6 are getting a lot of the residual and so  
7 forth.

8 But you are putting this project  
9 in an emerging, you know, retail area and it  
10 just -- it really has a -- you know, clearly,  
11 you would see in our questions, I mean, we're  
12 just really concerned about the viability of  
13 the project. I mean, I want this to be a  
14 successful project.

15 MR. MILLER: If there weren't so  
16 many folks doing good business there already  
17 and the idea that we can help to make the  
18 entry even --

19 VICE CHAIRMAN JEFFRIES: So that's  
20 the demand generator? The demand generator is  
21 what is north of this?

22 MR. MILLER: That's the demand

1 generator. Today, that's the demand  
2 generator. And over time, I think we are  
3 going to be able to draw from -- on the other  
4 side of the street and from the Metro.

5 VICE CHAIRMAN JEFFRIES: ATF.

6 MR. MILLER: And ATF and that type  
7 of thing.

8 VICE CHAIRMAN JEFFRIES: Marriott.

9 MR. MILLER: But right now, there  
10 is so many people that are doing good business  
11 in this project and those 500 trucks a day all  
12 have truck drivers. And so it may not be hot  
13 cuisine, but it's a great sandwich, you know.  
14 I'm the first one to be skeptical when you  
15 look at an emerging market. And if there  
16 wasn't the activity, I think this area is more  
17 active than most people kind of get a feel  
18 for, I think, initially.

19 There is so much activity there,  
20 whether it is from the workers and then there  
21 are people. I was surprised myself, I've been  
22 there several times and you have moms and SUVs

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1 driving up with the kids and going in and  
2 buying grocery type items. So there is a  
3 little bit of that, but you really have to be,  
4 you know, part of the club. Somebody has to  
5 initiate you and show you the ropes.

6 VICE CHAIRMAN JEFFRIES:

7 Destination oriented.

8 MR. MILLER: Yeah.

9 VICE CHAIRMAN JEFFRIES: Okay.

10 MR. MILLER: But the destination  
11 is working already, so I'm thinking if we do  
12 this the right way, we can get this  
13 destination a little bit wider appeal and  
14 maybe even make it a little more interesting  
15 for the people that are already -- you know,  
16 if somebody is getting a sandwich from one  
17 place and their favorite cookie is baked on  
18 the whole other side of the project, maybe we  
19 can get that lined up, so that it's a little  
20 more satisfying experience.

21 And with that critical mass, maybe  
22 then we can pull some more from ATF.

1                   VICE CHAIRMAN JEFFRIES: I'm  
2                   sorry, Commissioner Turnbull.

3                   COMMISSIONER TURNBULL: No, thank  
4                   you very much.

5                   MR. MILLER: But to say that's  
6                   easy is, you know, it is challenging. We're  
7                   looking to do something there.

8                   COMMISSIONER MAY: Can I? I want  
9                   to jump in and follow on with this, because  
10                  I'm still troubled by it. But I want to make  
11                  a radical suggestion and I'm happy to be, you  
12                  know, beaten back down if people think this is  
13                  just too radical.

14                  But can we go back to the slide of  
15                  the second floor? You know, what I am -- over  
16                  the course of this discussion, what I have --  
17                  where it has been pushing me is that we have--  
18                  you have wound up with, because of the site  
19                  constraints and because of the -- you know,  
20                  the goals of the project or whatever, you wind  
21                  up with a second floor retail area which might  
22                  have a viable concept, but it's kind of

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1 difficult to make it work, because of the  
2 second floor thing.

3           There is a worry about how you get  
4 people up there. And even the visibility of  
5 it, you know, is hard to see up into a space  
6 and really get a sense for what is going on up  
7 there. You certainly don't have any sense,  
8 you know, again going back to the national  
9 shops at National Place, of what is going on  
10 on the second floor there by looking at it  
11 from the outside.

12           The -- so what I'm -- and then the  
13 other part of this is can we go back to the  
14 first floor for a second? The other part of  
15 it is that you wind up with this very  
16 difficult retail section in the middle here.  
17 And I'm just wondering, you know, does it make  
18 more sense to try to improve this? And you  
19 know, maybe that means moving this elevator,  
20 if possible, into a location that doesn't  
21 quite clog things off a little bit.

22           Getting rid of this lobby and

1       trying to move that second floor retail  
2       concept into this space. And having, you  
3       know, more of a grand stairway down here into  
4       that first floor, extending the skylight into  
5       the space to light it up and maybe even do  
6       something different with the community room,  
7       maybe it moves to a more remote location, so  
8       that you wind up, you know, maybe with some  
9       glass over here that gives you visibility into  
10      that space.

11                I'm just thinking that, you know,  
12      your real opportunity to have viable retail is  
13      going to be more on that ground floor. And to  
14      try to force it up to the second floor, you  
15      wind up with, you know, doing moves like this  
16      to be able to get people upstairs. And you  
17      wind up with this, I think, very difficult  
18      retail space downstairs.

19                I mean, I don't want to like redo  
20      all the numbers on this thing. I just think  
21      you're trying to do too much and it wouldn't  
22      be a bad idea to simplify it and simplify the

1 program and try to make that retail concept  
2 more viable by improvements to the plan on  
3 only that first floor.

4 MR. RAY: Commissioner, I would  
5 simply add this. I think there is a big  
6 unfamiliarity with the market itself. The  
7 market --

8 COMMISSIONER MAY: Just for your  
9 information, I am one of the people who go  
10 there.

11 MR. RAY: Well --

12 COMMISSIONER MAY: Okay. So I'm  
13 not unfamiliar with it.

14 MR. RAY: -- you -- okay.

15 COMMISSIONER MAY: I know about  
16 the drop.

17 MR. RAY: Yeah. The market is  
18 quite robust as it is today. And Morse Street  
19 is, indeed, a street level entry. And I think  
20 that there is going to be a natural draw of  
21 folks who are already there. I think that as  
22 the development continues with -- Tobacco and

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1 Food is already there. The Justice Department  
2 is going up there. There is a new Hilton  
3 Hotel that's going up there.

4 But looking not too in the distant  
5 future, with the mixed-use development that's  
6 going to take place in there --

7 COMMISSIONER MAY: Um-hum.

8 MR. RAY: -- this is -- that's  
9 going to be a natural entry from a street  
10 level. I mean --

11 COMMISSIONER MAY: Well, it's not  
12 street level. You've got to go up 5.5 feet to  
13 get --

14 MR. RAY: No.

15 COMMISSIONER MAY: -- to the  
16 retail on the second floor.

17 MR. RAY: But, Commissioner --

18 COMMISSIONER MAY: To come in from  
19 Morse Street.

20 MR. RAY: -- there is folks  
21 already up there.

22 COMMISSIONER MAY: Right.

1                   MR. RAY:  There is folks who are  
2 working up there now who buy at different  
3 shops.

4                   COMMISSIONER MAY:  Um-hum.

5                   MR. RAY:  And the plan is to have  
6 a mixed-use development in there.

7                   COMMISSIONER MAY:  Right.  I'm not  
8 saying it wouldn't be mixed-use.  I'm just  
9 suggesting that what you might want to do on  
10 the second floor instead of trying to take  
11 over the whole floor -- I mean, you already  
12 have half of it as office.  You know, what if  
13 there were more office up there?  And that if  
14 what you had that was retail was the retail  
15 that faced Morse Street?  I mean, and so you  
16 actually have street frontage to it.

17                   I'm not sure how you would work  
18 that in terms of ceiling heights and  
19 everything else, but, you know, maybe that  
20 could be done.  Maybe you have, you know, a  
21 more limited, you know, street facing retail  
22 on that second floor.  And then you have the

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1 stairway down.

2 I mean, the other thing about the  
3 second floor retail is that you don't have the  
4 14 foot ceiling height there. You have got  
5 10, 10.5. So I mean, it's going to be a  
6 pretty compressed feeling space. You don't  
7 have that open area market feeling, certainly  
8 not like what you have at eastern market where  
9 you've got a 30 foot ceiling or whatever it  
10 is.

11 I'm just -- you know, I'm not  
12 saying that there isn't a market for it. I'm  
13 just saying that it's not going to be sort of  
14 build it and they will come. It's going to  
15 take some real work to make it fly. And I'm  
16 just thinking maybe there is room to work with  
17 the amount of space in the program,  
18 particularly given the, you know, problems  
19 that have been created on the lowest level  
20 with that center retail.

21 CHAIRMAN HOOD: Okay. Did you  
22 want to wait on a response?

1 COMMISSIONER MAY: No.

2 CHAIRMAN HOOD: Okay.

3 COMMISSIONER MAY: I'm just  
4 turning it out for suggestion.

5 CHAIRMAN HOOD: Let me respond.

6 COMMISSIONER MAY: I'm not --

7 CHAIRMAN HOOD: Okay. Let me --

8 COMMISSIONER MAY: -- looking for  
9 it to be --

10 CHAIRMAN HOOD: -- respond.

11 MR. WRIGHT: We did have, in  
12 previous submissions, a scheme that was  
13 similar to what you described. So perhaps  
14 there still is some way to marry the two  
15 schemes together. We did have when you came  
16 in the Morse Street entrance, we did have an  
17 atrium that had actually a hole cut into it  
18 with an escalator down to the first street  
19 level.

20 COMMISSIONER MAY: Is that one of  
21 the submissions that we got?

22 MR. WRIGHT: Yes.

1 COMMISSIONER MAY: All right.

2 I'll look for that.

3 CHAIRMAN HOOD: Okay. Here is  
4 where I am, colleagues. I have heard -- we  
5 let the discussion go on, because I wanted to  
6 make sure that the applicant heard the  
7 concerns of the Commission. What we can do  
8 is, as we normally do, you know, if the  
9 applicant -- his case is what it is in front  
10 of us.

11 If they are so inclined to tweak  
12 it and make adjustments, we may allow  
13 flexibility. There are some concerns about  
14 the retail on the second floor. We have heard  
15 it.

16 If the applicant shows back up and  
17 there is no changes, then we will deal with it  
18 accordingly. If there are some flexibility  
19 changes, we will deal with it accordingly.  
20 And if they redesign it, we will deal with it  
21 accordingly.

22 So at this time, I think we have

1 fleshed that out hopefully. I'm looking at my  
2 colleagues for heads to nod. I think we have  
3 fleshed that out. Okay. Good.

4 VICE CHAIRMAN JEFFRIES: Just one  
5 thing.

6 CHAIRMAN HOOD: We almost had it.  
7 We had five. I saw five heads.

8 VICE CHAIRMAN JEFFRIES: No, no,  
9 no, no, I think from where I sit and I think  
10 Mr. Ray makes a very good point in terms of  
11 making certain that this Commission  
12 understands the robust nature of the area that  
13 is north of this. It might be helpful, you  
14 know, in whatever you submit, you know, to  
15 really -- I know there was some information  
16 about it. But just architecturally, I mean,  
17 just to give a better sense of Morse Street,  
18 because, you know, it's just sort of  
19 counterintuitive.

20 But I think you are right that,  
21 you know, at least for me, I mean I have been  
22 there a couple of times, but I have never

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1 looked at it as a robust kind of place. But  
2 if that's in fact the case, I mean, that  
3 changes a lot for me.

4 And again, as it relates to and I  
5 think Mr. Greene was sort of nodding, you  
6 know, for me, it might help me in terms of  
7 understanding the contingency plan for some of  
8 the retail. You know, if some of it might be  
9 a flex base, it would be good to know what the  
10 second generation of how this space would look  
11 if retail didn't happen in a certain way. It  
12 would be helpful to go okay, this might be  
13 office, if we're not able to do -- so I have  
14 a sense about, you know, how this thing can  
15 sort of, you know, migrate and look, you know,  
16 given a particular market situation.

17 I will say that I really do  
18 appreciate. I think I like this concept, you  
19 know, of the butcher and second floor, I  
20 think, this could be something very creative  
21 and I do like that. And I'm willing to, you  
22 know, step forward with it. I just, you know,

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1 need some contingency plans. So I'm sorry,  
2 Mr. Chair.

3 CHAIRMAN HOOD: Okay. I think  
4 that's very well said. And if that's the  
5 fashion we move in with the contingency plans,  
6 let's make them as brief as possible, so we  
7 can get ready to submit. We don't need to --  
8 we already have a stat dealing with this case  
9 and I think if we can make it as brief as  
10 possible.

11 VICE CHAIRMAN JEFFRIES: Just  
12 written information, no graphical kind of  
13 things. Just, you know, this particular  
14 space. You might have one -- you know, two  
15 site plans. One shows retail, another might  
16 say this might be, you know, flex space. It  
17 might be, you know, artist work or whatever.  
18 However you do it.

19 CHAIRMAN HOOD: Okay. All right.  
20 Let's move right along. We're just doing  
21 cross examination? Okay. Let me ask  
22 Chairman Shelton from 5B if he has cross

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1 examination. Do you have any cross  
2 examination? Okay. Commissioner Phelps, do  
3 you have any cross examination?

4 Then let me say this. I don't  
5 want to -- as I have read this, I see that  
6 Commissioner Velasco is the Chair of the  
7 Zoning Committee. Okay. So I really want you  
8 all to coordinate your questions. It's just  
9 that typically was ask one person to do it,  
10 because that does get us in trouble up here  
11 from time to time and that has typically been  
12 the way of the Commission. So thank you.

13 You may begin. Turn your mike on,  
14 identify yourself and you may -- this is cross  
15 examination.

16 MS. PHELPS: Okay. This is Anne  
17 Phelps with ANC-6C04. That's P-H-E-L-P-S.

18 CHAIRMAN HOOD: No, you are going  
19 to ask the questions.

20 MS. PHELPS: Okay. I just  
21 wondered if you --

22 CHAIRMAN HOOD: He is going to --

1 MS. PHELPS: -- wanted him to  
2 introduce himself.

3 CHAIRMAN HOOD: He is going to  
4 feed them to you.

5 MS. PHELPS: Okay.

6 CHAIRMAN HOOD: We want to hear  
7 just from you.

8 CROSS EXAMINATION

9 MS. PHELPS: I have a couple of  
10 questions. I guess I won't start with LEED.  
11 I had a couple of questions about LEED, but  
12 since we have Mr. Wells here, I'll talk to him  
13 first, if that's okay.

14 You mentioned that you had been  
15 working some on the overall New Town  
16 Redevelopment Project?

17 MR. WELLS: Correct.

18 MS. PHELPS: And have you -- in  
19 any of those plans, have you heard anything  
20 about going -- the possibility of 3<sup>rd</sup> Street  
21 opening up again?

22 MR. WELLS: Um --

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1 MS. PHELPS: This goes to the west  
2 elevation question that we had -- you had  
3 earlier.

4 MR. WELLS: -- those plans are  
5 very much in flux. In our report on the New  
6 Town traffic impacts that the planner, at that  
7 time, Shalome Baranes --

8 MS. PHELPS: Um-hum.

9 MR. WELLS: -- did have 3<sup>rd</sup> Street  
10 in his plan.

11 MS. PHELPS: Okay. So that would  
12 be 3<sup>rd</sup> Street opening from Florida north to  
13 Morse?

14 MR. WELLS: That --

15 MS. PHELPS: As a possibility.  
16 I'm not saying that it is --

17 MR. WELLS: Yes.

18 MS. PHELPS: -- anything is done,  
19 but that is a possibility? As we are talking  
20 about the west elevation and we're talking  
21 about it being a party wall, there is a  
22 possibility that it will not be a party wall.

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1 Is that correct? Again, it's total  
2 speculation.

3 MR. WELLS: All I can --

4 MS. PHELPS: I understand.

5 MR. WELLS: -- represent is that  
6 Shalome Baranes had a one block long segment  
7 at 3<sup>rd</sup> Street between Florida and Morse.  
8 Whether that has any stature or status --

9 MS. PHELPS: Right.

10 MR. WELLS: -- whether it could or  
11 could not happen, I simply don't know.

12 MS. PHELPS: Okay. And, Mr.  
13 Wells, Mr. Ray, either of you could answer  
14 this, are you familiar with the charrettes  
15 that happened in, I think, last month or May  
16 or June with all the owners about the  
17 development of the New Town area?

18 MR. WELLS: Yes, I was there.

19 MS. PHELPS: Okay. So in that,  
20 there was a result of, I think, three  
21 different schematics and two of them did  
22 contemplate the reopening of 3<sup>rd</sup> Street from

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1 Florida to Morse?

2 MR. WELLS: There were three  
3 different tables with three different  
4 architects with three different rolls of  
5 tissue.

6 CHAIRMAN HOOD: Let me do this.  
7 Let's not go too far. We have an application  
8 in front of us --

9 MS. PHELPS: Right.

10 CHAIRMAN HOOD: -- as it is.

11 MS. PHELPS: No, I understand.

12 But if we are --

13 CHAIRMAN HOOD: So let's get  
14 straight to the question.

15 MS. PHELPS: Right. And what I --  
16 and that is my question, because if we are  
17 talking about the west elevation and we're  
18 talking about whether or not that west  
19 elevation is going to be designed in any  
20 different way, I think it is important that we  
21 don't just say it's going to be a party wall  
22 and there is going to be another building next

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1 to it when there is clearly the possibility  
2 that there will not be.

3 And I know that this body has  
4 looked at you not waiting for the small area  
5 plan. And I don't want to revisit that  
6 conversation except to say that part of the --  
7 you know, looking at the final package there  
8 might include the reopening of 3<sup>rd</sup> Street up  
9 to Morse, because that is something that has  
10 been coming out of all these conversations  
11 with the owners and the Office of Planning.

12 So --

13 CHAIRMAN HOOD: Let me just say.  
14 We waited for -- nothing against OP. OP has  
15 a lot of stuff going on --

16 MS. PHELPS: Right.

17 CHAIRMAN HOOD: -- with the  
18 zoning. If we waited for the Small Area Plan,  
19 we would not meet twice a week every week.

20 MS. PHELPS: I understand that.

21 CHAIRMAN HOOD: Or month.

22 MS. PHELPS: But what I'm saying

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1 is we can't go completely with the assumption  
2 that it's a party wall and something is going  
3 to be built immediately next to it, because  
4 there is a possibility that there won't be.  
5 So I just want that out there.

6 COMMISSIONER MAY: Do you know  
7 what the alignment of this proposed 3<sup>rd</sup> Street  
8 would be?

9 MS. PHELPS: Like Mr. Wells says,  
10 at this point, it's not --

11 COMMISSIONER MAY: Mr. Wells, do  
12 you know what the proposed alignment might be?  
13 Would it connect up with the existing 3<sup>rd</sup>  
14 Street or would it bisect the block between  
15 3<sup>rd</sup> and 4<sup>th</sup>?

16 MR. WELLS: There are no  
17 definitive studies of this. There are just  
18 the broadest -- it's just your marker concept.  
19 It's a concept. To my knowledge, there have  
20 been no engineering studies. I don't know if  
21 anybody has explored landownership.

22 COMMISSIONER MAY: Right.

1 MR. WELLS: The possibility of  
2 getting public right of way for a public  
3 street.

4 COMMISSIONER MAY: Right.

5 MR. WELLS: I don't know. But it  
6 is a correct statement that various designers  
7 have looked at a street there.

8 COMMISSIONER MAY: Okay. And one  
9 other question. I heard mention of an LDA at  
10 some point as part of this development. Does  
11 that mean that the District actually owns some  
12 portion of that Burger King property already  
13 or some other portions of the market?

14 MR. RAY: The District is the  
15 largest land owner in the market.

16 COMMISSIONER MAY: Uh-huh.

17 MR. RAY: Yes.

18 COMMISSIONER MAY: But do they own  
19 the Burger King property?

20 MR. RAY: I'm not sure they own  
21 any of the Burger King property.

22 COMMISSIONER MAY: Okay.

1 MR. RAY: Probably the Commission  
2 may. I think all of that is privately owned  
3 property, to the best of my knowledge.

4 COMMISSIONER MAY: Right. Okay.  
5 Yeah, I don't think it is we can necessarily  
6 assume that even if there were a 3<sup>rd</sup> Street  
7 recreated that it would line up along the west  
8 side of this proposed building.

9 MS. PHELPS: No, I understand  
10 that.

11 COMMISSIONER MAY: It could be  
12 further to the west.

13 MS. PHELPS: But I do want to  
14 point out that it is not necessarily the done  
15 deal that it is represented as, that it's a  
16 party wall.

17 CHAIRMAN HOOD: Okay.

18 MS. PHELPS: That's my point.

19 CHAIRMAN HOOD: Wait.

20 CROSS EXAMINATION

21 MS. PHELPS: And then I move on to  
22 Mr. Wright. I want to get back to something

1 that Commissioner May said about the glass on  
2 the 3<sup>rd</sup> Street or I'm sorry, the west  
3 elevation.

4 I don't know if you can go to that  
5 slide. And my recollection may not be  
6 accurate on this, but the glass on the west  
7 elevation currently lines up with stairwells  
8 and public community rooms for the residents?

9 MR. WRIGHT: The bank of glass in  
10 the middle is actually in the corridor of the  
11 units, but the two glass bands on either side  
12 are actually in units.

13 MS. PHELPS: Okay. So that -- the  
14 two -- I'm sorry, I don't have a pointer.  
15 But --

16 MR. WRIGHT: Yes, the two on the  
17 outside are into units.

18 MS. PHELPS: Okay. Thank you.  
19 Let's see, and then the other question I have,  
20 and this goes back to the June 5<sup>th</sup> and I  
21 apologize that that's a while ago, but I want  
22 -- at that time, you didn't have your LEED --

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1 you didn't know where you were going to be in  
2 LEED-certification. I wondered if that had  
3 changed yet? And I understand if it hasn't,  
4 but I wanted to know if anything had changed.

5 MR. WRIGHT: Currently, we are not  
6 going for certification. However, we have  
7 outlined about 20 points that the Gateway  
8 budget can do right now.

9 MS. PHELPS: Okay. So okay, all  
10 right. That's fine. Thank you. And I'll  
11 just stop with the New Town questions, if you  
12 don't want to go there. Thank you.

13 CHAIRMAN HOOD: Is it germane or  
14 pertain to the case?

15 MS. PHELPS: Well, I would -- I  
16 think that there is some confusion about where  
17 the New Town legislation is in terms of the  
18 total redevelopment of the market. And again,  
19 Mr. Ray represented it as a done deal. But  
20 can you clarify where that legislation sits  
21 right now, because it hasn't been executed  
22 yet. Is that correct?

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1 MR. RAY: No, I did not in any way  
2 say it was a done deal. I simply said that  
3 the City Council passed -- there is a law on  
4 the books, there's an Act which sets forth New  
5 Town into Capitol City Market and there is a  
6 law which anyone can read.

7 MS. PHELPS: No, I'm not trying to  
8 be combative. I'm just --

9 MR. RAY: Okay.

10 MS. PHELPS: -- asking has it been  
11 executed though? I mean, it's out there, but  
12 it hasn't been executed in there.

13 MR. RAY: Well, it has been  
14 executed to this extent that it was seen as  
15 entering into an exclusive right agreement.  
16 It has been signed by the developer and by the  
17 Deputy Mayor for Economic Development. I can  
18 -- I also know that in the next two days, the  
19 Deputy Mayor and developer will be holding a  
20 meeting of the market owners and renters to go  
21 forward to the next step.

22 But yeah, I mean, this is a step

1 by step process, I mean.

2 MS. PHELPS: Do you know if that  
3 is waiting for the Small Area Plan or if it's  
4 waiting for the 51 percent approval from the  
5 ownership?

6 MR. RAY: Well --

7 MS. PHELPS: I'm asking, because I  
8 think you know more than I do on that.

9 MR. RAY: -- the law by its own  
10 terms requires that the developer meet certain  
11 goals and it's not 51. It's 50 plus percent.

12 MS. PHELPS: Um-hum.

13 MR. RAY: That's in the law. The  
14 Small Area Plan is not in the law and the  
15 Office of Planning knows more about that than  
16 I do.

17 MS. PHELPS: Okay. But the 50  
18 plus percent, that component has or has not  
19 been met yet?

20 MR. RAY: It has not been met.

21 MS. PHELPS: Okay.

22 CHAIRMAN HOOD: I don't know if we

1 want to go too far there.

2 MS. PHELPS: That's the last  
3 question --

4 CHAIRMAN HOOD: We --

5 MS. PHELPS: -- on that.

6 CHAIRMAN HOOD: -- are a land use  
7 body and I think --

8 MS. PHELPS: Right.

9 CHAIRMAN HOOD: -- that is our  
10 issue about the rights and what the Council  
11 has done is out of our jurisdiction.

12 MS. PHELPS: Right. But if you  
13 are contemplating the surrounding development,  
14 I think it's important to make clear that some  
15 of that isn't decided yet.

16 CHAIRMAN HOOD: Well, I let you  
17 ask the question.

18 MS. PHELPS: Yes.

19 CHAIRMAN HOOD: Because Mr. Ray  
20 did allude to it. Okay. But I think we don't  
21 need to --

22 MS. PHELPS: I understand.

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1 CHAIRMAN HOOD: -- go too far.

2 MS. PHELPS: That was the last  
3 point question I had on that.

4 CHAIRMAN HOOD: Okay.

5 MS. PHELPS: Thank you.

6 CHAIRMAN HOOD: Thank you. Okay.  
7 With that, let's go to the Office of Planning.  
8 Mr. Jesick?

9 MR. JESICK: Thank you, Mr.  
10 Chairman and Members of the Commission. My  
11 name is Matt Jesick. The applicant in this  
12 case has submitted a Consolidated Planned Unit  
13 Development application with a related map  
14 amendment to develop a 10 story mixed-use  
15 building. The Office of Planning does not  
16 object to the height, massing or mix of uses  
17 of the building.

18 And we recommend that the  
19 Commission approve the application.

20 The 7.7 FAR and 120 feet of height  
21 is compatible with -- or is not inconsistent  
22 with the Comprehensive Plan. The future Land

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1 Use Map says that this site is suitable for a  
2 mix of uses specifically high density  
3 residential, medium density commercial and  
4 production distribution and repair.

5 The generalized policy map  
6 describes the entire Florida Avenue market  
7 site as a multi-neighborhood commercial  
8 center. Now, in addition to those Land Use  
9 Maps, the application would also meet several  
10 of the Comprehensive Plan's guiding  
11 principles. Things like developing on an  
12 infill site; transit-oriented development;  
13 providing affordable housing for the District,  
14 etcetera.

15 And several citywide elements of  
16 the Comprehensive Plan also support the  
17 proposal, the land use element; the  
18 transportation element; the housing element  
19 and urban design element. So again, we feel  
20 that the application is not inconsistent with  
21 the Comprehensive Plan.

22 Now, when we submitted our public

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1 hearing report, we listed a few outstanding  
2 issues, which have since been resolved. One  
3 is the lifespan of the affordable units. The  
4 applicant has indicated that the affordable  
5 units will be available for the life of the  
6 project, so in perpetuity.

7 The applicant has submitted  
8 additional information about the public space  
9 design, including landscaping and hardscaping.  
10 And the applicant has resolved the issue about  
11 the second floor retail windows by rearranging  
12 the layout of the retail on that floor.

13 Another outstanding issue was the  
14 availability of data showing that the loading  
15 facilities would be adequate and with the  
16 submission of the analysis by Wells and  
17 Associates, we feel that that issue has also  
18 been resolved.

19 And the loading, in addition to  
20 the Related Map Amendment was the only other  
21 area of zoning relief that was required for  
22 this project. And we have detailed that in

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1 our report. We have no objections to that  
2 relief, but if the Commission has any further  
3 questions on that, I would be available.

4 Now, in regards to amenities, the  
5 applicant has listed several different amenity  
6 items that they feel contribute to their  
7 amenity package. One is the affordable  
8 housing. 20 percent of the residential floor  
9 area will be affordable units. That is  
10 equivalent to 24 units and those will be made  
11 available to households earning up to 80  
12 percent of the area median income.

13 The applicant has previously  
14 listed environmental design as an amenity  
15 item. At this point, the Office of Planning  
16 is not considering that an amenity item as the  
17 -- in the most recent submission, the  
18 applicant has stated they will achieve 20 LEED  
19 points, but we don't feel that that is a level  
20 that would be an amenity for the community or  
21 the District.

22 The applicant has also agreed to a

1 first source employment agreement and to a CBE  
2 agreement. And they will also be  
3 incorporating a community meeting space, which  
4 will be free to the ANC and to other community  
5 organizations for the life of the project.

6 So we feel that the amenity  
7 package is commensurate with the amount of  
8 relief that has been requested.

9 So in summary, the application is  
10 not inconsistent with the Comprehensive Plan.  
11 The Office of Planning does not object to the  
12 zoning relief that has been requested. And  
13 again, we feel that the amenity package is  
14 commensurate with the relief that is being  
15 sought.

16 So we recommend approval and I  
17 would be happy to take any questions.

18 CHAIRMAN HOOD: Thank you, Mr.  
19 Jesick. Let me just ask, so now it's the  
20 understanding, I heard the applicant say 20  
21 LEED points, but previously it was 25 LEED  
22 points and 26 were necessary to reach the

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1 certified level. But now we, I guess, have  
2 cut 5 points to 20.

3 MR. JESICK: Yes, that's correct.

4 CHAIRMAN HOOD: Okay.

5 MR. JESICK: Yeah.

6 CHAIRMAN HOOD: The other thing is  
7 the community space. I notice you stated --  
8 is the community space for 5B and 6C or just  
9 for 5B?

10 MR. JESICK: I don't know the  
11 answer to that question.

12 CHAIRMAN HOOD: Okay.

13 MR. JESICK: I think the applicant  
14 might be able to address that.

15 CHAIRMAN HOOD: Yeah, I will ask  
16 that, because I -- okay. All right.  
17 Colleagues, any other questions? Any other  
18 questions? All right. Thank you, Mr. Jesick.

19 Do we have any other Government  
20 reports? We have DDOT here. You can come  
21 forward and I'm going to mess your name up,  
22 but I'm going to try it anyway. Our good

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1 friend and we want to thank again, Ms. Ricks.  
2 You tell her I said thank you. You tell her  
3 I said thank you for making sure you or  
4 someone came out and we appreciate your  
5 attendance tonight.

6 You need to just hit your mike and  
7 Mr. Nwankwo, you know what, I'm going to let  
8 you pronounce it for me. Just turn your mike  
9 on. Turn your mike on, Mr. Nwankwo.

10 MR. NWANKWO: On? It's on?

11 CHAIRMAN HOOD: There you go.

12 MR. NWANKWO: Good evening.

13 CHAIRMAN HOOD: Where is my other  
14 friend? Our other friend tonight?

15 VICE CHAIRMAN JEFFRIES: Yeah,  
16 where is he? You know, this is not complete,  
17 just you here. I mean, you are great, but --

18 MR. NWANKWO: Well --

19 VICE CHAIRMAN JEFFRIES: -- we  
20 like the team.

21 MR. NWANKWO: -- I can handle it.

22 CHAIRMAN HOOD: Okay. Good.

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1 MR. NWANKWO: Good evening,  
2 Chairman and Members of the Board. My name is  
3 Lawrence Nwankwo. I'm representing DDOT this  
4 evening. The case before us this evening is  
5 Zoning Case No. 06-40. The District  
6 Department of Transportation, DDOT, has  
7 reviewed the application and other materials  
8 for this subject site. This report addresses  
9 the transportation impact of the project on  
10 the neighborhood.

11 Gateway Market Center, Inc. is the  
12 petitioner and is asking for a PUD and a Map  
13 Amendment. This site, as we know, is in  
14 northeast quadrant of Florida Avenue. It is  
15 located at northwest corner on Florida Avenue  
16 and bounded by 4<sup>th</sup> Street in the east. Then  
17 in the north by Morse Street, which is a local  
18 street. In the east by private property and  
19 then there is Lot 800 and 809, Square 3587.

20 The site is presently fenced and  
21 vacant. The proposed project includes the  
22 construction of new mixed-use development

1 containing 116 units.

2 VICE CHAIRMAN JEFFRIES: Excuse  
3 me, Mr. Chair?

4 MR. NWANKWO: That's 39,000 square  
5 feet of retail space.

6 VICE CHAIRMAN JEFFRIES: Excuse  
7 me. Are you reading from the sheet that we  
8 have?

9 MR. NWANKWO: Right. I'm  
10 summarizing the sheet. This is our comment.

11 VICE CHAIRMAN JEFFRIES: Okay.

12 MR. NWANKWO: Do you have a copy  
13 of our comment?

14 VICE CHAIRMAN JEFFRIES: Yeah. I  
15 just thought it would be good --

16 CHAIRMAN HOOD: Well, let me just  
17 say that we are so happy to have DDOT and, you  
18 know, it has been a while, so I know exactly  
19 what's going on. I'm going to let him read.  
20 I want you to read your statement.

21 VICE CHAIRMAN JEFFRIES: Okay.

22 CHAIRMAN HOOD: But you can move--

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1 you know, you can skip a few --

2 MR. NWANKWO: Oh, summarize?

3 CHAIRMAN HOOD: You can skip some.  
4 You can summarize.

5 MR. NWANKWO: Oh, okay.

6 CHAIRMAN HOOD: Because we have  
7 it.

8 MR. NWANKWO: Okay.

9 CHAIRMAN HOOD: But I want to make  
10 sure that you had ample time.

11 MR. NWANKWO: Well, the scope of  
12 the project is 116 units, residential units.  
13 And it has 39,000 square feet of retail  
14 spaces. 54,000 square feet of office spaces.  
15 The total area of building structure is  
16 294,815 square feet. And the maximum building  
17 height is 120 feet.

18 According to the applicant traffic  
19 study, the project will generate 85 a.m. peak  
20 hour trips, that is vehicle trips. And in the  
21 evening, 117 p.m. hour trips. And will not  
22 result in a capacity ratio of greater than 90.

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1           The project level of service at  
2 the road intersection in close proximity to  
3 east side, which is acceptable level, except  
4 New York Avenue and Florida Avenue, that's  
5 where we will have a level of service of F.

6           The applicant is providing its  
7 off-street parking spaces in excess of 106  
8 required. Due to the proximity of the site to  
9 Florida Avenue Metro Station, they are to  
10 encourage reduction in parking accordingly.

11           The project is in close proximity  
12 to New York Avenue Metro Station. It is also  
13 near Florida Avenue and New York Avenue Metro  
14 Bus routes. Bus loading and parking spaces  
15 will be accessed through Morse Street. The  
16 applicant has provided 44 secured off-street  
17 bicycle racks.

18           In addition, DDOT requests the  
19 applicant to provide Transportation Management  
20 Plan to reduce the vehicle trips to the  
21 project. The proposed development will not  
22 have significant traffic impact on the

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1 neighborhood.

2 Therefore, DDOT has no objection  
3 to the application. I must say that since we  
4 made our comment, we got Transportation  
5 Management Plan from the applicant, which is  
6 acceptable to us.

7 As for the loading berth, we did  
8 not emphasize the applicant provide the  
9 required loading dock, because based on  
10 previous project we handled, example, 1425 N  
11 Street. It has 142 units. And there is no 55  
12 foot loading dock in there. It has only 30  
13 foot and a trash chute at the back. And the  
14 building is a success.

15 This one has only 116, that's why  
16 we didn't require him to provide all the  
17 loading docks required by the Zoning  
18 Commission. If there is any question, I will  
19 be glad to answer.

20 CHAIRMAN HOOD: Okay. Mr.  
21 Nwankwo, thank you very much. Hold your seat  
22 and see if we have any questions for you. Any

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1 questions, colleagues? Any questions? Hold  
2 your seat, Mr. Nwankwo.

3 MR. NWANKWO: Oh.

4 CHAIRMAN HOOD: We got you here.  
5 We want you to spend a little time with us.

6 MR. NWANKWO: Oh.

7 CHAIRMAN HOOD: Does the applicant  
8 have any questions? Okay. Does ANC-5B have  
9 any questions? ANC-6C have any questions?  
10 Okay. Thank you very much, Mr. Nwankwo.

11 MR. NWANKWO: Thank you.

12 CHAIRMAN HOOD: And tell Ms. Ricks  
13 we said thank you.

14 MR. NWANKWO: Okay.

15 CHAIRMAN HOOD: All right. Next,  
16 we will go to report of ANC-5B and 6C. What  
17 I would like to do is bring both spokesperson  
18 Chairman Shelton and Commissioner Phelps to  
19 the table at the same time. And if your  
20 colleagues want to join you, they are more  
21 than welcome. And we will begin with ANC-5B.  
22 Chairman Shelton?

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1 MR. SHELTON: Good evening,  
2 Chairman Hood and Members of the Commission.  
3 I am William Shelton, the Chair of ANC-5B.  
4 And I am here this evening, number one, I just  
5 want to first start with a brief apology. I  
6 know at our June 5<sup>th</sup> hearing at the last time,  
7 there was some confusion about who was the  
8 person who was selected to represent ANC-5B.  
9 And in our resolution dated July 22<sup>nd</sup>, I was  
10 authorized from my Commission to represent the  
11 Commission as the Chair.

12 And it has been our -- in the  
13 past, it has been our -- I have been the  
14 person that has represented the Commission in  
15 the past. But at our meeting, our Commission  
16 agreed to support this project. This project  
17 has been before our Commission since 2002. We  
18 are now six years into this project. We have  
19 voted all throughout this project to support  
20 this project.

21 And we just firmly stand behind.  
22 We are really excited about the opportunity

1 for employment. We are excited about the  
2 opportunity for the Community space. We are  
3 excited to see that this vacant lot that has  
4 been there for the past six years will now  
5 have the opportunity to have a beautiful space  
6 that has a beautiful sight line and we really  
7 hope will begin the -- will begin Florida  
8 Avenue's, kind of, resurrection again.

9 CHAIRMAN HOOD: Okay. Thank you.  
10 I think what I will do is we'll do both ANCs.  
11 So, Mr. Chairman, if you can hold your seat.  
12 And I'm calling you Mr. Chairman, he's my  
13 Chairman, but Ms. Phelps, if you can -- they  
14 hate when I talk about Ward 5. Two weeks in  
15 Ward 5. Anyway, Commissioner Phelps, if you  
16 could turn your mike on, you may begin.

17 VICE CHAIRMAN JEFFRIES:  
18 Commissioner Phelps?

19 MS. PHELPS: Okay. Do you want me  
20 to again say I'm Anne Phelps with the ANC-  
21 6C04.

22 CHAIRMAN HOOD: You can.

1 MS. PHELPS: Okay. And ANC-6C04  
2 is actually the Single Member District that is  
3 directly across the street from the project,  
4 which is why I'm representing the Commission  
5 in this matter.

6 First of all, I would like to  
7 thank the Zoning Commission for giving us  
8 party status and recognizing us as an affected  
9 ANC and, as such, according us the great  
10 weight. We appreciate that very much.

11 And I want to start my remarks by  
12 saying that it was never our intention to try  
13 to halt the project in any way. And in fact,  
14 for us, the most important thing is that this  
15 project is so critical to the redevelopment of  
16 the whole market area as the very first  
17 project over there.

18 It is essential that its design  
19 and approach and everything else is the best  
20 that it can be, because its successes or  
21 failures are going to dictate really what  
22 happens in the rest of the development. If

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1 they can't have success with that retail on  
2 the second floor or on the first floor,  
3 however, it ends up, we're going to have a  
4 harder time drawing people to the other mixed-  
5 use buildings that are proposed for the area.

6 So I just want to say that this is  
7 really critical for us. And I know that it  
8 was mentioned at the June 5<sup>th</sup> meeting that  
9 this was all about amenities for 6C. And in  
10 fact, that couldn't be further from the truth  
11 and was never discussed in the community  
12 meetings that we had. And certain it has  
13 never come out of my mouth and I represent the  
14 area most affected by that.

15 CHAIRMAN HOOD: Say that, because  
16 I said that.

17 MS. PHELPS: Yeah.

18 CHAIRMAN HOOD: I said I was  
19 hoping this was not about amenities.

20 MS. PHELPS: Um-hum.

21 CHAIRMAN HOOD: And I will tell  
22 you, I read your submittal thoroughly and like

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1 I said in my other remarks, I was -- I thought  
2 it was very throughout, it was very thoughtful  
3 and I thought it was a very good submission  
4 for us. And my colleagues, as you saw, we  
5 agreed to give you the great weight.

6 Because I will tell you, we deal  
7 with stuff all over the city.

8 MS. PHELPS: Um-hum.

9 CHAIRMAN HOOD: And sometimes it  
10 gets to that point and I was just hoping that  
11 that was not the issue. In this case, it was  
12 not the issue and I was not trying to offend  
13 anyone. But I just wanted to make that point.

14 MS. PHELPS: I appreciate that.  
15 Because this whole market area is so important  
16 to the people that I represent. We live right  
17 across the street. We shop there all the  
18 time. I think it was Mr. Turnbull that talked  
19 about coming off New York Avenue down Penn and  
20 onto 4<sup>th</sup> and I can tell you that that's a  
21 quick way for everybody who drives out 50 to  
22 go anywhere shopping out of the city, that's

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1       how we come back into the neighborhood or down  
2       6<sup>th</sup> Street. So it is something that is used  
3       all the time by the people in the area.

4               One thing, I'm not going to go  
5       through, you have, our statement and you know  
6       the reservations that we had or the  
7       expectations that we have for this next phase  
8       of their design. And overall, we voted to  
9       support this project and I want you to know  
10      that we voted unanimously to support this  
11      project, but we do have a series of things  
12      that we are concerned about.

13             And most of those you have  
14      actually touched on this evening and I'm  
15      gratified to see that you have similar  
16      concerns.

17             I want to elaborate a little bit  
18      on a few of the things that we talked about.  
19      And the very first thing we talked about was  
20      an emphasis on market-oriented space. And I  
21      think that this is important and this is  
22      something that -- I'm sorry, I don't recall

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1 his name, but the fellow who is doing our  
2 market.

3 VICE CHAIRMAN JEFFRIES: Mr.  
4 Miller.

5 MS. PHELPS: Mr. Miller, thank  
6 you. One of the things he talked about, too,  
7 and it was nice to see he was talking about  
8 this whole foody kind of approach, and that's  
9 something that has come out of the charrettes  
10 with the property owners and it has come out  
11 of the charrettes with the community in the  
12 Small Area Plan, was this idea of making it  
13 kind of a food destination.

14 And so when we talked about  
15 keeping it market-oriented, we were really  
16 thinking about preserving as much of that  
17 flavor and feel as possible. And I have to  
18 commend the developer for when they came to  
19 our Zoning Committee meeting. And frankly,  
20 they have done a great job of -- you know, we  
21 are sorry that it came late, but we're  
22 gratified that they did it.

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1           They came to a community meeting  
2 where we had 45 residents show up to talk  
3 about what was happening at this corner. And  
4 then they came to our Zoning Committee meeting  
5 and then they came to the full Commission.  
6 And each step of the way we had changes that  
7 reflected what was discussed. And I really  
8 very much commend them for doing that.

9           And one of the things that came up  
10 at the committee level was this whole idea of  
11 this Cleveland Public Market and you see that  
12 reflected in the documents they submitted, I  
13 think, on the 14<sup>th</sup>.

14           So I just want to encourage that  
15 continuation and that reflection of the  
16 importance of the market to the D.C. area. I  
17 mean, there is no place like it. And one of  
18 the things that the Small Area Plan, and I  
19 know I keep talking about it that makes people  
20 profoundly unhappy and I'm sorry, but I sat in  
21 on those meetings and I care about it, and I  
22 think they do, too, and I think that they are

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1 concentrating on the idea of this food thing.

2 And I just want to reiterate that.

3 As much of the people who operate small  
4 establishments, the small businesses that can  
5 relocate to these mixed-use developments is  
6 important. And that's why we also stress in  
7 here a specific information about a retail  
8 rental plan supportive of merchants with  
9 limited capital, specifically the ones that  
10 are in the market now.

11 We want to do what we can to see a  
12 commitment to existing merchants, so that they  
13 are not shut out of this.

14 The other thing and you have all  
15 talked about this at great length, and I just  
16 want to reiterate that, too, is this 4<sup>th</sup>  
17 Street. We understand the Morse Street  
18 entrance, but we also have concerns about  
19 making sure that 4<sup>th</sup> Street -- Florida and 4<sup>th</sup>  
20 are currently going to be the most pedestrian  
21 traveled until the rest of the market gets  
22 developed. That's where the Metro is and

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1 everything else.

2 So I just want to reiterate we  
3 hope to see some more exploration of how we  
4 might incorporate 4<sup>th</sup> Street into that. And  
5 the pedestrian access is, again, a critical  
6 component of the Small Area Plan. The idea of  
7 maintaining wholesale and creating a  
8 pedestrian-friendly atmosphere, because I  
9 think a couple of you touched on this.

10 The whole idea of the big trucks  
11 and it can be very difficult to maneuver in  
12 there. And so it's important that we do as  
13 much as we can. And they are doing some of  
14 that with widening -- keeping wide sidewalks  
15 and making it accessible for people and making  
16 it welcoming as pedestrian-friendly. And so  
17 again, I think the design is very much  
18 thinking about that. And I am appreciative of  
19 that.

20 And one of the things about the 4<sup>th</sup>  
21 Street retail and we talked about it at the  
22 committee level and also in the community

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1 meeting and I think that we have sort of a  
2 disagreement with the developer about what --  
3 how topography is hindering that process.

4 I know we talk about a large  
5 grade, but we have seen other instances in the  
6 District where there is a steep grade and  
7 there are still ways to make accessible  
8 entrances on 4<sup>th</sup> Street. I'm not an  
9 architect, so that's as much as I'm going to  
10 say about that.

11 And the other thing that we want  
12 to talk about is talking about the way that  
13 the facade interacts and responds to the  
14 market in the urban context. And we want to  
15 make sure that there is a lot of thinking  
16 about that on the street level, so display  
17 windows, facade treatments.

18 We already talked about access  
19 from multiple entrance points. The things --  
20 and I think some of you touched on this, too,  
21 about signage. How we can draw people there,  
22 because it's so important this is successful,

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1 this retail. I -- it's so important, because  
2 it really is going to dictate what happens in  
3 the rest of the market.

4 And some may say that's not true,  
5 but I've seen too many areas of the city that  
6 just fade, because something -- the first  
7 thing isn't successful. I think it is  
8 important that we make it the best that it can  
9 be.

10 And one of the things that we -- I  
11 think their project developer actually, I'm  
12 sorry, Norman Vegan, thank you, was pivotal in  
13 the Chinatown redevelopment. And that's --  
14 while I'm not thrilled with the retail that is  
15 there, the design is spectacular. It really  
16 gives a vibe and it has a feel all of its own  
17 and we want to see that kind of -- we want  
18 that replicated in a market way for this area.

19 So I'll just say while we, as I  
20 said, regret that we got involved sort of late  
21 in the game, but we are very happy with the  
22 applicant's newfound willingness to engage our

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1 community, as we are so directly impacted by  
2 anything that happens there.

3 And as this project and other  
4 projects move forward, we certainly hope to  
5 participate and continue discussions, because,  
6 you know, there may be a dividing line down  
7 the middle of Florida Avenue, but we are all  
8 one community. And we all live it and we walk  
9 it and we shop it and we need to work together  
10 to make it the best that it can possibly be.

11 So that's why we are here and  
12 that's why we continue to pursue working on  
13 this project. And I thank you for your time.

14 CHAIRMAN HOOD: Thank you very  
15 much, Commissioner Phelps. If you can just  
16 hold your seat, let me back up. I want to  
17 make sure I make this correction, because we  
18 all want to come down again another night and  
19 have another hearing.

20 Did I omit to ask for cross  
21 examination of the Office of Planning? I  
22 think I did. Yeah, okay, I did. But let me

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1 just ask, does the applicant have any cross  
2 examination of the Office of Planning? Does  
3 ANC-5B have any cross examination? Does ANC-  
4 6C have any cross examination? Let the record  
5 reflect that I retracted and did that, so that  
6 will save all of us another night from having  
7 to come down here and do it again.

8 Okay. Now, colleagues, do we have  
9 any questions of the -- let me start off.  
10 What is the, you both can expand on this,  
11 community room or the use of the ANC community  
12 room, whatever it is called, who is -- is that  
13 for both ANCs or how is that? Chairman  
14 Shelton, if you could help me with that?

15 MR. SHELTON: Well, I guess, you  
16 know, I'm understanding that it is a community  
17 space. You know, we are not going to be  
18 unfair to any community member that would like  
19 to use this space. But I do think that when  
20 you get into structure and use of a space,  
21 someone has got to be the entity that kind of  
22 maintains the structure of it.

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1           And I guess in our initial  
2 understanding of the office space and the  
3 community space in this, it was kind of going  
4 to be, I guess, under the direction of ANC-5B.  
5 But I'm sure my fellow Commissioners would not  
6 have any problem if our colleagues on the  
7 other side of Florida Avenue would like to  
8 utilize the space at any point. I mean, we're  
9 not going to get into semantics about  
10 utilization of a space.

11           CHAIRMAN HOOD: Right. And I just  
12 wanted to make sure for the record, that's  
13 exactly the way I understood it, but that's  
14 just how good folks are in Ward 5. They are  
15 open and kind hearted and will do what we have  
16 to do. Okay. Did you want to comment on that  
17 or are we okay? Okay.

18           MS. PHELPS: Except to say I know  
19 that we have community groups, I think, that  
20 would be delighted to use the space and are  
21 happy to fill out whatever paperwork 5B sets  
22 up.

1 CHAIRMAN HOOD: Okay. Sounds  
2 good. I just wanted to make sure, so there  
3 wasn't any misunderstanding.

4 Colleagues, do you have any  
5 questions of ANC-5B or 6C?

6 COMMISSIONER ETHERLY: Certainly,  
7 Mr. Chair, very, very quickly.

8 CHAIRMAN HOOD: Mr. Etherly?

9 COMMISSIONER ETHERLY: And  
10 briefly. It most certainly needs to be said,  
11 thank you both, as well as your colleagues,  
12 for all of the work that both of you have  
13 brought to bear. Most certainly, 5B over the  
14 years as you indicated, it has been a long  
15 time coming and most certainly, ANC-6C has had  
16 to get together very quickly and put together  
17 some very good work. But being a Ward 6  
18 resident myself, I am happy to see and know  
19 that the residents of Ward 6 are more than  
20 able of rising to the challenge when needed.

21 Very quickly, more so for you,  
22 Commissioner Phelps, clearly your comments

1 were, nuance might be too loaded a word, I  
2 don't want to say nuance, but clearly there  
3 are still some things that you would like to  
4 see happen.

5           What I perhaps just want to ask  
6 you, however, is in terms of the direction  
7 that the facade and some of the streetscape  
8 along Florida Avenue, 4<sup>th</sup> Street, in  
9 particular, Morse to a lesser extent, but in  
10 terms of the evolution of that from where we  
11 were to where we are now, is it moving in the  
12 direction that you feel is at least consistent  
13 with where the ANC would like to go?

14           If I hear correctly, you think  
15 there is still some work to be done. But do  
16 you feel that it is moving in the direction  
17 that you would like to see it move in?

18           MS. PHELPS: Well, I think a lot  
19 of the streetscape looks pretty terrific. In  
20 terms of facade issues and design issues on  
21 accessibility from the different streets, I do  
22 think that there is still room for improvement

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1 on that. And I think I would echo a lot of  
2 what the Commission has said tonight on those  
3 questions.

4 But I would say that I think that  
5 each time that Mr. Wright gives us new  
6 renderings that it's getting better.

7 COMMISSIONER ETHERLY: Um-hum.

8 MS. PHELPS: I mean, I think that  
9 my concerns -- I mean, I have concerns about  
10 the west facade, but I also understand the  
11 challenges that that faces. I would like to  
12 see some of what Commissioner Jeffries has  
13 said that -- so it's not just this blank wall  
14 with a slate of windows.

15 COMMISSIONER ETHERLY: Scoring.

16 MS. PHELPS: But there is some  
17 scoring and something --

18 COMMISSIONER ETHERLY: Or some  
19 type of --

20 MS. PHELPS: -- that when you are  
21 standing on the Metro platform and you look  
22 over you don't think oh, they are waiting for

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1 a party wall. But I do think they are moving  
2 in a direction -- I mean, I would have to say  
3 I've been pleased with their responsiveness so  
4 far. We have had a really, you know, sort of  
5 condensed time.

6 It would have been great if we  
7 could have had sort of more give and take with  
8 the community early on in this process before  
9 it got so far in the development where it  
10 makes it difficult to change some of those  
11 things. And maybe we could have talked more  
12 about the kind of things that Commissioner May  
13 brought up tonight about how the retail might  
14 be oriented differently.

15 And had we come in earlier, we  
16 might have been able to have those  
17 discussions. But given where we are and where  
18 we started, you know, eight weeks ago or  
19 whatever it was --

20 COMMISSIONER ETHERLY: Okay.

21 MS. PHELPS: -- I think it's --  
22 we're moving in the right direction.

1 COMMISSIONER ETHERLY: Okay.

2 MS. PHELPS: And I'm sorry that  
3 was a long answer.

4 COMMISSIONER ETHERLY: No, that's  
5 okay. That's exactly what I needed. Let me  
6 now ask both of you, kind of with Commissioner  
7 Phelps' question kind of as the context, given  
8 your familiarity with the pedestrian patterns,  
9 maybe the evolution of some of that, given all  
10 of the work that is underway now, do you see  
11 it as a, again, I want to be very careful and  
12 not load the question prematurely, fatal flaw  
13 that the retail access issue may not be as  
14 resolved as you would like it?

15 I mean, just speaking for myself,  
16 I can kind of visualize it and see it working.  
17 Again, we're going to definitely continue to  
18 have some give and take, of course, up here,  
19 but I perhaps want to really get a perspective  
20 from persons who are most familiar with what  
21 is happening from a walking standpoint, in  
22 terms of people who are just trundling down

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1 the street.

2 If they happen upon the entrance  
3 at Florida or if they happen upon the entrance  
4 at Morse, does that -- but there is not  
5 necessarily the kind of connection you want to  
6 see on 4<sup>th</sup> Street, is that a killer? Is that  
7 in your mind the death nail for retail there?

8 MR. SHELTON: I guess, you know, I  
9 want to respond to the Commissioner's, you  
10 know, statement in the beginning. I think one  
11 of the things that ANC-5B and I know the  
12 Commissioners and the Single Member District  
13 Commissioner is here representing the  
14 community, one of the things that we just  
15 really want to be very cautious about is that  
16 this project has taken a long time.

17 You know, it even -- I don't -- I  
18 think it preceded even me as a Commissioner.  
19 I don't -- you know, maybe I don't remember,  
20 but we just really want to make sure. You  
21 know, I think that we have listened. You  
22 know, I think that Mr. Ray and his team have

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1 been really, really diligent and I also want  
2 to commend them at really going back and  
3 taking every step meeting, even down to this  
4 last phase of this.

5 I mean, I think that even though  
6 the last phase of it was quick and fast, I  
7 think they did a very good job of moving all  
8 phases forward. I think one of the things  
9 that we don't believe that the 4<sup>th</sup> Street it  
10 is a killer. We really believe that this --  
11 you know, the entrance, the Morse Street  
12 entrance and all of that is something that we  
13 really are in favor of.

14 I think it's going to be something  
15 even down to the retail. I mean, I was really  
16 -- I mean, just sitting here watching the  
17 rendering of the whole retail side of it, I,  
18 too, think it is something that is going to be  
19 innovative. And I think that when we take a  
20 look at the historic nature of the project, it  
21 might be time to have something that is  
22 different at the market.

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1 I mean, given the opportunity to  
2 see something different, I know that it is a  
3 unique look to the retail, but we really are  
4 excited about seeing something that is  
5 different. And I do agree that this is the  
6 first project that is forward. I agree that  
7 it's historic in its nature being the first  
8 project. I agree that it does need the  
9 careful step-by-step effort to make sure that  
10 the first project is done well.

11 But I believe our Commission and  
12 our constituents really do believe that his  
13 project is ready to go. I mean, we really are  
14 very much in support of the project as it is  
15 now.

16 COMMISSIONER ETHERLY: Thank you.  
17 Commissioner Phelps?

18 MS. PHELPS: Well, I think that  
19 some of what was said -- Mr. Miller, is that  
20 right? Yeah, sorry. I think that when Mr.  
21 Miller was up here and the questions that you  
22 were asking him, I think, you know, it's true

1 that the people that are currently shopping  
2 the market on a regular basis, I think, will  
3 access it through Morse Street.

4 I don't think that that's a  
5 stretch. I mean, I'm on Morse Street pretty  
6 much every weekend. So I don't think it's  
7 crazy to think that the people that currently  
8 shop there will enter that way. I think as  
9 the market changes though, the critical  
10 component is going to be getting new  
11 customers.

12 And all the traffic that is going  
13 to be coming from the Metro walking into the  
14 neighborhoods and by trying to capture more of  
15 the people who, you know, for instance, the  
16 900 employees at ATF, trying to get them to do  
17 a little shopping before they go home.

18 Right now, there is a challenge to  
19 that, because they may not understand that the  
20 market is what it is, that there are ways and  
21 they haven't maybe taken Mr. Lehman's tours  
22 that happen at the market area to introduce

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1 people to the market.

2 So we have sort of this audience  
3 that is built in just down the block and  
4 across the road that don't really know a lot  
5 about it yet. And I think it is going to be  
6 a challenge to get them there if -- when they  
7 are driving in to work or walking to the  
8 Metro, if they can't see what might be there.

9 I don't know that it's a killer.

10 COMMISSIONER ETHERLY: I  
11 understand.

12 MS. PHELPS: But I don't know that  
13 the entrance on 4<sup>th</sup> is so much going to be the  
14 miracle cure as much as my concern about just  
15 the second floor retail in general, I think.  
16 I'm not sure what solves that problem exactly.  
17 I think it is enough of a concern that it came  
18 up at our community meeting. It came up at  
19 the committee level and it's something that  
20 our Commission unfortunately was 10 to 15 and  
21 we didn't get to talk about it as much.

22 But it's definitely something that

1 has come up. So killer maybe not, but  
2 definitely, I think, important.

3 COMMISSIONER ETHERLY: I  
4 appreciate your candor. Thank you, Mr. Chair.  
5 Thank you both.

6 CHAIRMAN HOOD: Thank you. Any  
7 other questions, colleagues? Okay. Any cross  
8 examination from the applicant of either one,  
9 either ANC? Does ANC-5B have any cross  
10 examination of ANC-6C?

11 MR. SHELTON: No, Mr. Chair.

12 CHAIRMAN HOOD: Does ANC-6C have  
13 any cross examination of ANC-5B?

14 MS. PHELPS: No.

15 CHAIRMAN HOOD: Okay. Did I get  
16 everybody?

17 VICE CHAIRMAN JEFFRIES: Yes.

18 CHAIRMAN HOOD: I'll tell you  
19 because in all this, we don't want to have any  
20 hearings in August. Okay. Thank you both.  
21 And again, we want to thank all the ANCs for  
22 the hard work you do and volunteering. We

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1 appreciate it. We really do. Thank you.

2 Okay. Let me go to organizations  
3 and persons in support. I'm going to try to  
4 decipher through this. Let me start with  
5 Commissioner Lawson. Were you going to  
6 testify? If you would like to, are you in  
7 support or in opposition? Okay. Well, if you  
8 can come forward? I'm not sure where --  
9 because some things have changed, but let me  
10 just go as we have it listed.

11 We also have -- the only other  
12 name I have is Commissioner Evans. Hillary,  
13 is it Hillary? You are Commissioner Evans?  
14 Are you going to testify? Oh, you're not a  
15 Commissioner? Did you want to testify? Oh,  
16 okay.

17 I don't make my own ANC meetings  
18 much, so I didn't know. I don't want to make  
19 myself look -- I'm down here most of the time.  
20 But anyway, okay. Let me just do this. Any  
21 organizations or persons who would like to  
22 testify in support, would you, please, come

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1 forward? Okay. Ms. Lawson, you're it.

2 MS. LAWSON: Of course, my name is  
3 Wilhelmina Lawson, Commissioner 5B06 in the  
4 Trinidad community. The community that is in  
5 the shadow of the market and all of that has  
6 happened. And why after all of the meetings  
7 and the charrettes and the discussions and --  
8 with the applicant agreeing to allow someone  
9 at the table at all meetings, because that was  
10 my biggest problem with the whole issue is  
11 that we, as Commissioners, weren't at the  
12 table.

13 And a lot of the problems that  
14 have occurred may have been eliminated if we  
15 were at the table in the original. 6C says  
16 that they weren't -- they were called in late.  
17 Well, we were sort of called in late. We saw  
18 the presentations, but we weren't allowed to  
19 sit at the table to help with the decision  
20 making.

21 And the applicants have agreed to  
22 allow us to sit at the table at any future

1 meetings.

2 But I would like to also very  
3 briefly discuss the project and why I support  
4 it and I have heard all the discussions of the  
5 facades and the entrance ways and I would like  
6 to make a suggestion of how we can get folks  
7 from outside of our community to come is to  
8 market it correctly.

9 You know, with advertisements and  
10 signage and I think we have a big community.  
11 Trinidad is one of the biggest communities  
12 that you can get and everyone goes there. And  
13 I talk with people every day about the project  
14 to make certain that they are in agreement.  
15 And we had this special meeting the other  
16 night, some people were a little discouraged  
17 because they didn't know of the project sooner  
18 and we did -- made every effort to make  
19 certain that there were plenty of meetings.

20 I and my Single Member District  
21 early on, Mr. Ray and his people came out and  
22 did a presentation and, of course, we had mini

1 charrettes and Gallaudet and we have been  
2 meeting with Gallaudet on their feelings about  
3 the project.

4 And I'm ready to go forward. I'm  
5 ready to see -- my biggest thing now is I'm  
6 ready to get people to work. We can talk  
7 about facades and we talk about the rises and  
8 so forth, but we have got to get people to  
9 work. And I would like to see the project  
10 beginning.

11 Yesterday, I met with the National  
12 Association of Hotels as well as with the  
13 Union people and they are ready to come in and  
14 start training people and getting them ready  
15 for the job. That's why I want to see it get  
16 started. I want to see jobs in my community.  
17 I want to see people at work. And that's why  
18 I'm here to support the project and ready to  
19 see it go.

20 CHAIRMAN HOOD: Thank you,  
21 Commissioner Lawson. Colleagues, any  
22 questions? No questions. Does the applicant

1 have any questions? Okay. No questions.

2 MS. LAWSON: Thank you.

3 CHAIRMAN HOOD: Hold on one  
4 second. Does ANC-5B have any questions? ANC-  
5 6C? Ms. Lawson, I want to thank you for your  
6 testimony. I know you have been out here a  
7 long time and keep up the good work.

8 MS. LAWSON: Well, thank you so  
9 much. Have you see Trinidad lately?

10 CHAIRMAN HOOD: Yeah.

11 MS. LAWSON: You have to drive  
12 through instead of around it now. You have to  
13 come through it.

14 VICE CHAIRMAN JEFFRIES: I was  
15 about to say that. You can't --

16 CHAIRMAN HOOD: This is a land use  
17 body. We best stay with land use.

18 MS. LAWSON: All right.

19 CHAIRMAN HOOD: Okay. Is anyone  
20 else, organizations or persons in support?  
21 Okay. Any organizations or persons in  
22 opposition? Let me see, I think I have your

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1 name in this case. Richard, Mr. Layman,  
2 Citizens Planning Coalition, come forward.  
3 Anyone else in opposition?

4 Now, we're going to need -- if  
5 we're going to look at those, we're going to  
6 need copies of those if we're going to look at  
7 them. So I don't know how we're going to do  
8 that, maybe you can send us a PDF file or  
9 something. He needs copies. Okay. Okay.  
10 8.5 x 11. Well, we're going to need a smaller  
11 size for the record and I'm going to need you,  
12 before you start speaking, to get on the mike  
13 and have your seat and get started.

14 Now, if you are going to be up and  
15 about, we have -- we don't have it.

16 VICE CHAIRMAN JEFFRIES: We can't  
17 get the easels? Is that a problem?

18 MR. LAYMAN: I'll stand up.

19 VICE CHAIRMAN JEFFRIES: Okay.

20 MR. LAYMAN: To be honest, I'm not  
21 going to talk about the boards that much.  
22 They do relate though to the market.

1           First, I'm Richard Layman from the  
2 Citizens Planning Coalition. I'll also say  
3 that in my other work, I have worked as a  
4 Commercial District Revitalization Specialist  
5 in D.C. in the Main Street Program, so I would  
6 say that I have particular expertise in retail  
7 planning. And in fact, I get paid to do it in  
8 other places.

9           I won't say necessarily that I am  
10 an opponent or that we're an opponent now. I  
11 would say we have reservations, because after  
12 many years of this project, actually the  
13 applicant is now much more forward and engaged  
14 with the community and -- about some of the  
15 reservations that had been mentioned over the  
16 years on this project that were not addressed.

17           But this is to explain to the  
18 Commissioners and evidently Commissioners know  
19 that the market is a real vital place. People  
20 are talking about its robustness. One of the  
21 markets in the center --

22           CHAIRMAN HOOD: Let me say I'm

1 being told that we can't get that on webcast.  
2 Where does that need to move? It needs to  
3 move up against the wall?

4 MR. LAYMAN: That's fine. I have  
5 a stick with the images if you wanted them.  
6 Anyways, that market does 50 percent more  
7 business than a typical Giant. So people  
8 think -- that's just one store business in the  
9 market. So a lot of people think because it  
10 doesn't show well, that it's, in fact, not  
11 vibrant and it is.

12 And my tours in these boards,  
13 which are what I call gorilla way finding  
14 signage. They are not official. They were  
15 just commissioned for this project, because up  
16 until about June 6<sup>th</sup>, we would argue the  
17 applicant was not that forthcoming, as  
18 forthcoming as they were at this meeting  
19 tonight, which was somewhat impressive.

20 So we were trying to make the  
21 point with these signs that the market is a  
22 vibrant place and urban renewal isn't

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1 necessarily the best --

2 CHAIRMAN HOOD: Here is my only  
3 issue.

4 MR. LAYMAN: Yes, sir.

5 CHAIRMAN HOOD: We said we didn't  
6 want to --

7 MR. LAYMAN: Okay.

8 CHAIRMAN HOOD: Let me just cut  
9 you off.

10 MR. LAYMAN: Okay.

11 CHAIRMAN HOOD: Was what I meant.  
12 Bear with me. We keep referring to them. We  
13 either need to put them so the public can see  
14 them or we need to stop referring to them.

15 MR. LAYMAN: Okay.

16 CHAIRMAN HOOD: So let's put them  
17 where the public can see them, because we  
18 referred to them twice. I was just going to  
19 see how many times we were going to go and I  
20 think we need to put them -- hopefully that  
21 will work, if not then -- well, at least, I  
22 just want to make sure that if we're going to

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1 refer to them, it's in view.

2 MR. LAYMAN: Anyway, that's the  
3 kind of marketing that Ms. Lawson is talking  
4 about. I'm not going to, obviously, attempt  
5 to read this testimony. It's a harder edge  
6 testimony than would be had they not made the  
7 presentations earlier. I do think even though  
8 you say it's not relevant to the matter, the  
9 redevelopment proposal, the property tax  
10 abatement proposals are, in fact, relevant to  
11 this matter.

12 And it's a shame that the Office  
13 of Planning development review report didn't  
14 discuss them. Since the tenor of the  
15 discussion is that the project is likely to be  
16 approved, but perhaps modified, I'm not going  
17 to reprise a lot of this testimony.

18 I will focus on the part in the  
19 end where it says if the Zoning Commission  
20 does decide to grant the rezoning request,  
21 which seems likely, to focus on the real  
22 defects.

1           One thing this testimony does not  
2 talk about is, in fact, the facade. And that  
3 was an error in editing. The -- I'm a little  
4 bit surprised at your appreciation of the  
5 glass. The landscape along Florida Avenue,  
6 Noma, is completely changing the city. That's  
7 an industrial area. There is brick. You have  
8 other buildings, the old warehouse buildings,  
9 the Woody's Warehouse, the Sanitary Grocery,  
10 McKinley Tech. You didn't like the self-  
11 storage, but they are nice brick buildings.  
12 And, of course, Axiom Satellite.

13           In my involvement, I used to be on  
14 the ANC-6C Zoning Committee at one time and I  
15 was very key in the Senate Square Project.  
16 And they changed their design motif because of  
17 the points we made about the warehouse and  
18 industrial orientation and history of the area  
19 along the rail yard.

20           And it is a mistake to not do that  
21 with this project. That relates to the retail  
22 on the ground floors and even the second

1 floor. If you had a more industrial thing  
2 roll-up/roll-down doorways and opened the  
3 space to the street to connect, just like it  
4 did in one of those pictures in 1936, it would  
5 completely open 4<sup>th</sup> Street and open Morse and  
6 have a much different visual appeal.

7 And I can see them going this way,  
8 because I heard things from Mr. Miller that I  
9 never heard from this crew in three or four  
10 years. I was really surprised. And I think  
11 that's a step forward. I'm shocked.

12 But the -- even if the Office of  
13 Planning report, which I haven't referenced,  
14 doesn't reference all these D.C. publications  
15 on urban design, I sure hope they do, because  
16 the Thrive storefront report, Urban Design  
17 Guidelines and the Mount Vernon Study, the  
18 D.C. Public Realm Guidelines, the Downtown  
19 Streetscape Guidelines, they are all relevant  
20 to this project.

21 And the facade and still the  
22 ground floor and even the second floor they

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1 ignore it. Not ignore it, they don't  
2 acknowledge it enough.

3 A retail plan -- actually, I  
4 understand all your reservations. This is an  
5 area that I work in. It could work. I do  
6 think the points you made about the community  
7 space being too prominent, given its erratic  
8 usage is an issue. And that probably should  
9 be retail.

10 But if properly staged, the retail  
11 could work. But here is what they have to do.  
12 There are already 12 butchers in the market.  
13 You probably don't need more butchers there.  
14 There isn't a bakery. And the bakery, the  
15 production side could use interior spaces.

16 Second floors could be great  
17 restaurants. You know, you have the Cannon  
18 Steakhouse and the original Gusty's and you  
19 had fine dining establishments there 50 years  
20 ago. You don't today and that's a huge gap in  
21 the retail offered in the market now.

22 Very judicious and most developers

1 are not that good at retail planning, very  
2 judicious retail planning could, in fact, make  
3 that work even though the spaces are  
4 substandard.

5 CHAIRMAN HOOD: Mr. Layman, your  
6 time is up and I'm going to do the same, it  
7 has been up, but I'm going to do the same  
8 thing I did last week and I want my colleagues  
9 to remember. You're from Ward 6. If you  
10 could, two minutes and then close.

11 MR. LAYMAN: Thank you. Thank you  
12 for that extension. The -- we recommend that  
13 the Zoning Commission in the zoning order  
14 mandate a retail plan, mandate a mitigation  
15 plan to deal with inserting residents into an  
16 industrial area. That's just not been done.  
17 And it needs to be done to minimize conflict.

18 We also recommend a more rigorous  
19 calculation in dealing with community  
20 benefits. I have submitted written testimony  
21 in the past to the Zoning Commission about  
22 this. I continue to refine and update a

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1 methodology for it. It's one of the  
2 attachments.

3 I will mention you talk about the  
4 community space and ANC-5B. I think it's very  
5 likely the ward boundaries will change after  
6 the 2010 census. Probably Ward 5 will shrink  
7 a little because of the development at Fort  
8 Totten. Ward 7 is going to continue to expand  
9 over the river, that means Ward 6 is going to  
10 shrink a little and it might include that  
11 area.

12 So you need to think about that  
13 and how you word the zoning order with regard  
14 to those matters. But I guess to close, I  
15 would say the urban design stuff needs to be  
16 much tighter than I think how the Office of  
17 Planning even said. I would recommend talking  
18 to people like Patricia Zingsheim and deal  
19 with urban design more closely.

20 A retail plan is necessary and a  
21 very creative one, not a John Asadourian one.  
22 And the community benefits and those issues

1 need to be addressed in a more focused way, as  
2 well as the facade. It's not too late to  
3 change the -- from glass to industrial. Phil  
4 Esocoff managed to do it for Senate Square.  
5 Senate Square looks great. Thank you.

6 CHAIRMAN HOOD: Thank you, Mr.  
7 Layman. Okay. Mr. Layman, if you could hold  
8 your seat. Colleagues, any questions of Mr.  
9 Layman? Okay. Does the applicant have any  
10 questions of Mr. Layman? Does ANC-5B have any  
11 questions? Does ANC-6C have any questions?  
12 Come up. Get on the mike and you can ask your  
13 cross examination. This is cross.

14 MS. PHELPS: Right.

15 CROSS EXAMINATION

16 MS. PHELPS: I'm just curious, you  
17 mentioned a retail design. I'm sorry, a lot  
18 of that went by me really fast. But what --  
19 the roll-up doors, can you explain what you  
20 are talking about there?

21 MR. LAYMAN: Well, think of fancy  
22 garage doors. Glass, see-through, but the

1 point is I have written a lot about this with  
2 urban grocery marketing and we can't get  
3 anybody to do it yet in the city, but in the  
4 old days there is one in the photos from the  
5 old Florida Market in 1936.

6 But certainly, we all, if we have  
7 been to New York City, Manhattan or Queens or  
8 Brooklyn, we have seen grocery stores that are  
9 open to the street, that's what we are talking  
10 about. So roll-up glass garage doors that are  
11 nicer and more environmentally tight, but  
12 being able to make the building permeable with  
13 the street.

14 And that's the -- in the testimony  
15 which you have a copy of, I do list a paper by  
16 Jean Gehl and that's probably the best, one of  
17 the best, writings about urban design in the  
18 world right now. And I would recommend that.

19 CHAIRMAN HOOD: All right. Thank  
20 you.

21 VICE CHAIRMAN JEFFRIES: Mr.  
22 Chair, I want to -- I'm going to have to leave

1 and I was trying to wait until you were done.  
2 I actually agree with a lot of what you have  
3 said tonight. I mean, I think I even  
4 commented in one of the prior hearings that,  
5 you know, why was there not a warehouse motif  
6 and so forth.

7 But, you know, at some point, you  
8 know, the applicant gets it. You know, they  
9 have to set the vision for what they see here.  
10 There are some glass buildings that are in the  
11 area as well. The Marriott that is going up,  
12 Washington Gateway. So there is glass as  
13 well. So but I also appreciate your comments  
14 around, you know, urban design and the urban  
15 context and so forth.

16 It's a little unfortunate, you  
17 know, we're probably at the 11<sup>th</sup> hour, but,  
18 you know, I just wanted to let you know that  
19 I do appreciate your comments. And I  
20 particularly appreciate that board on the  
21 right. I think that's very informative and  
22 hopefully we can get that to really dovetail

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1 with some of the robustness, you know, and get  
2 a sense of the vigor of the retail, you know,  
3 that makes the market.

4 MR. LAYMAN: Commissioner  
5 Jeffries, if I may, I did mention in the  
6 testimony, I didn't verbally, that one of the  
7 things we think that could be a community  
8 enemy -- amenity, excuse me, would be to pay  
9 for this. Why not? They want to redevelop  
10 the whole thing anyway. They want to get city  
11 authority to do it. And a 14.5 year tax  
12 abatement for this project.

13 So put some money out, which they  
14 are, in terms of some of the other amenities,  
15 and make it a permeable understandable place.  
16 I mean, I know you know the literature. This  
17 is all Kevin Lynch and legibility, that's what  
18 it is.

19 CHAIRMAN HOOD: All right. Okay.  
20 All right.

21 MR. LAYMAN: Thank you.

22 CHAIRMAN HOOD: Thank you. Thank

1 you very much. And I don't think there was  
2 anyone else who wanted to testify in  
3 opposition.

4 With that, let's get rebuttal.  
5 Any closing remarks from the applicant?

6 COMMISSIONER MAY: Mr. Chairman?

7 CHAIRMAN HOOD: Yes?

8 COMMISSIONER MAY: I'm sorry to  
9 delay things, but I had a question that, for  
10 the applicant, occurred to me much past our  
11 time to talk and I was hoping I could explore  
12 this.

13 CHAIRMAN HOOD: Yeah, they are  
14 coming back now.

15 COMMISSIONER MAY: Okay. But I  
16 mean, before we go into their closing?

17 CHAIRMAN HOOD: Yeah, yeah.

18 COMMISSIONER MAY: If we could.

19 CHAIRMAN HOOD: Mr. Ray, if you  
20 could -- I'm not sure what Commissioner May's  
21 question is.

22 COMMISSIONER MAY: Yes, it's an

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1 architectural question.

2 CHAIRMAN HOOD: He doesn't have  
3 many. It's an architectural question. Okay.

4 COMMISSIONER MAY: Yeah. I never  
5 have many of those either.

6 No, this has to do with the  
7 penthouse setbacks. And I'm just a little bit  
8 concerned, because, you know, I had seen the  
9 very first diagram that you had shown under  
10 your slideshow and it looked to me, from that  
11 diagram there, that, where did it go, it was  
12 one of those very early ones, anyway, we're  
13 seeing the arrow in the upper right hand  
14 corner, that's the edge of the penthouse roof.

15 And the setback to the adjacent --  
16 you know, from the facade at the adjacent roof  
17 there doesn't look to be the same as the  
18 height. And I'm looking at the thing in plan  
19 and it looks like, you know, from where you  
20 have the projecting bay, it's setback about  
21 17.5 feet roughly and it's 18 feet tall.  
22 That's a minimal difference.

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1           But the bays project, I don't  
2 know, 5 feet or 4 feet or something like that.

3           MR. WRIGHT: 4 feet.

4           COMMISSIONER MAY: 4 feet. So  
5 that seems to me to say that the penthouse is  
6 only setback 13.5 feet from the facade at  
7 those points. And I think that's a problem.  
8 Yeah, there you go, there is that -- yeah. So  
9 the -- if I understand it correctly --

10          MR. WRIGHT: I put my pointer  
11 away. The -- yeah, point to one of the bays.  
12 The outward face is there and then the inward  
13 -- the in face, there you go. That's -- I  
14 mean, I think that's the edge of the facade  
15 from the point of view of measuring setback.  
16 We measured it from this edge here that is out  
17 on Florida Avenue, 28 feet.

18          COMMISSIONER MAY: Right. But the  
19 way the wording is on the -- as I recall, the  
20 wording says that it has to be setback by a  
21 distance equal to the height from setback --  
22 and the adjacent roof. So it's not a roof

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1 that steps down like that. Because, you know,  
2 I mean yeah, the outward facade of the  
3 building is 50 feet away, but that's not the  
4 facade at the adjacent roof.

5 MR. WRIGHT: Okay. Well, we  
6 measured it from this adjacent roof.

7 COMMISSIONER MAY: Right. And  
8 there it is okay.

9 MR. WRIGHT: Okay.

10 COMMISSIONER MAY: But when you go  
11 to the west there, I don't think it's okay.

12 MR. WRIGHT: So it needs to meet  
13 both adjacencies? This roof and this roof as  
14 well?

15 COMMISSIONER MAY: That's my  
16 understanding of it. I mean, let's -- is that  
17 right? Office of Planning is nodding in  
18 agreement it seems. Yeah, I mean, it has got  
19 to be. And you know, I'm not sure how you  
20 address that. Maybe you can move the whole  
21 thing back if that's -- if what we are seeing  
22 within those walls is correct.

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1 MR. WRIGHT: Well, we may have  
2 some space in here to move this piece of  
3 equipment back.

4 COMMISSIONER MAY: Yeah.

5 MR. WRIGHT: Someone can move it  
6 back further.

7 COMMISSIONER MAY: Right. And you  
8 may be able to -- I mean, I don't know whether  
9 -- how you treat those bays with the spaces  
10 between the bays, but maybe you can address it  
11 there. You know, you also have potential  
12 issues with that stair tower, the upper right  
13 hand corner. You want to look at that and the  
14 setback there.

15 And in some of these cases, you  
16 know, there may be areas where we have the  
17 ability to grant relief, in which case it  
18 should be clarified and requested. But in  
19 some cases, I mean, it may be -- well, I don't  
20 know if we are ever going to run afoul of the  
21 Height Act here, but NCPC might think so.

22 MR. WRIGHT: We -- okay. I guess

1 we were taking the exterior wall as the edge  
2 of the bay and measuring from there inward.  
3 And if you do that, in most cases, then we are  
4 complying.

5 COMMISSIONER MAY: Right. And  
6 that's okay if the, you know, penthouse is  
7 only at that bay. But if it's, you know,  
8 where the bay cuts in toward the building, I  
9 don't think that's okay. And you know, again,  
10 I don't think we can grant relief on that  
11 front facade. I think you need to fix that in  
12 some way.

13 MR. WRIGHT: Okay. I think we  
14 can.

15 COMMISSIONER MAY: The stair tower  
16 thing maybe there is a -- we can grant relief  
17 on that one. It doesn't mean that NCPC won't  
18 object and then pass a resolution recommending  
19 that we reverse ourselves on it, but we don't  
20 -- we have not agreed with those positions  
21 when they have taken them. But it's just  
22 another headache in the process.

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1 CHAIRMAN HOOD: Let me say this  
2 though, Commissioner May. If it's obvious to  
3 us now and, naturally, I will yield to your  
4 expertise on that, I think we need to address  
5 it now and that's what we normally do. We  
6 normally, if it's apparent to us at the  
7 hearing, then we deal with it.

8 MR. WRIGHT: Um-hum, right.

9 CHAIRMAN HOOD: But if it's not,  
10 then before final -- I mean, you know, we  
11 listen to what NCPC says and then we usually  
12 let it move to the ZA, who is the enforcer,  
13 who will make sure. But if it's apparent now,  
14 then it needs to be corrected.

15 MR. WRIGHT: Right.

16 CHAIRMAN HOOD: At this point.

17 MR. WRIGHT: Yeah.

18 COMMISSIONER MAY: And I don't  
19 know that it really is a Height Act issue that  
20 NCPC is going to have a problem with. But  
21 just because we haven't had a chance to really  
22 study it carefully. But if there is a way to

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1 address that in your planning process, I think  
2 that's -- well, as I said, I think you  
3 definitely need to address the front facades.  
4 When anything is facing onto the courtyard, I  
5 think it is greater flexibility and there is  
6 ability to grant some relief.

7 But it needs to be explicitly  
8 requested, I think, is what it comes down to.

9 MR. RAY: Mr. Chairman, if I may?  
10 Mr. Chairman, I know we looked at this issue  
11 before and it is really a question of where we  
12 really have to measure from. We need to take  
13 another look at that. And given that, we want  
14 to address, we want to take a second look at  
15 your issue on the retail, Commissioner May,  
16 and we are going to take a look at that west  
17 wall.

18 We will take a look at this, too,  
19 and we can come back on all of that.

20 COMMISSIONER MAY: Great.

21 CHAIRMAN HOOD: Let's -- we're  
22 going to give you time for rebuttal, closing

1 remarks.

2 MR. RAY: Mr. Chairman, I don't  
3 need any rebuttal time.

4 CHAIRMAN HOOD: Okay. Well, let's  
5 do this.

6 MR. RAY: I was simply going to  
7 state that we would appreciate all the  
8 comments we got here tonight.

9 CHAIRMAN HOOD: Okay.

10 MR. RAY: We are going to respond  
11 to Commissioner May's issue on this.

12 CHAIRMAN HOOD: Let's run down  
13 that list now, so we make sure we are on one  
14 accord when we get back to the -- when we get  
15 back here for the next -- when we're here to  
16 deliberate, we will have all the materials.  
17 Let's work that out. Ms. Schellin, what do  
18 you have? And then we'll let you close up.

19 MS. SCHELLIN: I'll start with my  
20 list. The west elevation to revisit that,  
21 give it some more articulation, maybe some  
22 scoring. Also, Mr. Jeffries asked for a

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1 contingency plan if the retail doesn't happen  
2 for -- I think he was referring to what is  
3 going on on Morse Street.

4 Before he left, he gave me a note  
5 that said he -- with the Florida -- with the  
6 existing Florida market, he wanted you to  
7 delineate the market as a demand generator.  
8 So I'm assuming you guys know what that means.

9 MR. RAY: Um-hum.

10 MS. SCHELLIN: Okay. And then, of  
11 course, the setbacks that Mr. May just  
12 mentioned. That's what I've got. Oh, one  
13 other thing. Ask Mr. Layman if he would  
14 provide the boards in size no larger than 11  
15 x 17.

16 CHAIRMAN HOOD: Okay.

17 COMMISSIONER TURNBULL: Can I  
18 clarify?

19 MR. RAY: So that's not for us  
20 then?

21 COMMISSIONER TURNBULL: Let me  
22 just clarify. I think what Mr. May was really

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1 -- Commissioner May was saying is that we are  
2 concerned about the setback on the principal  
3 elevations that are on streets, on primary  
4 streets. We do have the option of being a  
5 little bit more lenient on interior.

6 But -- and the question is once  
7 you have looked at it, if you do find it, then  
8 you have to ask us for the relief.

9 MR. RAY: Right.

10 COMMISSIONER TURNBULL: Okay.

11 CHAIRMAN HOOD: Okay. Anything  
12 else? All right. Anything else, Mr. Ray?

13 MR. RAY: No.

14 CHAIRMAN HOOD: Do you want to go  
15 ahead and finish? I just want to make sure  
16 we're all on the same page.

17 MR. RAY: Yeah.

18 CHAIRMAN HOOD: Are you going to  
19 wrap it up?

20 MR. RAY: I'm wrapped up.

21 CHAIRMAN HOOD: You're wrapped up?

22 MR. RAY: Yeah.

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1 CHAIRMAN HOOD: Good man. Okay.

2 Do we have any dates?

3 MS. SCHELLIN: We can make up  
4 some.

5 CHAIRMAN HOOD: We need it.

6 MS. SCHELLIN: How much time does  
7 the applicant think they need? Well, it isn't  
8 going to make a whole lot of difference --

9 CHAIRMAN HOOD: Oh, that's right.

10 MS. SCHELLIN: -- because we don't  
11 meet again until September.

12 MR. RAY: Yeah, I mean, you are  
13 going on vacation now anyway, right?

14 MS. SCHELLIN: Wishful thinking,  
15 but we won't be here for hearings. We won't  
16 be on vacation, but we won't have hearings.

17 CHAIRMAN HOOD: We will be on  
18 location.

19 MS. SCHELLIN: We won't be on  
20 vacation though.

21 MR. RAY: Well, we'll take the  
22 first hearing date we can get.

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1 MS. SCHELLIN: Well, you're not  
2 going to get a hearing. I think that they are  
3 asking that you address these.

4 CHAIRMAN HOOD: Address them and  
5 then we will deal with the proposal.

6 MS. SCHELLIN: From this point,  
7 the hearing stage is over.

8 MR. RAY: You just want us to  
9 address in a resubmittal?

10 MS. SCHELLIN: In a written  
11 format.

12 CHAIRMAN HOOD: Right. And we  
13 will deal with it at one of our meetings.

14 MR. RAY: I think 14 days.

15 MS. SCHELLIN: Okay. So if the  
16 applicant could provide the responses by  
17 August 7<sup>th</sup> and then we can give the ANC until  
18 August 14<sup>th</sup> to make any responses that they  
19 want to to those documents.

20 MR. RAY: That's fine.

21 MS. SCHELLIN: Okay. When do you  
22 meet again?

1 MS. PHELPS: We're actually in  
2 recess in August, so the full Commission  
3 doesn't meet again until the second Wednesday  
4 of September. And I think we may -- the full  
5 Commission is --

6 MS. SCHELLIN: Chairman Hood, can  
7 we schedule them --

8 CHAIRMAN HOOD: So that's a public  
9 meeting?

10 MS. SCHELLIN: -- for that? Well,  
11 we already have one scheduled for the 29<sup>th</sup>.

12 CHAIRMAN HOOD: Yeah, just don't  
13 mention to Commissioner Jeffries that I --

14 MS. SCHELLIN: He's not here. We  
15 won't tell him.

16 CHAIRMAN HOOD: Don't tell him.

17 MS. SCHELLIN: Okay.

18 CHAIRMAN HOOD: Say it was the  
19 ANC's idea.

20 MS. SCHELLIN: Okay. Well, then  
21 in that case, we will give the applicant a  
22 little more time, too. If we could have the

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1 applicant file their responses by August 21<sup>st</sup>  
2 and then allow the ANC, they meet on the 10<sup>th</sup>  
3 until August -- September 17<sup>th</sup> to file any  
4 responses thereto. And at the same time, the  
5 ANCs and the applicant, if they choose to do  
6 so, can provide draft findings of facts and  
7 conclusions of law by September 17<sup>th</sup>. And  
8 then we will take this up at our Special  
9 Public Meeting scheduled for 6:00 p.m. on  
10 Monday, September 29<sup>th</sup>.

11 MR. RAY: Okay.

12 CHAIRMAN HOOD: Okay. Thank you,  
13 Ms. Schellin. Is everything in order?

14 MS. SCHELLIN: Yes.

15 CHAIRMAN HOOD: All right. I  
16 appreciate everyone's attention and  
17 participation tonight. And this hearing is  
18 adjourned.

19 (Whereupon, the Public Hearing was  
20 concluded at 9:22 p.m.)

21

22