

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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 IN THE MATTER OF: :
 :
 GATEWAY MARKET CENTER, INC. : Case No.
 : 06-40
 :
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Thursday,
June 5, 2008

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

The Public Hearing of Case No. 06-40 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th 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, JR., Commissioner
- MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MATT JESICK

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

JACOB RITTING, ESQ.

The transcript constitutes the minutes
from the Public Hearing held on June 5, 2008.

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P R O C E E D I N G S

(6:44 p.m.)

CHAIRMAN HOOD: Good evening,
ladies and gentlemen. This is a public
hearing of the Zoning Commission of the
District of Columbia for Thursday, June the
5th, 2008.

My name is Anthony J. Hood.
Joining me this evening are Vice-Chairman
Jeffries, Commissioner Etherly, Commissioner
May, and Commissioner Turnbull. We are also
joined by the Office of Zoning staff, Ms.
Sharon Schellin, Office of Attorney General,
Mr. Rittig, and also the Office of Planning,
Mrs. Steingasser, and Mr. Jesick. No. I did
not forget Mr. Jesick. Okay.

This proceeding is being recorded
by a court reporter. It is also Webcast live.
Accordingly, we must ask you to refrain from
any disruptive noises or actions in the
hearing room.

The subject of this evening's

1 hearing is Zoning Commission Case No. This
2 is a request by Gateway Market Center, Inc.
3 for approval of a consolidated PUD and related
4 map amendment for property located at Square
5 3587.

6 Notice of today's hearing was
7 published in the D.C. Register on April 11,
8 2008, and copies of the announcement are
9 available to my left on the wall near the
10 door.

11 The hearing will be conducted in
12 accordance with provisions of 11 DCMR 3022, as
13 follows. Preliminary matters, Applicant's
14 case, report of the Office of Planning, report
15 of other government agencies, report of ANC,
16 organizations and persons in support,
17 organizations and persons in opposition,
18 rebuttal, and closing by the Applicant.

19 The following time constraints
20 will be maintained in this meeting. The
21 Applicant, 60 minutes, organizations five
22 minutes, individuals three minutes.

1 The Commission intends to adhere
2 to the time limits as strictly as possible in
3 order to hear the case in a reasonable period
4 of time. The Commission reserves the right to
5 change the time limits for presentations, if
6 necessary, and notes that no time shall be
7 exceeded.

8 All persons appearing before the
9 Commission are to fill out two witness cards.
10 These cards are located to my left on the
11 table near the door. Upon coming forward to
12 speak to the Commission, please give both
13 cards to the reporter sitting to my right
14 before taking a seat at the table.

15 When presenting information to the
16 Commission, please turn on and speak into the
17 microphone, first stating your name and home
18 address.

19 When you are finished speaking,
20 please turn your microphone off, so that your
21 microphone is no longer picking up sound or
22 background noise.

1 The decision of the Commission in
2 this case must be based exclusively on the
3 public record. To avoid any appearance to the
4 contrary, the Commission requests that persons
5 present not engage the members of the
6 Commission in conversation during any recess
7 or at any time.

8 The staff will be available
9 throughout the hearing to discuss procedural
10 questions. Please turn off all beepers and
11 cell phones at this time so not to disrupt
12 these proceedings.

13 Would all individuals wishing to
14 testify please rise to take the oath.

15 Mrs. Schellin, would you please
16 administer the oath.

17 MS. SCHELLIN: Yes. Please raise
18 your right hand.

19 (Oath administered, en masse)

20 MS. SCHELLIN: Thank you.

21 CHAIRMAN HOOD: Okay. At this
22 time the Commission will consider any

1 preliminary matters. Does the staff have any
2 preliminary matters?

3 MS. SCHELLIN: Yes, sir. You have
4 before you a couple different ones. The
5 request for postponement. There's a request
6 for party status from ANC 6C. There are some
7 proffered expert witnesses.

8 CHAIRMAN HOOD: Okay. I think we
9 can do it in this order. Let's deal with the
10 party status issue. Then we can deal with the
11 request for postponement, and then we also
12 probably -- and then, after that, then we'll
13 deal with the proffered witnesses, in that
14 order.

15 We have a request for party status
16 from ANC 6C. I'll put that in front of me.
17 ANC 5B is automatically a party. ANC 6C has
18 a request to be a party. They are apparently
19 right across the street, and I think the
20 Commission has always looked favorably upon
21 that, because we've always looked whether or
22 not they have been affected. But you know

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1 what? Before I go to this point, I need to
2 pause and back up.

3 We have a representative from the
4 Honorable Council Member Harry "Tommy" Thomas,
5 Jr.'s office, who they've asked that she come
6 forward and speak. Let me also ask: Do we
7 have a representative from the Honorable
8 Council Member Tommy Wells' office also? I'd
9 like to do that first, because that request
10 was made.

11 I'm going to ask Ms. Chambers if
12 she would come forward, and if we have a
13 representative from Council Member Wells'
14 office.

15 And colleagues, if you would note,
16 we have a response from both Council members
17 in regards to this case.

18 You can just sit right there in
19 front of me and turn your microphone on, and
20 you may begin.

21 MS. CHAMBERS: This is a statement
22 for Ward 5 Council Member Harry "Tommy"

1 Thomas, Jr.

2 Chairman Hood and members of the
3 Zoning Commission, I urge you to act favorably
4 and expeditiously on Zoning Commission Case
5 No. 0640, which I will refer to in my remarks
6 as the Gateway Project.

7 The Gateway Project has been a
8 long time coming. It began as a government
9 initiative in 2002, when DHCD issued an RFP to
10 redevelop the Washington Beef properties. It
11 is time to move forward on the Gateway
12 Project, for a number of reasons.

13 Number one, the Gateway Project
14 will help jump-start development of the
15 Capital City Market location. It will be the
16 first development in the market footprint, a
17 location that the city has recognized,
18 including in the Comprehensive Plan as plagued
19 by code violations, and congestion, and
20 environmental and safety issues.

21 Number two. The Gateway Project
22 will bring much-needed development to the

1 Trinidad-Ivy City community. This project is
2 located in an area that has seen much crime,
3 all kinds of illegal activities, not to
4 mention the recent spike in homicides.

5 The project will have a positive
6 impact on the community and will be an
7 economic engine for revitalization of the
8 area.

9 Number three. The Gateway Project
10 has Ward 5 support. Since its inception in
11 2002, the project has been supported by ANC
12 5B, former and present Ward 5 council members,
13 the Ward 5 community, the deputy mayors for
14 economic development, both past and former,
15 and the D.C. City Council.

16 Number four. The project provides
17 numerous and invaluable public benefits and
18 amenities. The developer has worked with DDOT
19 to widen the streets and provide landscaping
20 in and around the project. The project will
21 provide 20 percent of its residences as
22 affordable housing, in perpetuity. The

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1 project also includes a community room, an ANC
2 office, and an MPD work station, for free and
3 in perpetuity.

4 All these public amenities were
5 approved by the affected ANC and DHCD.

6 Finally, I would like to conclude
7 my remarks by stating that I don't see any
8 purpose in granting ANC 6C party status for a
9 Ward 5 project, or in granting ANC 6C's
10 request to delay the project for several
11 months. If there are any concerns, they can
12 be addressed at this hearing. Again, it's
13 time to move forward with this project.

14 CHAIRMAN HOOD: Thank you, Ms.
15 Chambers. Let me see if my colleagues --
16 well, we don't really want to question -- any
17 questions on what Ms. Chambers read from the
18 Council Member?

19 (No response)

20 CHAIRMAN HOOD: Okay. Thank you,
21 Ms. Chambers, for coming down and providing
22 testimony. Again, I want to make sure I'm

1 fair. Do we have a representative -- I don't
2 see the Council Member himself from Ward 6,
3 but do we have a representative from his
4 office?

5 (No response)

6 CHAIRMAN HOOD: Okay. Let the
7 record reflect we are not seeing one. But we
8 do have a letter encouraging us, from the
9 Council Member of Ward 6, to grant party
10 status to ANC 6C, basically, and it also talks
11 about being a supporter of development in the
12 area.

13 Okay. Let me go back to my
14 remarks. We're dealing with party status of
15 ANC 6C. 5B already has party status because
16 they are right -- it's in their boundaries.
17 But typically, this Commission, in the past,
18 has granted party status for ANCs, especially
19 if it's right across the street.

20 Because the record is not complete
21 from the ANC for other issues, we cannot yet
22 make a ruling on that but we can talk about it

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1 after we see whether or not we want to give
2 them party status. But now to say whether or
3 not they are an affected ANC would have to do
4 with the submittals, and at this point in time
5 we have none, other than a request for
6 postponement, and that's basically all we have
7 from ANC 6C.

8 So I will open up for comment. If
9 not, we can move in that fashion. Would my
10 colleagues like to comment on that?

11 COMMISSIONER TURNBULL: Mr. Chair.

12 CHAIRMAN HOOD: Mr. Turnbull.

13 COMMISSIONER TURNBULL: I would
14 have no objection to granting them party
15 status. We've done that on many cases in the
16 past, when they're across the street.

17 CHAIRMAN HOOD: Okay. Anyone
18 else? Commissioner May.

19 COMMISSIONER MAY: I would agree.

20 CHAIRMAN HOOD: Okay. Hearing
21 nothing else -- okay. So we will -- right
22 now, we have ANC 5B and 5C, both are parties

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1 to this case, and we will move in that
2 fashion. But I will tell you from the
3 submittals, and I'll just put this out here,
4 from the submittals, no one meets the "great
5 weight test." 5B or 5 -- or 6C.

6 We really need to deal with this,
7 and I will tell you, 5B has a letter in the
8 record but it predates, I believe, when this
9 was filed. Am I correct, Mr. Rittig?

10 MR. RITTIG: Yes. ANC 5B's filing
11 was very recent, but it was deficient in a
12 number of procedural ways. It didn't record
13 a vote or a quorum, or other requirements of
14 -- I believe the regulation, if you're in
15 attendance, is 3012.5, and it has, looks like
16 about ten different procedural requirements,
17 and they're intended to show that the ANC is
18 in fact acting on behalf of the ANC as a
19 whole, and the document that we received
20 doesn't meet those procedural requirements.
21 So you can't give it great weight.

22 CHAIRMAN HOOD: Well, I was

1 speaking in terms of the letter that was
2 attached, which was from 2002.

3 MR. RITTIG: Right.

4 CHAIRMAN HOOD: And I know the
5 case is -- I mean, I'm sure things have
6 changed since then.

7 MR. RITTIG: Right.

8 CHAIRMAN HOOD: I think we need
9 some -- after this -- so after, when this case
10 was filed.

11 MR. RITTIG: Right, and one of the
12 requirements of 3012.5 is an identification of
13 the application, and of course if the letter
14 came before it even existed, it can't meet
15 that standard, so it doesn't get great weight.

16 CHAIRMAN HOOD: What I'm going to
17 propose, colleagues, is that we leave the
18 record open, so that we can get it -- and I
19 will put on the record, this is my ANC. I'm
20 not -- I would do this with any ANC in the
21 city. But I will propose that we leave this
22 -- I would ask that we do this with the ANC --

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1 that we leave the record open, so that ANC 5B
2 can make their submission, in compliance with
3 our regulations.

4 Any objection?

5 (No response)

6 CHAIRMAN HOOD: Thank you very
7 much.

8 Okay. Now where am I? Let's take
9 up postponement. I'll tell you that we did
10 receive some late submissions, which I have
11 not had an opportunity to look at. Maybe my
12 colleagues could comment on them, may have had
13 a chance while we were going through some
14 other procedures.

15 We have something from ANC 5B08
16 and also from ANC 5B06. Anyway, let's take up
17 the postponement. The request basically is
18 saying, and asks that the Zoning Commission
19 stay consideration of the PUD until the
20 Florida Avenue Market Small Area Plan is
21 completed.

22 Let me do this. This may be a

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1 little out of order.

2 Ms. Steingasser, is that near any
3 completion, any time soon?

4 MS. STEINGASSER: As we stated
5 during the sit-down report, the economic
6 analysis is being completed, and we expect
7 that to be completed this month, and then
8 Phase II will begin immediately after that,
9 which is then going back to the community and
10 working through the final stages of the plan.

11 CHAIRMAN HOOD: Okay. Thank you.
12 I will open up for comment but I will tell my
13 colleagues, and I try to be consistent, while
14 I appreciate the plan in process, we have
15 waited for plans before -- nothing against the
16 Office of Planning, I know how it is, it's
17 vigorous and it's a lot of input, and it takes
18 some time.

19 I would ask Ms. Schellin if we
20 could -- not you -- but if the gentleman could
21 just lower, just a little bit, so we can --
22 okay.

1 COMMISSIONER ETHERLY: Mr. Chair.

2 CHAIRMAN HOOD: Commissioner

3 Etherly.

4 COMMISSIONER ETHERLY: Thank you
5 very much, Mr. Chair. Would it be
6 appropriate, Mr. Chair, through you, to
7 inquire of the Office of Planning, again with
8 an eye towards not trying to lock the Office
9 of Planning into any timeframe on the Small
10 Area Plan. Obviously, this is the crux of
11 much of the documentation, new documentation
12 that we've had from both of the party ANCs.

13 You indicated the economic
14 analysis should be completed within the next
15 month or so. For that Phase II portion, what
16 is your best guess, estimate, around the
17 timing for that?

18 CHAIRMAN HOOD:

19 MR. JESICK: I think what route
20 planners have told us is that a draft might be
21 prepared by the end of this summer. Then
22 going through all the procedural requirements.

1 We could look at a Council adoption of the
2 plan, perhaps by the end of the year.

3 COMMISSIONER ETHERLY: Okay.

4 Thank you. And again, I recognize that that's
5 just a very rough estimate. I'm not looking
6 to lock the Office of Planning into stone.
7 And with that, Mr. Chair, I can say, honestly,
8 that I'm not quite certain where I want to be
9 on this particular issue. Needless to say,
10 there are a number of questions that have been
11 raised by the ANC submittals that have come to
12 this Commission at this late hour.

13 I believe it was the appropriate
14 decision, however, to expand the party status
15 to ANC 6C, as you have indicated it is
16 consistent with what this Commission, and what
17 the Board of Zoning Adjustment have done in
18 similar circumstances, and I think without
19 getting into the issue of affected ANC, or not
20 affected ANC, I think 6C is there, as was
21 indicated in Council Member Wells's
22 submission. It's within 200 feet of the

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1 project and you have a significant number of
2 residents living within close proximity to the
3 project.

4 That being said, however, there
5 just are a number of unresolved questions that
6 have been raised by the ANC submittals, that
7 still leave me somewhat uncertain, not about
8 the project but about just kind of process,
9 but quite frankly, what is the remedy As
10 you've indicated, and as we've moving towards
11 deliberating, the question is do we postpone?
12 Do we stay, stay our proceedings? be it 60
13 days, be it 90 days, or do we just offer a
14 brief continence until the ANCs can take
15 appropriate action?

16 Those seem to be the questions
17 that are on the table, but quite frankly, I'm
18 very concerned because I just don't feel I
19 have enough information to sort all of that
20 out. There's been a lot of work put together
21 behind this project and I recognize the
22 concerns that have been raised, but I'll just

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1 offer that as an initial comment and look to
2 my colleagues to kind of help fill this
3 discussion out.

4 CHAIRMAN HOOD: Okay. Thank you,
5 Commissioner Etherly.

6 Vice-Chairman.

7 VICE CHAIRMAN JEFFRIES: Perhaps
8 Office of Planning could engage me a little
9 bit more. I recall, perhaps two years ago,
10 when this was first presented to us, and the
11 Zoning Commission requested that Small Area
12 Plan, I mean, obviously, you know, wanting to
13 understand the planning context for this
14 clearly catalytic project.

15 If you could refresh me, during
16 set-down, how -- we got comfortable with this
17 notion of, you know, going forward with this
18 project. Given the fact that the Small Area
19 Plan was done, do you, can you just engage me
20 a little bit on, or just refresh my memory.

21 MS. STEINGASSER: I can give you a
22 little bit of background. There are four

1 planning initiatives going on on the site.
2 There's the Small Area Plan that the Office of
3 Planning is conducting. There's the Concept
4 Master Plan being done in conjunction with the
5 New Town legislation of 06. Gallaudet is
6 looking at their property and doing a
7 comprehensive planning effort. And then there
8 is also a developer who owns a large
9 percentage. I think they own between 15 and
10 20 percent of the market, and they're doing a
11 planning analysis.

12 So there's a lot of planning going
13 on, and we're trying to coordinate all that.
14 Because the market itself is still in
15 operation and part of the plans include
16 looking at relocation, it's required a much
17 more elaborate, detailed economic analysis
18 than we would normally do.

19 We've had to do a lot of surveys
20 of cities and just the economics of moving a
21 market, how does it work, all of that,
22 especially cause it's a functioning market.

1 In the meantime, when the
2 Comprehensive Plan was adopted in December 06,
3 this particular site was identified for high-
4 density development. It's kind of -- it's
5 unique, in that the rest of the market has
6 retained its original designation while the
7 Small Area Plan, for this particular corner,
8 recognized a change, and the plan itself, as
9 presented, it's within the density and heights
10 and use mix that was identified in that
11 Comprehensive Plan amendment.

12 VICE CHAIRMAN JEFFRIES: So we
13 sort a got comfortable with what was set forth
14 in the 2006 Comprehensive Plan, in terms of
15 moving forward with this particular project,
16 particularly around, you know, building
17 envelope and so forth.

18 MS. STEINGASSER: Yes, sir.

19 VICE CHAIRMAN JEFFRIES: And what
20 is the Phase II of the Small Area Plan going
21 to show us?

22 MR. JESICK: As Ms. Steingasser

1 said, I think it will complete the economic
2 analysis, and it will also look in more detail
3 at preferred land uses for the entire Florida
4 Market site.

5 VICE CHAIRMAN JEFFRIES: And in
6 your estimation, what impact will that, could
7 that potentially have on a hearing today, or
8 what's being discussed today?

9 MS. STEINGASSER: The draft plan
10 that, and as far as I'm aware, all four draft
11 plans, are not showing anything that would
12 conflict with this project.

13 VICE CHAIRMAN JEFFRIES: Okay.

14 MS. STEINGASSER: Now that's
15 making a presumption that it -- I'm not making
16 any presumption of what any of these final
17 plans will be, but this project, and the
18 designation on the existing Comp Plan map is
19 not inconsistent with any of the proposals
20 that we've seen for the site.

21 VICE CHAIRMAN JEFFRIES: So in
22 your estimation, there's really -- I know this

1 is, you know, Office of Planning, from how you
2 -- from your vantage point. In terms of what
3 we're looking at in terms of this project, you
4 know, nothing from these plans -- there's no
5 particular outcome that could really have a
6 major impact on what we're showing here.

7 I mean, I know this is probably
8 pushing you a little bit but --

9 MS. STEINGASSER: Yes. You're
10 pushing me out of my "comfort zone." But not
11 as of today. But again we, once we get the
12 economic analysis, that will inform the Phase
13 II, which will finalize those land use
14 decisions.

15 VICE CHAIRMAN JEFFRIES: Okay.
16 Okay. Thank you.

17 COMMISSIONER TURNBULL: Ms.
18 Steingasser, I just want to pick up on what
19 Mr. Jeffries -- I mean, the Applicant here is
20 looking to go C-3-C, and without putting you
21 on the spot, do you see consistency with the
22 Small Area Plan that's being developed?

1 MS. STEINGASSER: The Small Area
2 Plan doesn't get into that level of detail
3 regarding a specific zone category.

4 COMMISSIONER TURNBULL: Okay.

5 MS. STEINGASSER: The heights and
6 densities, and mix of uses that this project
7 incorporates, are consistent with what we've
8 seen in all the plans and the Comp Plan.

9 COMMISSIONER TURNBULL: Okay.
10 Thank you.

11 VICE CHAIRMAN JEFFRIES: But the
12 C-3-C is consistent, obviously, with the 2006
13 Comprehensive Plan. I mean that's your point.
14 It's on the high end of what's being set forth
15 --

16 MS. STEINGASSER: It's not an
17 inconsistent zone category.

18 VICE CHAIRMAN JEFFRIES: I'm
19 sorry?

20 MS. STEINGASSER: It's not an
21 inconsistent zone category. In of itself, it
22 is considered a high density -- the Comp Plan

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1 calls for high density.

2 VICE CHAIRMAN JEFFRIES: But if I
3 look at a range, this C-3-C is at the higher
4 range of the high density --

5 MS. STEINGASSER: Yes; that is
6 correct.

7 VICE CHAIRMAN JEFFRIES: Okay.
8 Thank you.

9 CHAIRMAN HOOD: I would ask that
10 people in the audience not get so emotional.
11 We've just having a discussion. Hands waving.
12 I mean, we really could do without that.
13 Honestly. Okay. Let me say that my opinion
14 on this, colleagues, is I think everyone knows
15 here recently -- and I know nobody wants to
16 hear it -- recently, we started talking about
17 plans, and we waited one time for two years
18 for the plans, and as I started saying,
19 because of all the things that were involved,
20 we wound up taking up the issue again, still
21 waiting on the same plans.

22 So I think that as far as that

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1 being an argument for postponement, I am not
2 in favor, and just that particular piece, I
3 will open it up and see if anyone disagrees.
4 If not, we'll move forward.

5 COMMISSIONER TURNBULL: And just
6 to make sure I'm clear on your question, Mr.
7 Chair, that would be the option of postponing,
8 pending the completion of the Small Area Plan?

9 CHAIRMAN HOOD: Exactly.

10 COMMISSIONER TURNBULL: I would
11 agree.

12 CHAIRMAN HOOD: Okay. Thank you.
13 Anyone else?

14 COMMISSIONER MAY: I would agree.
15 It's very hard to postpone for the sake of the
16 completion of the Small Area Plan. I mean, I
17 would certainly prefer to have that in hand.
18 But when the timing is this far out of sync,
19 I just don't see that that's practical at this
20 moment.

21 I think we know already, from the
22 Comprehensive Plan, that this zoning

1 designation would not be inconsistent. So I
2 think that we have, you know, some reasonable
3 planning basis for any decision making we
4 would make.

5 CHAIRMAN HOOD: And the next
6 question -- I'm sorry. Vice-Chair.

7 VICE CHAIRMAN JEFFRIES: And also
8 I think the good news here is that given the
9 party status that's going to be afforded to --
10 now, I mean, that's obviously a question
11 because they don't really, probably have full
12 time to prepare, but at least there will be
13 the opportunity, you know, for issues and
14 concerns to be put forward, and we can discuss
15 these things, and, you know, there's a
16 possibility that this Commission, you know,
17 might not go forward with this application.

18 So I don't -- I would agree -- I
19 don't see the need to postpone the hearing.
20 I think it will really serve to inform this
21 Commission as to what are the plans, and I
22 think we'll also get a sense of, you know,

1 what's on tap for other aspects in the area
2 and the site plan, and so forth. And so I
3 would agree that we should not postpone and we
4 should go forward.

5 CHAIRMAN HOOD: Okay. Vice-Chair,
6 you actually jumped right -- I was doing it in
7 two parts, because they also asked us for
8 postponement because of not holding public
9 meetings.

10 Does your statement that you just
11 made still qualify to that issue also?

12 VICE CHAIRMAN JEFFRIES: Oh, yes.

13 CHAIRMAN HOOD: Okay. Does anyone
14 else want to comment?

15 COMMISSIONER TURNBULL: You know,
16 Mr. Chair, I don't see any reason to postpone
17 it because of the Small Area Plan. My only
18 concern is just trying to understand the
19 procedure. Are we really looking at a
20 continued hearing? And the only reason is
21 that tonight, are we just going to get through
22 the Applicant's presentation, because do we

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1 even know who has the authority to represent
2 the ANCs? I don't think we have anything on
3 record that says that they can then ask
4 questions.

5 I'm just throwing that out. Do
6 we?

7 CHAIRMAN HOOD: I think you bring
8 up a very valid -- you know, we could get but
9 so far, but we want to make sure that the ANCs
10 have the opportunity to cross examine, and,
11 you know, the whole bit. I mean, we can only
12 go but so far with what we have in front of
13 us.

14 COMMISSIONER TURNBULL: Right.
15 Yes. I don't think we have anything so far,
16 that tells us, in the letters --

17 MR. RITTIG: Actually, maybe I
18 confused you when I spoke earlier. ANC 5B's
19 letter wasn't clear about who was authorized.
20 ANC 6C's was clear about who was authorized to
21 speak on their behalf tonight.

22 CHAIRMAN HOOD: But then the issue

1 is, as they state in their letter, that they
2 have not had their say -- and I'm eventually
3 going to bring the Applicant up shortly. They
4 say in their letter that they have not --
5 they're asking for a continuance of 69 days,
6 which was the second part where I was going,
7 days to allow the -- they have effected and we
8 have not yet decided they effected or not.
9 6C04, community time to hold public meetings,
10 gather community input on the project, and
11 work to develop, to incorporate the input in
12 the PUD.

13 And what concerns me even more is
14 before we walked out, I was given two
15 additional submittals from ANC 5B, which ask
16 us to -- I would ask the Zoning Commission,
17 once again, to hold action on the PUD.

18 We've already agreed not to hold
19 action until the Small Area Plan. But this is
20 coming from members of ANC 5B.

21 COMMISSIONER MAY: Mr. Chairman.

22 CHAIRMAN HOOD: Commissioners.

1 Commissioner May.

2 COMMISSIONER MAY: Before, when I
3 endorsed the idea of continuing -- or not
4 postponing for the sake of the Small Area
5 Plan, you know, my comments really were
6 limited just to that question. I don't think
7 that that's really a valid reason to postpone
8 tonight. I think there are other, more
9 practical reasons, that we really should give
10 consideration to, whether we postpone or
11 continue the hearing in some fashion.

12 You know, the question of who
13 speaks for the ANC is one thing. But the
14 other thing is that, you know, we're stepping
15 into this at a moment when apparently certain
16 aspects of the project have created, you know,
17 very recent controversy related just to how
18 information is being communicated as opposed
19 to necessarily the substance of the issues.

20 In other words, I get the sense
21 from the submissions that we've gotten, that
22 there isn't a lot of understanding of the

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1 project, and that there is a certain amount of
2 public outreach that would be highly
3 beneficial to the project as a prelude to a
4 substantive discussion.

5 I just think that, you know, it
6 may be in the Applicant's best interest to
7 postpone or continue the hearing for that
8 reason, simply to make sure that community
9 concerns -- or that the community, whether
10 it's ANC -- the one ANC or the other, that
11 they both have a fair opportunity to
12 understand the project and to make their own
13 decision making about it.

14 CHAIRMAN HOOD: My only issue is
15 cross examination, from even 5B and 6C, both.
16 The way we're set up now, we don't have
17 letters sufficient enough for the great
18 weight. There are some issues. But let me
19 bring the Applicant's representative, counsel
20 to the table.

21 Mr. Ray.

22 And one thing that I will say: If

1 we go in that fashion, of any type of
2 postponement, then I would hope my colleagues
3 would be in favor of coming out on a Wednesday
4 night, because our schedule goes, takes us
5 well into October, and I would like for us to
6 deal with this, this has been going on long
7 enough, before August.

8 COMMISSIONER ETHERLY: Mr. Chair,
9 if I may, as we prepare to hear from the
10 Applicant, and of course I'm more than certain
11 that we will, also at the appropriate time,
12 hear from representatives of the two ANCs at
13 issue here, I think it's important -- I'll
14 offer this perspective so it comes across
15 without the impact of having the Applicant
16 speak, and it's perhaps somewhat between Mr.
17 Turnbull's position and my colleague, Mr. May,
18 in terms of kind of where we are.

19 I think part of what this body is
20 going to have to do, "this body" meaning of
21 course the Zoning Commission, is -- I don't
22 want to say "referee" because I don't want to

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1 suggest that we're in an adversarial position.
2 But clearly, there are questions that have
3 been raised by the two ANCs, and I understand
4 that.

5 Clearly, ANC 6C is in somewhat of
6 a difficult position because you're coming
7 "late to the game," and it is perhaps an
8 arguable issue from a legal perspective,
9 whether the Applicant should have gotten you
10 in the game earlier, or was even obligated to
11 try.

12 The Applicant, as it indicated in
13 its written submittals, has a different
14 perspective about the question there. Be that
15 as it may, we're all here.

16 I think, however, part of what
17 this body is going to have to do is sort out
18 what we do because we're all here. I hear the
19 point that's raised by my colleague, Mr. May,
20 but I feel very strongly, I believe that we're
21 going to have to make use of the time that we
22 have here tonight, use it as an opportunity to

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1 provide some measure of what I'm looking for
2 -- instruction and substance for ANC 6C to
3 begin getting its teeth around.

4 Clearly, there are going to be
5 additional questions that my have arisen in
6 front of ANC 5B that will need to be resolved,
7 or perhaps at least vetted somewhat by the
8 presentation tonight.

9 But I'm feeling, quite honestly,
10 that I don't want to lose the benefit of the
11 opportunity to have a presentation tonight.

12 I think the critical question is
13 going to be, how long do we wait, after
14 tonight, for whatever the next step may be,
15 and does that period of time allow both of the
16 ANCs, pending our discussion and decision
17 there, how much time does that allow both of
18 these ANCs to take further action? Because as
19 has been indicated, and I agree, there perhaps
20 is some question as to where the respective
21 ANCs are.

22 This body is most certainly no

1 stranger to controversy, controversy at the
2 front end of a project, and of course
3 controversy in the middle of a project, and
4 clearly, there are a lot of things that are
5 still fluid and within motion.

6 But I fear that I don't want to
7 see us paralyzed by all these questions that
8 have arisen in the final few hours here, and
9 not take advantage of the opportunity to at
10 least get some clarification, get some
11 information on the table with the parties that
12 we have here tonight, perhaps have some cross
13 examination, if it's possible, and I recognize
14 and understand that there are questions about
15 who's going to be representing whom, but I
16 just feel it's going to be a tremendous waste
17 of the opportunity we have tonight, to leave
18 without getting some of this "meat," if you
19 will, on the plate, before we close out
20 tonight.

21 So again, I wanted to put that on
22 the record before hearing from the Applicant,

1 before hearing from the ANCs, because I think
2 either way, no one's going to be happy with
3 what we do tonight, and that should never be
4 this Commission's objective. I'm not
5 suggesting that it is, but I think regardless
6 of where we are, somebody's not going to be
7 happy with how we proceed tonight.

8 So my perspective is just to move
9 forward and try to bring some clarity to this
10 process, and then figure out how much time is
11 going to be necessary to enable everyone to
12 "get up to speed" with where we are, with
13 understanding what this project is about, and
14 keeping us moving forward.

15 Thank you, Mr. Chair.

16 CHAIRMAN HOOD: Good evening, Mr.
17 Ray, and Mr. Greene I see has joined you at
18 the table. You have heard our conversations
19 and I'm not sure if you've seen everything
20 we've gotten within the past 45 or so minutes.
21 But I will tell you that the first question I
22 would have for you, Mr. Ray, is 6C, in their

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1 letter -- and without getting too much into it
2 -- said they were not afforded an opportunity
3 to get a presentation on the project. And
4 also 5B. I'm sure you have given 5B the
5 project.

6 And do you have a letter, other
7 than what we've gotten from 5B?

8 MR. RAY: Mr. Chairman, and other
9 members of the Commission, we have made
10 presentations to 5B, starting back in 2002,
11 and we have made different presentations at
12 different stages of this process, and it might
13 be helpful for me to just take a quick moment,
14 and explain to the Commission how this process
15 evolved.

16 Keep in mind that this was not an
17 initiative by our developer, but, rather, it
18 was an initiative that came out of the
19 Department of Housing and Community
20 Development from an RFP, and the original RFP
21 called for a retail, warehouse, office
22 building, and that building was to service

1 primarily those vendors that exist in the
2 market, to build additional warehouse for
3 them, to build additional retail space for
4 them, and to build some office space, because
5 many of them needed office space.

6 That proposal was accepted by the
7 Department of Housing and Community
8 Development. Mr. Chairman, we went and we
9 made a presentation to the ANC on that
10 project, and the letter you referred to
11 referred to their support of single
12 development for that project.

13 Then the Metrorail came, and there
14 was additional discussion with the Department
15 of Housing and Community Development, where
16 they agreed that there should be a housing
17 component to this because of the Metrorail
18 there.

19 And they agreed to eliminate the
20 warehouse requirement, and it then turned into
21 a retail, office, residential facility.

22 We went back and we made an

1 additional presentation to the ANC on that
2 project, ANC 5B, that is, and we made various
3 presentations throughout the community at
4 various economic summits that Council Member
5 Orange, at the time, held in the ward.

6 We went back on May the 1st,
7 myself, Mr. Greene, and Mr. Wright, the
8 architect, and we made an additional
9 presentation to ANC 5B at their -- by the way,
10 they also have a meeting tonight, and I think
11 that's the reason the chairman is not here,
12 because the ANC meets tonight.

13 But at the previous monthly
14 meeting we made a presentation.

15 We provided the chairman of the
16 ANC with what your regulations call for in
17 terms of requiring votes, etcetera, etcetera.
18 His position is that they voted on this,
19 there's no need to vote again, and he sent a
20 letter, and there is a -- I think the general
21 counsel may have confused you a bit, but he
22 sent a recent letter stating their support for

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1 this project again, and that letter would have
2 probably been dated some time in late May or
3 early June. I don't know the exact date, but
4 he did send --

5 CHAIRMAN HOOD: That's May the
6 15th, I think is the letter you're referring
7 to. Is that the letter you're referring to?

8 MR. RAY: Yes. We made a
9 presentation on May the 1st. So he sent a May
10 the 15th letter. You know, we informed him
11 that that letter did not comply with the
12 regulations that you all have, but he said
13 that no, they've already voted on this and he
14 was sending a letter of support again, and you
15 have that letter.

16 In terms of 6C, Mr. Chairman, we,
17 during this whole process, and I listed you
18 all the opportunities that 6C has had the
19 opportunity to get notice of this. In fact,
20 one of the Commissioners who now serves on 6C
21 was actually on 5B at the time this first came
22 up, and I do know that 6C representatives have

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1 been involved in the Small Area Plan that
2 they're doing, and in meetings, etcetera,
3 beyond all these notices that show now.

4 So, you know, frankly, I was at a
5 loss, although I admit, I was not familiar
6 with this requirement about the 200 feet. Mr.
7 Greene I think was little bit surprised by it
8 as well. And no one ever told us from the
9 Office of Planning, or from Zoning, that we
10 needed to deal with 6C.

11 So when we learned about it, I had
12 Margaret contact them, and we went over there,
13 which was last night, and offered to make a
14 presentation, and did make what I would call
15 a semi-presentation to them, to try to
16 understand what their concerns were.

17 Mr. Chairman, you know, frankly,
18 when I left there last night, their basic
19 concern was, you know, what public amenities
20 that we were going to give to 6C, and what
21 public benefits were we going to give 6C. They
22 did not identify to me, anything specifically,

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1 that they had with -- concerns they had with
2 the project.

3 Maybe they do and maybe they can
4 identify them to you. But the issue was that,
5 you know, yes, we were building an ANC office
6 for ANC 5B but they wouldn't be able to use
7 it. We're building a community room for ANC
8 5B but maybe they wouldn't be able to use it.

9 I think they can use the community
10 room. A community room is there for the
11 community. I'm not sure they could even meet
12 in ANC 5B, even if they wanted to, because I
13 think they probably have to meet in their own
14 ANC.

15 But we certainly were not trying
16 to hide anything from 6C, and no, we're
17 willing to go anywhere in time to present the
18 project to them. We think it's a good
19 project, is an excellent project, and as I
20 said, it was a project that was started as a
21 matter of public policy, not by developers,
22 but in response to an RFP.

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1 So we find ourselves in a position
2 where, in the 11th hour, we learn that we
3 should make a presentation to 6C, and we tried
4 to do that last night.

5 I mean, we contacted them right
6 away and we sent them the information. We
7 sent them all the documents that you have,
8 maybe not everything, but certainly all the
9 joins and those sorts of things.

10 And frankly, I'm not sure what
11 their concerns are about the project itself.

12 CHAIRMAN HOOD: But let me say
13 this, Mr. Ray. I'm going to tell you what my
14 concern is. My concern is, you know, I can
15 understand what the chair of ANC 5B is saying,
16 and also see where he's going with this letter
17 where they voted in 5B, and if the project has
18 not changed tremendously, I can understand
19 what he's saying. But counsel is telling me,
20 or has mentioned that this letter actually
21 comes long before this particular case was
22 filed. That gives me a cause, even though,

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1 you know, they voted on it once before. But
2 then here's the clincher, and I'm not even --
3 6C. If I just had the letter from 6C, no
4 disrespect intended, I would have a comfort
5 level to move on, and we can leave the case
6 open, 30 days. I was thinking about this all
7 day, of how we can deal with this.

8 But it's these letters that I got
9 at -- what time? 6:20. That one of them says,
10 "Our ANC, however, has not voted on this
11 project for over two and a half years, and I'm
12 sure the project has changed."

13 Now had 5B been in unison, I don't
14 think we would have gotten this letter from
15 Commissioner Lawson.

16 And I don't know -- do we know
17 what the vote was?

18 MR. RAY: The vote originally was
19 a unanimous vote, Mr. Chairman, and --

20 CHAIRMAN HOOD: You're talking
21 about the 2002 letter.

22 MR. RAY: Well, not only that

1 letter. There was a vote on this project
2 which presented in a resolution as part of the
3 New Town project, and, in fact, Commissioner
4 Lawson was the one who made the motion for the
5 vote. The motion was made by Wilhelmina
6 Lawson and it was seconded by Joan Black.

7 CHAIRMAN HOOD: So they've voted
8 on this two times.

9 MR. RAY: Yes. So, you know, I'm
10 not sure, you know, what's made her change her
11 mind relative to this particular project, but
12 Mr. Chairman, as I said, you know, the
13 chairman of the ANC is not here, they're
14 meeting tonight, and, you know, obviously I
15 can't -- you know, I can't speak, you know,
16 for the chair.

17 CHAIRMAN HOOD: Thank you. Thank
18 you, Mr. Ray. Just hold your seat for a
19 second.

20 Mr. Greene, you want to say
21 something?

22 MR. GREENE: Yes, Mr. Chairman.

1 My name's Fred Greene. I just want to add one
2 point to John's summary. Number one, there is
3 a requirement, there is a requirement that we
4 notify private owners within 200 feet, and we
5 satisfied that requirement, and the way that's
6 done is that we get from Finance and Revenue
7 some take-off from the property with a 200
8 foot circle.

9 Now that circle extended across
10 into 6C, and proper notification was given to
11 property owners within that. So I want you to
12 at least, you know, digest that.

13 Secondly, you know, this is,
14 without getting into the merits, and I don't
15 want to get into the merits because I know
16 it's a process issue here. You know, the
17 process has been, at least from my own
18 standpoint, very, very transparent, Mr.
19 Chairman, you know, and, you know, our
20 objective is to have as much maximum
21 involvement with a project like this as we
22 can.

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1 I mean, this is the first project
2 on that side of town. But again, I don't want
3 to get into the merits here. But I guess my
4 point is, you know, whatever it takes to "move
5 this off the dime," we would be supportive of,
6 because it is a good project. It's a good
7 project for the area. Thanks.

8 CHAIRMAN HOOD: Okay. Let me open
9 up to my colleagues and see -- we've heard a
10 discussion, we've heard from the Applicant's
11 representatives, and how do we want to
12 proceed? Do we want to proceed tonight, and
13 leave the record open for 30 days, and give
14 everyone an opportunity to -- I mean, to be
15 able to respond, which would put them at a --
16 might put them at a difficult position to do
17 cross examination? But I don't know. And
18 then that would also afford ANC 6C the
19 opportunity to hear the case. I think we have
20 a number of them here.

21 So I just throw that out there for
22 discussion, to start a discussion. I didn't

1 say what my position was.

2 Commissioner May.

3 COMMISSIONER MAY: Do we know if
4 anyone from ANC 5B is here tonight?

5 CHAIRMAN HOOD: Yes. We have Ms.
6 Lawson and then --

7 COMMISSIONER MAY: Okay. But we
8 don't have a letter indicating that she's
9 authorized to speak on behalf?

10 CHAIRMAN HOOD: No. We have
11 Commissioner Lawson and Commissioner Bernard.
12 And no, we don't have anything -- they would
13 have to speak at the regular appointed time.

14 COMMISSIONER ETHERLY: Right. And
15 that would be in their capacity as single
16 member commissioners.

17 CHAIRMAN HOOD: Single member
18 district. Right.

19 COMMISSIONER ETHERLY: Okay.

20 Again, Mr. Chair, in response to
21 your question, I still stand by my position.
22 I think the Applicant has hit a couple of key,

1 important points, and I feel that we're taking
2 the appropriate steps to resolve them.

3 For me, the issue here is
4 balancing where we are with this project, and
5 trying to get the "train of public engagement
6 back on the tracks."

7 And there's probably some
8 discussion about how we do that, but I think
9 the most appropriate step is to make sure we
10 get clarity with respect to 5B's posture.

11 And it's not unusual for an ANC,
12 over the course of a project that evolves from
13 year to year, potentially, to have new members
14 come aboard who perhaps have a differing
15 position than what a prior ANC may have taken.

16 I understand that. I've
17 encountered those kinds of situation before.
18 I think we can deal with that. The Applicant
19 has raised I think some important points with
20 respect to the issue of notice to ANC 6C and
21 I simply want to highlight that.

22 Again I think the law, the case

1 law is perhaps somewhat gray on how you deal
2 with abutting ANCs. From time to time,
3 perhaps this Commission, or even the BZA's
4 approach, has been somewhat gray and
5 unsettled.

6 I've seen both sides of the fence.
7 As the Applicant indicated in its submission,
8 in the absence of an ANC authorizing vote,
9 perhaps a hard line would be to say there's no
10 official ask, on the part of ANC 6C to engage
11 here.

12 But i don't think it's fair to
13 read that tightly in this issue. I would
14 rather err on the side of enabling the
15 abutting ANC to be a part of this, because I
16 think they do rise to the level of being
17 impacted.

18 So, for me, that's not an open
19 question. Again, with the Applicant's
20 comments on the record, I still believe,
21 however, that it's important to take use of
22 the time that we have here, and then at the

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1 conclusion of whatever presentation we get
2 into, sort out what then do we do next to
3 afford these two ANCs an opportunity to move
4 forward.

5 I don't know yet what that answer
6 might be, but I don't think it would be
7 prudent to lose the opportunity that we have
8 tonight to sort that out. Put another way, I
9 don't think it would be prudent to say let's
10 wait 60 days or 90 days to sort that out. I
11 don't want to put the ANCs behind the bullet,
12 but at the same time, I have to balance, I
13 feel as one Commissioner, balance where we are
14 in the life of this project, and, at the same
15 time, figure out how can we get ANC 6C up to
16 some speed, fairly quickly, and give them an
17 opportunity to act, and at the time time, how
18 do we deal with perhaps some of these new
19 questions that are arising from ANC 5B.

20 But the key word in my comments,
21 Mr. Chair, is balance, and again I don't think
22 I'm going -- I'm not trying to make everybody

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1 happy here. I wish I could find the win-win
2 but I don't think it's there. But that
3 doesn't mean by moving forward I think anybody
4 loses tonight.

5 That continues to be my position,
6 Mr. Chair.

7 VICE CHAIRMAN JEFFRIES: I agree
8 with Commissioner Etherly. I will take a
9 different approach, and that is, you know, my
10 suspicion is that pretty much everyone in this
11 neighborhood has some familiarity with this
12 project, in some capacity.

13 There have been some changes, and
14 I recognize that, and so forth, but they've
15 been at this for a number of years, and it's
16 very likely that this hearing is probably
17 going to continue anyway, and that we're going
18 to leave the record open for 30 days.

19 So I think we've somehow addressed
20 some of the concerns about process, but my
21 suspicion is that because this project has
22 been going on, and because I know that 6C is

1 a very active ANC, and so forth, my suspicion
2 is that they'll be able to "rise to the
3 occasion" and do what they need to do in terms
4 of responding to what we hear, if we decide to
5 hear tonight, to go forward.

6 You know, unfortunately, sometimes
7 these things don't work out the way we'd like
8 them to, but I think, you know, we have to use
9 our best judgment here based on what we have
10 in front of us, and again, I think, given the
11 size of this project, and the amount of time
12 that has been -- that this project has really
13 been discussed, and so forth, I'm somewhat
14 comfortable that the ANCs will be able to step
15 in and have the proper vetting of the project.

16 And again, we're giving them 30
17 days afterwards, and so I'm prepared to go
18 forward with the hearing tonight.

19 CHAIRMAN HOOD: It sounds like we
20 have two Commissioners ready to go forward.

21 Commissioner -- anybody else want
22 to comment? Commissioner May.

1 COMMISSIONER MAY: I mean, I think
2 that I would go back to what I said before,
3 that there may be some advantage to the
4 Applicant to postpone in order to try to
5 address some of these concerns before they get
6 aired out in this particular forum.

7 It seems pretty clear that the
8 Applicant isn't interested in doing that. I
9 think, then, it's really only a technical
10 question about -- or a judgment question on
11 our part about how comfortable we are about
12 proceeding in the role of ANC 5B. I mean, 6C,
13 we have an authorized representative, they can
14 -- you know, we've given them party status,
15 they can do any kind of cross examination.
16 Whether we can afford that to ANC 5B, I don't
17 know, but I'm not sure that their
18 representative came prepared to do that cross
19 examination tonight in the first place.

20 CHAIRMAN HOOD: And actually,
21 neither am I sure about 6C. And I know
22 typically we don't like to split up hearings,

1 and I definitely don't like to split, I like
2 to do them all at one time.

3 Let me hear from Commissioner
4 Turnbull.

5 COMMISSIONER TURNBULL: Thank you,
6 Mr. Chair. I'm not opposed to going forward.
7 I think that as was stated earlier, I think we
8 need to make use of the time that we have here
9 tonight.

10 The Applicant is ready to present
11 his case. I think that we just need to
12 reassure both ANCs that their voices will be
13 heard and that we're not going to let anything
14 slip by here.

15 I think there's obviously some
16 dissension within 5B now because of the two
17 single members that have responded. So it's
18 probably not quite as unanimous as what it was
19 before, and so I think it's -- there's a -- I
20 think there's an effort on all parties, 6C,
21 5B, and the Applicant, to engage in some
22 dialogue and talk about these things, cause as

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1 Commissioner Jeffries was saying, we're
2 probably going to continue this hearing, at
3 which point the ANCs are going to be coming
4 back with questions to us. And to the
5 Applicant.

6 So I think there's -- I'm a little
7 bit uneasy with it but I'm ready to go
8 forward, and I just want to express to the
9 ANCs that they will be represented and we are
10 going to listen to all sides of this.

11 CHAIRMAN HOOD: Okay. Good. What
12 I would like to do is take five minutes.

13 (A brief recess was taken from
14 7:38 p.m. to 7:49 p.m.)

15 CHAIRMAN HOOD: I did not do
16 something I typically do. I want to
17 acknowledge my former Council Member of Ward
18 5, the Honorable Vincent Orange. Getting into
19 a mixture of things, that was an oversight on
20 my part. I'm glad you could join us.

21 Let me say how we're going to
22 proceed. We were just looking at the

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1 schedule. Obviously, we're going to have to
2 do a continuance. But what we would like to
3 do tonight is hear the Applicant's case. Mr.
4 Ray, we'd like to move forward with the
5 Applicant's case, and we're going to give some
6 dates, we're going to try -- if you want to
7 move forward tonight with the Applicant's
8 case, we're going to do that.

9 And the rest of it, the ANCs -- we
10 do have any representative from ANC 5B in here
11 right now? I'm looking for the single member
12 district commissioner who probably has -- oh,
13 okay; okay. Well, I'll save my comments
14 because I want to make sure that we give out
15 some clear -- okay. Commissioner Lawson.
16 Okay.

17 Let's hear the Applicant's case,
18 Mr. Ray, if you want to move forward tonight,
19 and let's talk over some dates real soon. Ms.
20 Schellin, can we throw out some dates, and
21 hopefully it'll meet everyone's schedule.

22 MS. SCHELLIN: Yes. For the

1 continuation date, it would be Thursday, July
2 24th. We have another case scheduled at 6:30.
3 It will not take very long, so this case could
4 pick up immediately following that case.

5 COMMISSIONER ETHERLY: And Mr.
6 Chair, if I may, it may be helpful to just
7 further elucidate. If I understand correctly
8 the thinking of the Commission, we will
9 proceed tonight, hear the Applicant's case,
10 close off there. There will indeed be an
11 expectation, or let me just say there would be
12 a desire -- I believe it's the thinking of the
13 Commission that it's a desire that the ANCs
14 are going to have to move aggressively based
15 on what you hear tonight in terms of sorting
16 out your own calendars, and what the
17 appropriate next step would be to get your
18 respective bodies together, recognizing we're
19 heading into the beginning of the summer, and
20 I know schedules are already incredibly tight
21 for you as volunteers, and volunteer public
22 servants.

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1 But that would be my understanding
2 of how we're proceeding, because once we
3 resume on the second date, the idea would be
4 that the ANCs are in some better position,
5 hopefully if not a complete position, to cross
6 examine, explore and vet the issues that they
7 feel are outstanding with respect to concerns
8 or items that they support, what have you.

9 Is that an accurate representation
10 of what the thinking is with respect to moving
11 forward tonight, Mr. Chair?

12 CHAIRMAN HOOD: Yes, sir,
13 Commissioner Etherly. I appreciate that
14 clarification and helping us move forward.

15 Commissioner May.

16 COMMISSIONER MAY: Yes. Just so
17 I'm perfectly clear on this. Tonight, we
18 would hear the Applicant's case with no cross
19 examination. Then we would return, and then
20 hopefully the ANCs would be appropriately
21 represented and be capable of doing cross
22 examination and proceeding at that

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1 continuation, and that it's really for that
2 reason, for we don't feel that we have the
3 right representation from the ANCs, and the
4 appropriately authorized representation from
5 the ANCs. That's the reason why we need to
6 continue. Otherwise, we would -- is that
7 right?

8 CHAIRMAN HOOD: That is exactly
9 right. At least that's the way this
10 Commissioner feels. I think we want to give
11 them the opportunity but also, we want to
12 pause and move in caution, because I really
13 think, from my perspective, we can move
14 forward. But we want to make sure that we
15 give ANC 5B -- first of all, ANC 5B, and Ms.
16 Schellin, I hope they will contact you, and a
17 representative, Ms. Lawson and Ms. Bernard,
18 others, that we can get a correct letter that
19 meets our requirements, so we can exactly find
20 out where ANC 5B is.

21 And I understand about what was
22 done previously, but I think we need to get a

1 letter so we can afford, accord ANC 5B the
2 great weight to which they were entitled.

3 VICE CHAIRMAN JEFFRIES: Okay.
4 This bifurcated, what I call it, hearing that
5 we're creating here, I just want to be clear
6 that for the hearing tonight the Commissioners
7 will ask questions, and so again, it's almost
8 like a second set-down of sorts because, you
9 know, we will also be giving some direction to
10 the Applicant. This relates to certain
11 things, like site plan, architecture, and I
12 think it would also be wise for the Applicant,
13 you know, to obviously reach out aggressively
14 to the community, in both ANCs, and anyone
15 else in the community.

16 We're not in the business of
17 refereeing. You know, I'm not comfortable
18 with that. I like the communities to sort of
19 work through their issues.

20 But if we're forced to make a
21 decision, we will. So my hope is that, you
22 know, this is a win-win, this sort of

1 bifurcated meeting that we're having, that
2 we're going to have, and that the different
3 factions will be able to come together, so we
4 can have pretty great project.

5 CHAIRMAN HOOD: And I will tell
6 you, I will say this: you're going to have one
7 pretty upset Commissioner if this was all
8 about amenities, and I'll leave it at that.

9

10 COMMISSIONER TURNBULL: Mr. Chair.

11 CHAIRMAN HOOD: Yes?

12 COMMISSIONER TURNBULL: I just
13 wanted to second Commissioner Jeffries's
14 concern about being a referee. I'd go along
15 with that. I guess my only other question is
16 tonight, hopefully -- and I guess it depends
17 upon whether the Office of Planning has got
18 enough information from the Applicant
19 recently. They did not give a full -- in
20 their report, there were some outstanding
21 issues that they were waiting to comment upon,
22 until they got that information.

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1 So I was hoping that we might be
2 able to hear from the Office of Planning
3 tonight also. Is that not possible?

4 CHAIRMAN HOOD: The rationale
5 behind that, Mr. Turnbull, if we go into the
6 Office of Planning, the Applicant would have
7 to cross examine, ANC would have to cross
8 examine --

9 COMMISSIONER TURNBULL: Yes;
10 you're right. You're right. So the Office of
11 Planning report will also be continued at the
12 next hearing.

13 CHAIRMAN HOOD: We will ask Office
14 of Planning to do it at the -- we will
15 actually start with cross examination once we
16 pick up.

17 COMMISSIONER TURNBULL: Okay.

18 CHAIRMAN HOOD: We're going to ask
19 our questions tonight.

20 COMMISSIONER TURNBULL: Great.
21 Thank you. Thank you for clarifying that.

22 COMMISSIONER MAY: Mr. Chairman,

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1 I'm glad Commissioner Turnbull brought up OP,
2 because there were so many open questions in
3 OP's report. This extra time may afford the
4 opportunity to resolve some of those, so we
5 can get a very clear recommendation from the
6 Office of Planning. I think that would be
7 beneficial.

8 It would also afford the
9 opportunity for DDOT to actually be present at
10 the hearing, because I'm sure we will have
11 transportation-related questions.

12 I'm making this on the assumption
13 that DDOT is not here. I don't know if
14 someone from DDOT is here. No one's raising
15 their hand. So I just think that's a good
16 idea, on projects like this, to have them
17 here.

18 CHAIRMAN HOOD: Well, okay, we'll
19 work on that. I specifically have asked them,
20 and I want to say, Ms. Ricks has been very
21 responsive. I've asked them to have a
22 representative here, especially when we have

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1 issues. Maybe I shouldn't say just issues,
2 cause they didn't have any, in their letter
3 this time they didn't have any, at least from
4 what I read. We may have them but --

5 COMMISSIONER MAY: It's not so
6 much issues, just questions that I think I'd
7 like to ask them. So it would be helpful to
8 have them here.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER ETHERLY: Mr. Chair,
11 one final comment before we move, and I'm
12 ready to jump right into it, but I think it's
13 important to say this and to say it openly and
14 very clearly. And I'm just putting this out
15 there, because as I indicated, and as Mr.
16 Jeffries reiterated, this idea of referee is
17 not something I want to get into. But that
18 being said, I think it was necessary to sort
19 out some of this laundry tonight, and I think
20 it was more appropriate for us to do it rather
21 than waiting for the parties to do it.

22 But a very important point here.

1 On the issue of the ANC 5B piece, because
2 that's big, there is a legal deficiency with
3 the record that we've been provided from ANC
4 5B, such that we don't have the ability to
5 give it great weight. And we want to do that.
6 That, however, could conceivably result in a
7 different outcome from what we already have in
8 the record.

9 But what it means is it needs to
10 be addressed and clarified, and I'm hoping
11 that the ANC will be able to do that.

12 But this is a Commission, I'm sure
13 my colleagues recognize, that's a significant
14 issue that has to be dealt with.

15 For ANC 6C, it means clearly being
16 aggressive in terms of moving forward with
17 your own internal dialogue, and hopefully
18 getting to a point fairly expeditiously, where
19 the ANC may be able to express a position, one
20 way or another on this matter.

21 Clearly this board, this
22 Commission does not have the ability to

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1 mandate a vote, or direct an ANC to take any
2 action of any kind.

3 But it would be ideal, if there is
4 some position that can be taken. Again, I
5 just want to say very openly, that it's an
6 aggressive timetable, and as the Chair said,
7 there's a hesitancy to play referee, so if
8 there's a difficulty in reaching some of these
9 milestones, as there could be, in terms of an
10 ANC reaching some type of consensus or
11 position to take a vote, I recognize that that
12 happens from time to time. I am hopeful that
13 there will be very clear and good rationales
14 for the failure to reach those kinds of
15 milestones when we reconvene again. I just
16 want to state those things for the record, Mr.
17 Chair, cause I think it's important to
18 highlight those issues as we move forward.

19 CHAIRMAN HOOD: Thank you,
20 Commissioner Etherly, and for the record, the
21 Vice-Chairman stated the referee piece. The
22 Chairman gets into trouble by himself.

1 I'm going to ask Mr. Ray if he
2 would come forward. We can begin the
3 Applicant's case.

4 Ms. Schellin, we did the dates and
5 everything; right?

6 Did anyone have a problem with the
7 dates?

8 (No response)

9 CHAIRMAN HOOD: Okay. Hearing
10 none -- okay. Everyone else. ANC. Okay.
11 Dates are fine. We have some -- as soon as
12 Mr. Ray gets settled, we'll go over the
13 proffered witnesses. Take your time.

14 Okay. Mr. Ray.

15 MR. RAY: Mr. Chairman, I have
16 three expert witnesses.

17 CHAIRMAN HOOD: Let's go over the
18 list.

19 MR. RAY: They've already been
20 submitted.

21 CHAIRMAN HOOD: Yes. Let's just
22 make sure we are on the same page.

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1 MR. RAY: All right. I have Craig
2 Wright, who is the architect, and he's with
3 McKissack & McKissack.

4 CHAIRMAN HOOD: Okay.

5 MR. RAY: I have David Starnes.
6 He's the economic consultant. He's with
7 Baumann Prost & Cole. And we have Scott
8 Delgado who is with Bowman Consulting Group,
9 and they're engineering and environmental
10 consultants.

11 CHAIRMAN HOOD: All right. Thank
12 you, Mr. Ray. We have all four resumes in
13 front of us in a submission dated May the
14 16th, 2008, Exhibit No. 43. Any objection?

15
16 COMMISSIONER TURNBULL: I just had
17 one question.

18 CHAIRMAN HOOD: Mr. Turnbull.

19 COMMISSIONER TURNBULL: Mr.
20 Wright, are you a licensed architect? You're
21 not. Okay. Thank you.

22 COMMISSIONER TURNBULL: How many

1 years of experience do you have?

2 MR. WRIGHT: I have about 12 years
3 experience.

4 COMMISSIONER TURNBULL: Would you
5 turn the mike on.

6 MR. WRIGHT: About 12 years
7 experience.

8 COMMISSIONER TURNBULL: Large-
9 scale mixed use developments? Designing?

10 MR. WRIGHT: Yes.

11 CHAIRMAN HOOD: Let me give you
12 all a minute to look at that, cause I want to
13 ask Mr. Ray -- you didn't -- it was brought to
14 my attention -- Marty Wells. Mr. Wells.

15 MR. RAY: Yes. Mr. Wells is not
16 here tonight.

17 CHAIRMAN HOOD: Do you have
18 somebody else in his place?

19 MR. RAY: No. He's not going to
20 be able to make it tonight. I think the
21 weather and storm --

22 CHAIRMAN HOOD: Okay. Well, we

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1 may have questions for Mr. Wells on the back
2 end, at the continuation.

3 MR. RAY: Yes.

4 VICE CHAIRMAN JEFFRIES: Does
5 anyone recall ever having an architect without
6 a license as an expert witness?

7 COMMISSIONER MAY: Honestly, I
8 believe it has been done. I don't recall when
9 the last time, or specific cases. It's -- you
10 know, very often it's a case of a very senior
11 architect, somebody who has 20-plus years.
12 But that's just off the top of my head. I
13 can't say that we -- it's not like we have
14 certain particular standards in this regard.

15 VICE CHAIRMAN JEFFRIES: Okay.
16 Well, I'm certainly very familiar with the
17 firm, McKissack & McKissack. I mean with a
18 lot of their work. I just don't want to do
19 something that's precedent setting. So that
20 was my only -- I was just trying to get some
21 historical perspective, because I think his
22 degree was in 1996. I mean he looks like he

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1 has, you know, very good experience. I mean,
2 I'm not -- I mean, it's actually fairly
3 extensive experience. I'm ready to go
4 forward. I can go forward.

5 CHAIRMAN HOOD: Let me -- when it
6 comes to the architect, I like to lean on the
7 great designers that we have up here.

8 Commissioner May.

9 COMMISSIONER MAY: You know, I
10 guess what I would like to perhaps hear from
11 Mr. Wright is a little bit of information
12 about some of the projects that are
13 particularly relevant to what we're doing
14 here.

15 You know, in the past, when we've
16 had questions about the qualifications of the
17 individual, actually, the Applicant's attorney
18 has done the sort of, you know, cross
19 examination of the witness to prove their
20 credentials.

21 I'm not really asking for that in
22 the circumstance, but if Mr. Wright could just

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1 embellish a little bit on a couple of the
2 projects that might be relevant here, so we
3 understand the level of expertise.

4 MR. WRIGHT: Which projects,
5 specifically?

6 COMMISSIONER MAY: You tell me.
7 What's the most relevant from the long list?

8 MR. WRIGHT: I have not worked on
9 a project that has all three of the elements
10 that this project has in it. I have not
11 worked on one that has retail, office and
12 residential, all in one project.

13 However, the list of projects I
14 have do contain projects that are, have those
15 components to them.

16 VICE CHAIRMAN JEFFRIES: Mr.
17 Wright, what about Park Place in Baltimore?

18 MR. WRIGHT: Park Place in
19 Baltimore --

20 VICE CHAIRMAN JEFFRIES: It says
21 is a 600 unit condo building with 100,000
22 square feet of retail and commercial space on

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1 the first two levels.

2 MR. WRIGHT: That is a similar
3 project. However, that's only gone as far as
4 schematic design.

5 VICE CHAIRMAN JEFFRIES: Oh.

6 MR. WRIGHT: I wouldn't really
7 count that as a project to base --

8 COMMISSIONER ETHERLY: But it
9 would be your testimony, Mr. Wright, that your
10 experience over your nine years, most
11 certainly in terms of individual projects,
12 you've dealt with retail projects, complete
13 retail projects, you've dealt with residential
14 projects, and you've dealt with office
15 projects, in their individual forms?

16 MR. WRIGHT: Yes.

17 COMMISSIONER ETHERLY: Okay. And
18 you would further testify that your experience
19 with respect to the types of jurisdictions or
20 areas where you worked, would be fairly
21 similar to the context in which this project
22 finds itself, meaning your experience involves

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1 both urban settings as well as other settings?
2 Or would you say primarily urban settings?

3 MR. WRIGHT: Most of my experience
4 has been in urban settings.

5 COMMISSIONER ETHERLY: Okay.
6 So you would not characterize this particular
7 setting as something that would be different,
8 or foreign from the experience that you've had
9 over your nine years?

10 MR. WRIGHT: No. I wouldn't.

11 COMMISSIONER ETHERLY: Okay.

12 COMMISSIONER ETHERLY: Mr. Chair,
13 of course pending, you know, further comment
14 from my colleagues, I would, based on just
15 that very short voir dire, I would have no
16 difficulty accepting Mr. Wright as an expert.

17 I appreciate the question that's
18 been raised with regard to the licensure
19 issue. That is most certainly typically an
20 indicator that I believe this board, or courts
21 of law would typically look at, but given the
22 extensive experience as described in Mr.

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1 Wright's curriculum vitae, nine years of
2 experience in architectural planning, and a
3 wide range of projects that involve elements
4 very similar to what we're dealing with
5 tonight, in an urban context, I believe
6 there's been similar demonstration of adequate
7 professional training and experience along
8 with the educational background to support Mr.
9 Wright being presented as an expert.

10 VICE CHAIRMAN JEFFRIES: Mr.
11 Wright, Overtown in Miami, where is that? Is
12 that through schematics or through DD, or --

13 MR. WRIGHT: That is another
14 project that is in schematics as well. So it
15 hasn't moved forward in complexity.

16 VICE CHAIRMAN JEFFRIES: I mean
17 you're a project designer. I mean you're not
18 --

19 MR. WRIGHT: Yes.

20 VICE CHAIRMAN JEFFRIES: I mean,
21 you take it as far as design development or
22 you pretty much -- historically, you've taken

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1 the projects to design development or --

2 MR. WRIGHT: Yes.

3 VICE CHAIRMAN JEFFRIES: Okay.

4 MR. WRIGHT: That particular
5 project has not gone to design development.

6 COMMISSIONER MAY: But have you
7 taken projects all the way through CDs?

8 MR. WRIGHT: Yes. I have.

9 VICE CHAIRMAN JEFFRIES: But not
10 at this scale; not at this size. This is a
11 very large project.

12 MR. WRIGHT: The project in Hong
13 Kong was a fairly large project, not -- it
14 wasn't with McKissack & McKissack, but that
15 project I did take all the way through CDs,
16 working with the Hong Kong office.

17 CHAIRMAN HOOD: All right. Mr.
18 Wright, I think everyone else has will be --
19 also, we would already proffer Mr. Wells. Let
20 me see. Anyone -- let me go to the easy one
21 first? Anyone has any problem with Mr. Wells?
22 And I want to do that just in case, when he

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1 comes, if we have any questions, we will
2 already have proffered him. For Mr. Wright,
3 colleagues, I would ask, I would like to hear
4 a motion and see which way you want to move on
5 this. I really -- from the questions asked,
6 I would actually be in inclination to deny,
7 but I want to hear from those who have much
8 more expertise than I do.

9 VICE CHAIRMAN JEFFRIES: Mr.
10 Chair, I don't want to hold up the proceeding
11 here, but I would, I'll either abstain or deny
12 the -- on the motion.

13 MR. RAY: Mr. Chairman, may I --

14 CHAIRMAN HOOD: Let me see how
15 it's going to go and I'll get you before we
16 vote.

17 COMMISSIONER ETHERLY: I would
18 again, Mr. Chair, stand by my earlier
19 statement. Typically, without looking to, you
20 know, formal case law or common law approaches
21 on this, I tend to use a rule of thumb that
22 there's a particular level of additional

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1 expert training that an individual brings to
2 bear, that it rises above the standard of that
3 of a lay person. Based on what I've been
4 presented by Mr. Wright's documentation in
5 terms of his resume, as well as by the
6 question-and-answer that we've engaged in
7 here, I would tend to be very comfortable with
8 my understanding that Mr. Wright brings a
9 level of expertise that most certainly rises
10 above that of a lay person with regard to
11 architectural planning and design.

12 If we want to perhaps parse hairs
13 somewhat, and be very specific about what his
14 expertise is in, but -- and when I say "beyond
15 that of a lay person," I don't mean just
16 barely.

17 Clearly his experience, I think is
18 fairly extensive. Again, not ignoring the
19 licensure issue, but I haven't come across any
20 case law that would suggest that the absence
21 of a professional certification in this
22 particular jurisdiction, or generally

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1 speaking, would automatically preclude the
2 assignment of expert status. So I'll continue
3 to be supportive of the presentation of this
4 individual as an expert.

5 CHAIRMAN HOOD: Okay.

6 VICE CHAIRMAN JEFFRIES: Mr.
7 Chair, I'm somewhat torn. I mean, I'd look at
8 the likes of Shalom Baranas and Phil Issikof,
9 and others that have come before. I don't
10 want to start this trend of -- you know -- of
11 having, you know, architects come through --
12 I mean, perhaps that's at another range, but
13 I'm just somewhat sort of concerned, given the
14 size and the scale of this project, you know,
15 in terms of the background.

16 Obviously Mr. Wright has, you
17 know, very good experience and background, and
18 I don't want that to be misconstrued here.
19 But I'm more concerned about, you know,
20 something being precedent setting.

21 I think we should really demand
22 from our land use attorney, that they bring

1 about, you know, architects that are of
2 quality, that have years of experience and of,
3 you know, working on like buildings, and so
4 forth. And so I mean I'm sort of torn here.
5 I'll hear from Commissioner May but --

6 COMMISSIONER MAY: I would say I'm
7 inclined to deny at this moment. You know,
8 given the depth of experience that we are
9 accustomed to when we accept expert witnesses,
10 you know, it's clear that Mr. Wright hasn't
11 gotten to that level.

12 I think that, you know, it
13 certainly seems like he's on his way there,
14 and this has nothing to do with the specific
15 architecture of this building and what's been
16 designed, by any means. It's just, you know,
17 have you had enough experience to really say,
18 you know, we can rely on the expert judgment,
19 and, you know, I just don't think the case is
20 made in this circumstance.

21 VICE CHAIRMAN JEFFRIES: But he
22 will certainly be willing to -- I mean, he can

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1 testify.

2 COMMISSIONER MAY: Oh, absolutely.

3 VICE CHAIRMAN JEFFRIES: It won't
4 be viewed as an expert witness.

5 COMMISSIONER MAY: Right.

6 CHAIRMAN HOOD: Okay. Let me just
7 say this, so we can wrap this up and we can
8 move forward. Let me just say that I listened
9 to my colleague, Vice-Chairman Jeffries, and
10 it took me back, and I'm not going to go on a
11 soap box -- but it took me back. Sometimes
12 you have to give folks a chance. Somebody
13 gave me a chance and now I'm on the Zoning
14 Commission. At first, they didn't want to
15 give me this chance.

16 So I started thinking about that.
17 But then I also heard from Commissioner May,
18 we're looking for something that, in this
19 particular case, something that is comparable,
20 or a little more experience, something more
21 that you've already done, cause when I look at
22 your resume, I look at the Ariel Rios

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1 building. I don't know what you did in Ariel
2 Rios building but I really -- I think you did
3 some renovations. Is that what -- you helped
4 with the renovations in Ariel Rios building?

5 MR. WRIGHT: Yes, it was
6 renovation, and I was specifically working on
7 historic preservation issues.

8 CHAIRMAN HOOD: Oh, okay. Okay.
9 All right. Well, unfortunately, tonight, Mr.
10 Wright, we will still listen to your testimony
11 but it won't be expert. Do I need to do a
12 vote?

13 COMMISSIONER ETHERLY: Motion for
14 a vote, Mr. Chair, just because -- and let me
15 say --

16 CHAIRMAN HOOD: Okay. Let's do a
17 vote.

18 COMMISSIONER ETHERLY: Thank you
19 very much, Mr. Chair.

20 CHAIRMAN HOOD: Okay. Let's do a
21 vote. All those in favor of -- no; no.
22 Somebody's got to make a motion.

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1 COMMISSIONER ETHERLY: Mr. Chair,
2 I would move that Mr. Wright be accepted as an
3 expert in architectural planning and design,
4 and would invite a second.

5 CHAIRMAN HOOD: I'll second it.

6 COMMISSIONER ETHERLY: Thank you,
7 Mr. Chair. I have nothing further to say
8 beyond what I've already said, Mr. Chair.
9 I'll just note that why I'm making a point of
10 this particular issue is I want to be very
11 careful about the standard that this
12 Commission believes that it holds itself to on
13 the issue of expert status.

14 Not everyone can be an I. M. Pei.
15 That's not to suggest that Mr. Wright is not
16 an I. M. Pei, nor is it necessarily to suggest
17 that that is what the regulations of this
18 particular body requires.

19 I recognize, and to an extent am
20 somewhat deferential to the concerns of those
21 who have much more substantive architectural
22 experience on this board than I do. But I

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1 believe the standard that potentially this
2 board would set by denying expert status in
3 this instance is somewhat too high and
4 inconsistent with the standards that are
5 applied in most legal forums.

6 That being said, I appreciate the
7 second, Mr. Chair, and am prepared to vote.

8 CHAIRMAN HOOD: Okay.

9 Let me do this. I second it. Any
10 further -- well, all those in favor? Aye.

11 (Chorus of ayes)

12 CHAIRMAN HOOD: Any opposition?

13 COMMISSIONER TURNBULL: No.

14 VICE CHAIRMAN JEFFRIES: No.

15 CHAIRMAN HOOD: Okay. So it
16 fails. Anyone else want to put something else
17 on the table?

18 COMMISSIONER TURNBULL: Mr. Chair,
19 I would just like to comment that if someone
20 was here and wanted to be an expert in law, I
21 don't know if I would grant that to a
22 paralegal. Would you? I mean, we're getting

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1 into fine points here. I mean, unless
2 someone's a lawyer and certified by American
3 Bar Association, would you call that an expert
4 in law?

5 I mean, we're getting into --

6 (Simultaneous conversation)

7 CHAIRMAN HOOD: You know, let me
8 ask --

9 COMMISSIONER TURNBULL: Unless
10 you're a professor of law.

11 CHAIRMAN HOOD: Are you asking me
12 the question cause I --

13 (Simultaneous conversation)

14 COMMISSIONER TURNBULL: In
15 response to Mr. Etherly's --

16 CHAIRMAN HOOD: Oh, okay.

17 (Simultaneous conversation)

18 COMMISSIONER TURNBULL: We're
19 getting into fine points here but I think we
20 have a standard that we've got to at least put
21 somewhere.

22 COMMISSIONER MAY: I would agree.

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1 But for experts.

2 VICE CHAIRMAN JEFFRIES: And we
3 have done that consistently, and I just think,
4 you know, I think we all need to be somewhat
5 careful. You know, we all have particular
6 vocations here that we take very seriously,
7 and at least -- you know.

8 CHAIRMAN HOOD: And I appreciate
9 that. But what I'm trying to get, actually,
10 colleagues is a motion to deny. Do we need to
11 do that?

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: We still need to
14 do that; right?

15 MS. SCHELLIN: Yes, because the
16 first question failed, so at this point
17 there's no decision.

18 CHAIRMAN HOOD: Right. So now it
19 just stays. We need to rule on this
20 particular matter, so --

21 VICE CHAIRMAN JEFFRIES: I make a
22 motion that we deny the designer, Craig

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1 Wright, as a expert witness. However, we will
2 be very open to hearing his testimony but not
3 as an expert witness.

4 CHAIRMAN HOOD: It's been moved --

5 VICE CHAIRMAN JEFFRIES: I look
6 for a second.

7 COMMISSIONER TURNBULL: Second.

8 CHAIRMAN HOOD: Okay. It's moved
9 and properly seconded.

10 Further discussion?

11 (No response)

12 CHAIRMAN HOOD: All those in
13 favor?

14 (Chorus of ayes)

15 CHAIRMAN HOOD: Any opposed?

16 (Chorus of nays)

17 CHAIRMAN HOOD: Okay.

18 MS. SCHELLIN: Staff records the
19 vote three to two to zero to deny expert
20 status to Craig Wright, Commissioner Jeffries
21 moving, Commissioner Turnbull seconding,
22 Commissioner May in support, Commissioners

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1 Etherly and Hood opposed.

2 CHAIRMAN HOOD: Okay. Mr. Ray, we
3 have three experts. We will listen to the
4 testimony of Mr. Wright. You may present your
5 case.

6 MR. RAY: Thank you, Mr. Chairman,
7 and members of the Commission. I want to
8 introduce to my left here Fred Greene who is
9 with FLGA Associates, LLC. He's the project
10 manager for the project.

11 I want to introduce Jae Choi and
12 Sang Oh Choi, who are the developers, and I've
13 already introduced the two gentleman at the
14 end there.

15 Mr. Chairman, I'm going to go, you
16 know, quickly, which I think will be, probably
17 be appreciated by you all regarding my initial
18 comments because I shared them with you
19 earlier when I sort of went through the
20 history of the project, and the first slides
21 here deal with that.

22 Mr. Chairman, as I pointed out

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1 earlier, on June 11th, 2002, the Department of
2 Housing and Community Development issued an
3 RFP for development of the Washington Beef
4 parcel.

5 The Choi company submitted a
6 proposal to do a matter of right, a three-
7 story office, retail and warehouse building.
8 The proposal that the Choi's submitted at the
9 time included the two adjacent buildings, you
10 know, to the Washington Beef property.

11 The Washington Beef property, the
12 arrow shows there was the only piece of
13 property that was in the original RFP. The
14 Choi's, when they responded, they included
15 what was called the Iron Works Building, which
16 is right there, and the Bank of America
17 building, which is right there.

18 The Iron Works building was also
19 owned by the D.C. government and the Bank of
20 America was owned privately, by Bank of
21 America.

22 So the government responded by

1 saying that they would put out a new RFP once
2 we gained control of those two pieces of
3 property, which the Choi team ultimately did.

4 On October the 3rd, we made a
5 presentation, the first of several, to ANC 5B,
6 and they endorsed the Choi team to be the one
7 to be selected for the RFP.

8 On July the 8th, 2003, the City
9 Council approved the sale of the Iron Works
10 parcel for Gateway. Mr. Choi acquired the
11 bank site, and executed a land disposition
12 agreement with the city.

13 The land disposition agreement
14 itself included timetables. It includes
15 penalties if those timetable were not met.
16 The Choi's acquired this property in fee
17 simple, and paid the District of Columbia in
18 excess of one million dollars for the
19 Washington Beef property and the Iron Works
20 property.

21 In time the Metrorail came along,
22 and at that point, as I pointed out to you

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1 earlier, the Choi's and the Department of
2 Housing and Community Development set out, and
3 they talked about this development, and the
4 parties agreed that there should be a
5 residential component to that property.

6 The agreement with DCHD, at the
7 time, and that still remains today, is that
8 the Choi's would set aside 20 percent of the
9 housing in perpetuity. That requirement is
10 not part of the land disposition agreement and
11 Department of Housing and Community
12 Development is waiting to finalize that
13 agreement, once the Zoning Commission acts,
14 because they cannot finalize that until you
15 acted on the PUD, and they want to know
16 exactly how many units we will have in the
17 facility.

18 But the agreement that we have is
19 that once the PUD is approved, 20 percent of
20 the number of housing units in there would be
21 set aside, and 80 percent of AMI for the next,
22 so many years, in perpetuity, that the

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1 community building, the ANC office, and the
2 police work station, will also be set aside in
3 perpetuity.

4 We have also agreed to them that
5 we will be the ones who will administer, you
6 know, advertise the units, select the tenants,
7 and of course with their guidelines, and then
8 they will certify the result of this at the
9 Department of Housing and Community
10 Development.

11 We've presented the PUD to you, as
12 was pointed out earlier, and at that time you
13 decided to defer the PUD until the Small Area
14 Plan was complete. The record of the Zoning
15 Commission will show that at that time the
16 Office of Planning said that they would have
17 the Small Area Plan completed by April of 2007
18 --

19 CHAIRMAN HOOD: I don't want to
20 interrupt you but what did you say, again,
21 because this is bringing back a memory.

22 MR. RAY: Yes. The Office of

1 Planning said that they would have the Small
2 Area Plan completed in April of 2007. That
3 was April, last year.

4 CHAIRMAN HOOD: So that was in
5 this case?

6 MR. RAY: That was this case.

7 CHAIRMAN HOOD: This was the case.

8 MR. RAY: Yes.

9 CHAIRMAN HOOD: Okay.

10 MR. RAY: April 2007 came and
11 passed. We were contacted by Department of
12 Housing and Community Development to
13 understand what was the status of the PUD. We
14 shared that with them and they said they were
15 willing to wait somewhat longer. They did
16 wait until about, I think it was around July
17 or August of 2007, and at that time they told
18 us that they simply could not wait any longer
19 for the Office of Planning to complete their
20 Small Area Plan, if that's what was holding up
21 the PUD. That we would have to go forward
22 and, you know, do the matter of right.

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1 So we decided, after discussion
2 between myself and Mr. Greene, that we would
3 go forward with the matter of right, hoping
4 that the PUD would be completed by the time
5 they completed the below-surface development
6 of the project, that the PUD would be approved
7 and we would just continue, once we came to
8 surface.

9 And with that, Mr. Chairman, I
10 would turn it over to Mr. Greene, to pick up
11 from there.

12 MR. GREENE: Thank you very much,
13 Mr. Ray, and Mr. Chairman, and members of the
14 Commission. In advance of the architecture
15 presentation, let me just say a few things
16 about the location. And also let me pause to
17 say that Mr. Wright has a lot of experience,
18 I mean he's a good project designer, but also
19 too, this project was done in collaboration
20 with Mr. Wright's firm. His firm. He's not
21 a single practitioner. McKissack & McKissack
22 participated. Mr. Wright has bosses,

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1 supervisors, and folks above him.

2 But let me get started for a
3 second. Let's just think for a second. This
4 is a site that is on the northern tip of the
5 NOMA area. That's north of Mass Avenue. This
6 is the northern tip. The site is about one
7 acre of a 25 acre market area that is in the
8 process of being redeveloped, and you've had
9 comments to that effect tonight, especially
10 from the Office of Planning.

11 This site is within 300 paces --
12 now that's my paces and I have short legs --
13 from the site to the entrance to the Florida,
14 New York, Gallaudet, Metrorail station, where
15 you have the new Alcohol Tobacco and Firearm
16 headquarters, the new Marriott hotel, which
17 has topped out, and soon will be putting the
18 brand on it.

19 So with that as a backdrop, let me
20 get into some of the development objectives.

21 Number one, Mr. Ray said, and this
22 is true, that it does comply with all

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1 requirements imposed by the Department of
2 Housing and Community Development.

3 So the objective here is to try to
4 jump-start that area. It seems like it's on
5 the other side of the track, in many regards,
6 and to jump-start it with residential, a
7 mixed-use project with residential, office,
8 retail, at a TOD, transit-oriented development
9 area, and of course you know that your
10 objective is to encourage high-density
11 development around Metrorail areas.

12 We're bringing affordable housing,
13 as well as market rate housing, to an area
14 that has been very underserved. In fact, I
15 would venture to say there's been very little
16 new residential development on the rental
17 side, on that side of town in, you know, quite
18 a while.

19 And finally, it does provide
20 growth opportunities for the existing market,
21 as Mr. Ray discussed, as part of the DACD
22 requirements.

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1 So flipping to the next slide, Mr.
2 Chairman, it shows a comparison between what
3 we're asking for on the PUD and map amendment,
4 and the C-M-1 matter of right. And as you can
5 see, it shows the practical difficulty right
6 there, from a zoning standpoint.

7 If you look on the right-hand
8 side, residential development is prohibited in
9 the C-M-1 District. We can't accomplish the
10 goals and objectives of mixed use, residential
11 development, high density around a Metro stop,
12 without a change in the zoning. Now flipping
13 back on the left-hand side, we're looking at
14 a project that is about 418,000 square feet,
15 including parking, 116 residential units,
16 retail, office, and we talked about an ANC
17 community center.

18 And I would venture to say that
19 there are very, very few PUDs that I've seen
20 here recently, pledging to provide a 4,000
21 square feet well-laid-out meeting room and
22 office, in perpetuity, for the ANC. I just

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1 don't believe that it's happening, these days.
2 And there are other amenities which I'll talk
3 about later.

4 The affordable housing is 20
5 percent. That translates to 24 units, and
6 we're using as a standard 80 percent of the
7 area, the AMI, the area median.

8 The affordable housing is in
9 perpetuity. The community meeting room that
10 I just spoke of is in perpetuity as well,
11 including the police work station, which will
12 serve as a good security location for a mixed
13 use project of this size.

14 There is a multi-purpose provision
15 which is designed to accommodate functions and
16 activities of the residents within the
17 project. The project has extensive energy
18 conservation measures, and finally, it does
19 comply with First Source, or we're committed
20 to First Source and LSDBE requirements.

21 The next slides talk about the
22 impact in terms of job, payroll and taxes to

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1 the District, and during the construction
2 period you're looking at about a thousand
3 jobs, and a total impact, fiscal impact to the
4 District of about \$1.3 million. During the
5 operation period, or at the point of
6 stabilization, you're looking at, again, 800,
7 close to 900 permanent jobs, and a total of
8 4.6, \$4.7 million to the District in terms of
9 fiscal impact.

10 The community outreach we have had
11 a lot of discussion on, about, today. We do
12 have the support of ANC 5B. We're trying to
13 sort through that. Secondly, we have been
14 transparent, as I said earlier. When I say
15 "transparent," you know, we have met and we
16 will continue to meet, and we will pledge to
17 meet with ANC 5B as well as ANC 6C. I would
18 love to give them a presentation, at any time,
19 on the details of this project. And that's a
20 promise.

21 The last point here. The ANC
22 office, community police work station, we have

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1 talked about.

2 Finally, Mr. Chairman, and members
3 of the Commission, and this has been said, and
4 I don't want to get into all the details here.
5 This project has the support of the deputy
6 mayor for economic development, the Ward 5
7 council member, as you've heard today, as well
8 as D.C. Law 16-278, which adopted the Gateway
9 revitalization and development plan.

10 One final comment, and this is my
11 planning cap here. The Office of Planning
12 mentioned the fact that in December 2006, this
13 project received an approval by the D.C. City
14 Council to go forward. That land use
15 designation was high-density residential and
16 medium-density commercial, and we firmly
17 believe that that translated to C-3-C, and we
18 also firmly believe that that is the right
19 zone, that close to the Metrorail station.

20 With that, Mr. Chairman, I will
21 now introduce Craig Wright, and he will start
22 the architectural project presentation. Thank

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1 you.

2 MR. WRIGHT: I'd just like to
3 start by orienting you with the site, which is
4 located here --

5 CHAIRMAN HOOD: Excuse me a
6 second. We may need the lights now here. And
7 if you're at the table, you can turn the
8 little light on.

9 MR. WRIGHT: The site is this
10 yellow square here on the aerial photograph.
11 It's located at 4th and Florida Avenue. This
12 red line represents Fred's 300 paces here from
13 the Metro station.

14 Also, be aware, the ATF building
15 was under construction during this photograph
16 but this is where that is located. We have
17 the FedEx building up above, and XM Satellite
18 Radio also up above.

19 VICE CHAIRMAN JEFFRIES: You have
20 a Marriott, too, that's going adjacent to the
21 ATF; right?

22 MR. WRIGHT: Yes. That's this

1 triangular -- this marker's a little bit off
2 but it's this triangular site, right here.

3 VICE CHAIRMAN JEFFRIES: Correct.

4 MR. WRIGHT: These are some
5 photographs of the surrounding market area.
6 I'd just like to point out some of the
7 warehouses that do have some historic
8 character. When we get to our elevations,
9 you'll see that we picked up some of these
10 rectilinear openings in a brick base. Also
11 the colors of our brick are sympathetic to the
12 colors of the market buildings in the
13 surrounding area.

14 The two bottom photographs are the
15 buildings that were on the site previously.
16 These buildings were the old Washington Beef
17 buildings, and they have been razed and we
18 have a clean site, currently.

19 The easiest place to give you an
20 overview of the building is to start with the
21 building section. This side of the building
22 section is the Florida Avenue side, and this

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1 side is the Moore Street side. With the
2 topography of the site, there's a difference
3 of about 12 feet between these two roads.

4 Now the first two floors of the
5 building are the retail floors. They're
6 connected by a grand stair which is right
7 here, and then towards the middle of the
8 retail space we have a large atrium with a
9 skylight to bring some light down to the
10 retail spaces, as well as the next two floors
11 which are office floors.

12 Well, on top of the office floors
13 is the fifth floor terrace level. It's on
14 this level that we do have a multipurpose
15 pavilion to serve the residents as well as
16 this is a place that could be rented by the
17 office users or the retail users.

18 We then have six floors of
19 residential on top of that. The top two
20 floors of the residential are set back from
21 Florida Avenue, approximately 13 feet. Our
22 maximum height for the building is 119 feet,

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1 6 inches. With the setback of these two, this
2 floor, then, is about 98 feet above Florida
3 Avenue.

4 I'd just like to point out that
5 this grand stair serves to link the activity
6 from Florida Avenue through the retail spaces,
7 and then with the activity happening on Moore
8 Street.

9 This is the first garage level
10 below the first floor. The highlights of this
11 floor is we are providing 44 bike parking
12 spaces. Most of them are centrally located
13 here. We have a few in this corner, and then
14 a few up in this corner, and then this floor
15 provides 50 automobile parking spaces.

16 Now this is the first floor, which
17 contains three major retail spaces. It also
18 contains the office entry, and then on 4th
19 Street, we have the entry to the residential
20 elevator lobbies. This floor also contains
21 our ANC and community space, which is about
22 4,000 square feet, back in this corner of the

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1 building.

2 I just want to clearly show you
3 that there are three retail entries on Florida
4 Avenue. The office entry is in the middle.
5 The green highlighted area signifies a
6 vestibule and sort of a collection point,
7 before you can go up this grand stair which
8 links you with the second floor of retail.
9 And then the residential and ANC entrance is
10 off of 4th Street.

11 This is an enlargement of the
12 community room. Once again, you enter through
13 4th Street into this vestibule, and there's an
14 elevator and a grand stair down. Once you go
15 down the stairs, there's a large breakout
16 area. On one side of the breakout area is the
17 ANC office, and on the other side is the
18 community room. The community room has some
19 storage space at the front and back, and also
20 a small pantry, and then the whole space has
21 a set of toilet facilities just designated to
22 that space.

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1 This is the second floor of
2 retail. These are smaller retail spaces
3 dedicated to tenants that come out of the
4 market area itself, so these will first be
5 offered to those folks in the market area.
6 The large space to the left is an area either
7 for offices for these folks, or it could be
8 another large retail space.

9 Centrally located on this floor is
10 an eating area, which is directly under that
11 atrium with the skylight above. And also on
12 this level is the police work station which is
13 about 350 square feet.

14 Again, our pertinent entrances on
15 this level are the garage entrance off of
16 Moore Street here, the loading entrance off of
17 Moore Street, and then another retail entrance
18 which connects you to this circulation
19 pattern.

20 There are two office floors which
21 are very similar. This configuration, and the
22 roughly 35,000 square feet. Again, they have

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1 the central atrium, which is lit from above,
2 to bring some light to the center of the
3 office space.

4 This is the 4th floor which has a
5 little more articulation along the perimeter
6 edge. This is the 5th floor residential
7 level. This is the level that does have the
8 multipurpose pavilion out on the terrace,
9 which is for the residents' use. Special
10 occasions can be held in this pavilion. There
11 are also private terraces for the units on
12 this level, which will be buffered from the
13 main terrace by some landscape buffers, and
14 then the atrium on this side.

15 These are the two major access
16 points to the roof terrace on this level.

17 This is the 6th floor residential
18 level, which is a typical residential level of
19 about 22 units, and you can see, the units
20 will look down on the patio area with the
21 landscape buffer, and then we are going to
22 have a green roof on top of the multipurpose

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1 pavilion.

2 This is typical of the top two
3 floors, which contain eight of these two-story
4 units, and then ten of the typical units that
5 you've seen already. The larger units here,
6 on the front, on Florida Avenue, do have
7 private terraces across the front, and then we
8 have one large terrace at the end which will
9 be for the use of these larger units.

10 This is a rooftop level. The red
11 line here indicates the penthouse screen wall,
12 which is approximately 18 feet tall. Off of
13 the Florida Avenue side, we have a 28 feet
14 setback. Off of the 4th Street side, we have
15 an 18 foot setback. Off of the Moore Street
16 side, we actually have a 35 foot setback, and
17 from the courtyard we have 18 feet on both
18 sides for the penthouse screen wall.

19 The elements here, that are
20 colored in green, are approximately 10 feet
21 above the roof level. These are a stair
22 tower, and these two are mechanical rooms.

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1 Again, this stair tower is set back 25 feet
2 from Moore Street and 10 foot eleven from the
3 courtyard side, and this one, which pokes out
4 of the screen wall a bit, is set back 15 feet
5 from both sides.

6 The orange-colored units are the
7 rooftop equipment units. They will probably
8 be about as tall as the penthouse screen wall.
9 These are just some detail blowups of those
10 areas. This is the tenth roof plan, and on
11 this plan we will have an extensive green roof
12 wherever possible. It will be a minimal depth
13 green roof system, and it will contain hardy
14 evergreen plants which will stay green all
15 year around. This green roof hopefully will
16 reduce the runoff to city storm systems. It
17 will also be a reduction in the urban heat
18 sink effect. A green roof also typically
19 filters pollutants from the air, and the lower
20 green roof will be an amenity for the market
21 purpose room users and residences.

22 This is some detail of the types

1 of plans that have been chosen for the green
2 roof. This is a section, again, through the
3 whole site, to give you more of a 3D aspect of
4 where the green roofs are. First, on the 5th
5 floor level, this is the multipurpose
6 pavilion, which will have a green roof, and
7 then this level will also have the landscape
8 buffer at this level.

9 On the 10th floor, we'll have
10 another extensive green roof up here, and then
11 this is the level of the duplex terraces.

12 The next series of slides are the
13 elevations, and what we've done here is we've
14 shown what we call the previous elevation.
15 This is the elevations that were contained in
16 the May 14th submission. There were some
17 suggestions from the Commissioners at that
18 time, so between this submission and now, we
19 have worked on what we call the current
20 elevations. Basically, we've worked to refine
21 and simplify the elevations.

22 There's a few things that we've

1 done to do that. First, we've reduced the
2 horizontal mullions throughout the whole
3 elevation. You can see here, there was
4 extensive horizontal mullions here, and in the
5 base there's a lot of horizontal mullions.

6 We've also reduced the metal trim
7 in the project. Here, you can see there's
8 some metal trim here. We've simplified that
9 up in the current elevation.

10 We've also tried to refine the
11 base elements. Before, we had several
12 different levels of brick and some precast
13 panels down in this version. Now we've
14 simplified that to one larger brick piece
15 that's more substantial than before. We've
16 also unified it with a strong horizontal
17 element running through here which could
18 perhaps be some signage banding for the retail
19 and office components.

20 And then lastly, we've refined the
21 glazing in the residential portion of the
22 building, so that all these glazing modules

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1 are the same and more unified.

2 We've treated this elevation the
3 same, and the addition on this elevation is
4 the entrance on 4th Street that goes into the
5 ANC community space and the residential
6 elevator lobbies.

7 This is the Moore Street
8 elevation, and again, we've simplified the
9 elevation so that we have three similar
10 modules here, and then we've simplified the
11 glazing and the articulation at the roof line
12 on this elevation.

13 This elevation, there's a little
14 bit of discussion here. When we started
15 working with the Office of Planning on this
16 elevation, there were some plans around where,
17 on this side of the site, there was a
18 possibility of a road or a public space on
19 that side of the building. So at that time we
20 were working with the Office of Planning to
21 really open up this side of the building as a
22 beacon that you would see coming from under

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1 the Metrorail tracks. Since that time, we're
2 not certain of the, what's going to happen on
3 this side of the building, so this is a party
4 wall which we cannot have any openings in.

5 So what we've done here is we've
6 created some relief in the brick, and we're
7 going to put lintels in these areas, so that
8 in the future, if there is a public space or
9 a road next to the building, we can then open
10 up these sides of the building.

11 And that concludes the
12 architectural portion.

13 Just to mention our LEED standards
14 that we've been looking at for the building.
15 We have approximately about 24 points laid out
16 at this time. As the project develops, we're
17 going to look to try to get some additional
18 points. Then we are up at the certified
19 level.

20 MR. RAY: Mr. Chairman, members of
21 the Commission, just finally, regarding
22 compliance with the PUD standards, as has been

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1 noted we're seeking a PUD with C-3-C zoning.
2 The standard allows for a height of 130 feet,
3 depending on the width of the adjacent street.
4 Gateway's maximum allowance height is 120
5 feet, due to the fact that Florida Avenue is
6 a 100 foot street. Gateway complies with this
7 maximum building height as Gateway will be
8 19.5 feet.

9 The PUD C-3-C standard allows for
10 a maximum FAR of 8.0. Gateway complies with
11 asking for an FAR of 7.7. The project is
12 consistent with the Comprehensive Plan. The
13 land use elements, which designates New York
14 Avenue area for future growth, there's a
15 transportation element which favors transit-
16 oriented development near Metro stations. The
17 housing element which supports the creation of
18 affordable housing units. The urban design
19 element which promotes beautification near
20 major roadways such as Florida Avenue. And
21 the upper Northeast area elements which
22 designate the Capital City Market Area as a

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1 regional designation, including housing,
2 office and retail uses.

3 As was pointed out by Mr. Greene
4 earlier, in the new maps, this site has been,
5 as you see there in the striped area,
6 designated for a mixed use development.

7 That concludes our presentation,
8 Mr. Chairman.

9 CHAIRMAN HOOD: Okay. Let me
10 thank you all for your presentation. We have
11 a few questions. Let me start, right off, Mr.
12 Wright, and this will be -- I'm asking it now
13 cause I might forget it by whenever the next
14 hearing is.

15 In the DDOT report -- and this
16 will be one for Mr. Wells -- in the DDOT
17 report, it talks about the transportation
18 management plan. I guess we need to know
19 where we are with that. And this is dated
20 June 4th, 2008.

21 It mentions that they're asking
22 the Applicant to provide a transportation

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1 management plan, and it says "to reduce
2 vehicle trips to the project."

3 The other thing was, which I
4 thought was very interesting, the project will
5 provide -- are we still providing 188 off-
6 street parking spaces?

7 MR. RAY: Mr. Chairman, I have not
8 seen the DDOT report, and I had Ms. Gentry to
9 go and check the files. I think --

10 CHAIRMAN HOOD: Well, this came in
11 June -- is today the 5th? Well, it came in
12 today, then, at 3:22.

13 MR. RAY: Okay.

14 CHAIRMAN HOOD: I tell you what.
15 Let me tell you what my two questions would
16 be. But you'll see it, and you can respond to
17 it. About the transportation management plan
18 asked and requested, and they're also saying
19 that the site is overparked. Basically,
20 they're saying you're providing 188 off-
21 street. I'm sure the community probably would
22 -- I'm not sure where they would be with that.

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1 But anyway, I'll give you a
2 chance, being fair. You don't have to respond
3 to that today, since we're going to be
4 reconvening. I'll give you a chance to
5 respond to that.

6 The other thing is the Office of
7 Planning has some issues. The lifespan of
8 affordable units. Additional data
9 demonstrating that the proposed loading
10 facilities will be sufficient to the -- and
11 they actually, in their report -- do you have
12 a copy of the Office of Planning's report?

13 MR. RAY: You mean the four -- we
14 do have a copy of that report, and we also
15 responded to their four items they had.

16 CHAIRMAN HOOD: Okay. So you've
17 already responded.

18 MR. RAY: Yes, we have responded,
19 Mr. Chairman.

20 CHAIRMAN HOOD: Okay. You know
21 what? You did. You sure did. June 4th. And
22 this is something -- Ms. Schellen, did we get

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1 this, their responses -- we got them today?
2 Okay. Well, we've got some reading to do.
3 Okay.

4 Any other questions, colleagues?

5 Commissioner May.

6 COMMISSIONER MAY: Okay. I'll go
7 first. I have a few questions, mostly
8 architectural. The site and the sidewalk,
9 we've changed from a brick paving to an
10 exposed aggregate paving. Is that right?

11 MR. WRIGHT: Scott can correct me
12 if I'm wrong, but I believe now we have -- if
13 you go to the -- we can go back to the slide,
14 this sort of brownish --

15 COMMISSIONER MAY: Can you speak
16 closer to the mike.

17 MR. WRIGHT: This sort of
18 brownish-gray area that we have on sheet L1 is
19 a brick paver or a concrete paver.

20 COMMISSIONER MAY: I'm sorry.
21 Which sheet should I be looking at?

22 MR. WRIGHT: L1.

1 COMMISSIONER MAY: L1. And what
2 version of L1? Did we get a new one today?
3 Cause we got some new stuff today.

4 MR. DELGADO: I think that L2
5 actually may be best to look at. It has
6 labels that identify that the sidewalk is an
7 exposed aggregate concrete pavement. And then
8 the portions that are shown with the darker
9 color are the brick paver --

10 COMMISSIONER MAY: Okay, you need
11 to speak like directly into the microphone,
12 cause I can barely hear you and I'm sure
13 they're not getting it well.

14 MR. DELGADO: I'm sorry. I'm
15 sorry.

16 COMMISSIONER MAY: It's okay.

17 MR. DELGADO: Sheet L2.

18 COMMISSIONER MAY: Right.

19 MR. DELGADO: There are labels
20 that identify that the sidewalk material is
21 exposed aggregate concrete paving.

22 COMMISSIONER MAY: Right.

1 MR. DELGADO: And then the darker
2 color, there is brick concrete paver, a brick
3 paver or a concrete paver, it's still being
4 determined, as kind of an accent.

5 COMMISSIONER MAY: Okay. and
6 there's a band or something between that. Is
7 that poured concrete, or is that another --

8 MR. DELGADO: It'd be paver.

9 COMMISSIONER MAY: It'd be a paver
10 also?

11 MR. DELGADO: Right.

12 COMMISSIONER MAY: Okay. Why
13 exposed aggregate?

14 MR. DELGADO: We had a number of
15 discussions with DDOT, and we're continually
16 working with them, and, you know, with the
17 Office of Planning on the standards, and that
18 was through a series of discussions with them,
19 and that's the line of thinking as far as the
20 standard for this area for now.

21 COMMISSIONER MAY: Really? An
22 exposed aggregate. I mean, I'm very surprised

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1 by that. I mean, exposed aggregate is used a
2 lot around the city in sort of trail settings
3 and pathways and sidewalks that have greenery
4 on all sides, and when you come to a
5 commercial setting, it's typically going to be
6 a very fine concrete paver, not an exposed
7 aggregate. I'm just a little surprised --

8 MR. DELGADO: I'd be curious to
9 see if the DDOT comments had any, any comments
10 related to that, for strictly transportation
11 --

12 VICE CHAIRMAN JEFFRIES: Excuse
13 me. Can you identify -- I don't think I
14 caught your name.

15 MR. DELGADO: I'm Scott Delgado.
16 I'm with Bowman Consulting.

17 VICE CHAIRMAN JEFFRIES: Oh, okay.
18 Great.

19 COMMISSIONER MAY: Well, that's
20 just a real question in my mind, because
21 exposed aggregate concrete as the sidewalk
22 finish, it really strikes me as very unusual.

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1 I mean, typically, for commercial development,
2 you know, I think of 2 by 4, or, you know,
3 one-and-a-half by 3 foot smooth concrete
4 paver, and a very high quality kind of finish,
5 and exposed aggregate is kind of, you know, a
6 "wear and tear" nightmare. So I'd be a little
7 bit concerned about that.

8 MR. DELGADO: Okay.

9 COMMISSIONER MAY: And I could see
10 why you wouldn't necessarily want brick
11 paving, I think which is shown in a previous
12 version of the plan. But I'm not sure exposed
13 aggregate is the right way to go.

14 What's being imagined for the
15 second floor retail, in particular those --
16 and this is not an architectural question,
17 it's a development question, I guess. What
18 sort of retailers would go into those spaces
19 that are aligned along the outside window, and
20 then are facing in toward the court space
21 there?

22 MR. GREENE: If we can go back to

1 that slide. Can we do that?

2 Okay. Great.

3 COMMISSIONER MAY: Along the right
4 there, along --

5 MR. GREENE: Along the right-hand
6 side. You know, part of the requirement is to
7 attempt to allow existing tenants within the
8 market to opt for space in this building. So
9 what you have along the right-hand side are
10 retail stalls to accommodate them.

11 So what type of retail? It could
12 be deli's. It could be some of the other type
13 uses in the market. Produce. And etcetera.
14 It could be a small wine shop.

15 COMMISSIONER MAY: Okay.

16 MR. GREENE: And if you notice
17 now, if you notice, in the center where the
18 atrium is, we have a place where there are
19 table and chairs to sit and to eat.

20 COMMISSIONER MAY: Right. And if
21 I understand this correct, this is all second
22 floor.

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1 MR. GREENE: Right.

2 COMMISSIONER MAY: So what we're
3 seeing is sort of an interior facade that
4 might be of glass or something like that;
5 right? Then the exterior facade which is
6 glass.

7 MR. GREENE: Let me explain this
8 second floor part.

9 COMMISSIONER MAY: Okay.

10 MR. GREENE: The section that
11 shows that the second floor here is actually
12 ground level off of Moore Street.

13 COMMISSIONER MAY: I understand
14 that.

15 MR. GREENE: Because of the way it
16 drops.

17 COMMISSIONER MAY: But it's not
18 ground level, you know, along the right side
19 there; right? That's elevated around the
20 sidewalk?

21 MR. GREENE: Right.

22 COMMISSIONER MAY: Okay.

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1 MR. GREENE: And that will be
2 glass.

3 COMMISSIONER MAY: Right. So what
4 I'm imagining is that you might have a
5 retailer, like a deli, or some other food
6 service, or something like that, that's going
7 to want to have retail frontage, if you will,
8 to where the people are going to be walking,
9 which is on the inside, and you're going to
10 want to have -- you're going to have -- you
11 need to have a back to those spaces. So
12 they're going to have their "stuff" kind a
13 piled up against the glass, and their vending
14 toward the interior.

15 So I'm a little concerned about
16 what the aesthetic will be from the outside,
17 if you're not -- I mean, there are ways to do
18 second floor retail, I think, but I'm not sure
19 that -- I'm a little concerns about what you
20 envision going in there because it could wind
21 up being, you know, fairly unsightly from the
22 outside.

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1 MR. GREENE: Right. We've had
2 conversations with the Office of Planning on
3 this, and they have requested us to come up
4 with some language to include in the leases to
5 keep that space from becoming a place where
6 you store boxes, and what have you.

7 COMMISSIONER MAY: Right.

8 MR. GREENE: And we're in the
9 process of doing that. But the last thing we
10 want is to have it being a very unsightly
11 space. I mean, we want the retail to be
12 exposed with all that glass.

13 COMMISSIONER MAY: Right. Okay.

14 MR. GREENE: So I guess my point
15 is that there will be standards that would
16 prevent that situation from happening, that
17 will reflect in the leases for the retail
18 space.

19 COMMISSIONER MAY: Okay. I think
20 you have "your work cut out for you," and I'm
21 not sure whether there's a better design
22 solution in that circumstance, but I think

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1 that's going to be a real challenge.

2 Looking at the various iterations
3 of the plan, I can see that there's been a lot
4 of work done to try to put the kind of "guts"
5 of the building into better places and to move
6 the stairways, for example, off of the
7 facades.

8 And in particular, the north end
9 stairway, moving that off of the facade and
10 putting a unit on the, you know, outboard of
11 that, I think that made a lot of sense.

12 And it gives you better rooms, better spaces,
13 as a result.

14 I'm a little confused about why
15 you made the same move on the west side stair,
16 because it doesn't extend, that stairway
17 doesn't extend all the way to the roof, so I'm
18 not sure -- and since you don't have windows
19 along that facade any more, why bother moving
20 the stair, particularly when it really
21 contorts the interior units that flank the
22 stair.

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1 MR. WRIGHT: I think we did it
2 because there is still the possibility on that
3 side of the building of being a public space.
4 So that unit could eventually have some glass
5 in the unit, and I think that was the only
6 reason why we chose to do it in both places.

7 COMMISSIONER MAY: Yes. You know,
8 I haven't looked carefully at the dimensions
9 of things, but I would imagine you could still
10 have that stairway against that outside wall
11 and still have room for glass, particularly
12 since right now what you've got are units that
13 have a completely landlocked dining room
14 space, and then a living room that has sort of
15 a view to a window and not really a good -- it
16 doesn't "live" in that lit space as a result,
17 and I think that, you know, it may get a
18 little bit easier, or at least the space will
19 become wider in the unit if you can push that
20 stair against the outside wall.

21 Again, only because it doesn't
22 extend to the roof. If it extended to the

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1 roof, you know, I'd say you have to keep it,
2 find a way to keep it inboard.

3 I'm a little confused on the
4 elevations, or the heights of things. I know
5 that there are some dimensions of the heights
6 of the building shown in the section drawing.
7 I don't see anything that measures all the way
8 to the top of the penthouses. I do see, you
9 know, height indicators, but it's a little
10 confusing. If you can just, you know, give us
11 a drawing that extends the dimension strength
12 all the way to the top of the penthouse, I
13 think that's a bit more illustrative.

14 MR. WRIGHT: Okay.

15 COMMISSIONER MAY: It's a little
16 bit easier to read, and it actually would be
17 good to see, you know, penthouse setbacks so
18 that same set of dimensions, so that we could
19 see it in elevation. I just think it's easier
20 to understand. I think you can figure out all
21 these things from these drawings but it would
22 be good to be clear.

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1 Going on to the elevations, I
2 think that it's come a long way, and I've seen
3 three versions of this, and it's getting
4 better, and I think that what you've got now
5 is significantly better. It's certainly
6 responded to my comments before in terms of
7 simplifying things.

8 I still think that there's room to
9 improve, and, in particular, the things that
10 are still kind of a concern to me is -- well,
11 if I understand the design idea, if you will,
12 we have this relatively glassy modern top and
13 then we have a more masonry kind of base, and
14 there's a separation between that essentially
15 is structure. It's just, you know, we see the
16 columns through there. And as a design idea,
17 I think that's fine.

18 Where it sort of falls apart a
19 little bit is that it feels like the masonry
20 portion of it is a little bit too
21 discontinuous. In other words, it stops as it
22 turns around the corner, or it jumps across an

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1 opening and it continues only at the top. And
2 I mean, I can understand the desire to sort of
3 vary things a little bit, but I'm not sure
4 that it's really helping you in that
5 circumstance cause you really have a lot going
6 on in terms of the facades.

7 I also think that it's not as --
8 it's discontinuous as it hits the ground as
9 well, cause it feels like a frame structure
10 that's resting on its points, rather than a
11 masonry structure which is a wall-based thing.
12 And that's not to say that the window openings
13 have to get significantly smaller. I don't
14 think that at all.

15 It's just that the -- you know,
16 it's almost like you just need to have that
17 little bit of concrete all the way at the
18 bottom, or maybe the spandrel, or what you're
19 seeing as a sign element, maybe that needs to
20 read more as the masonry or as part of that
21 wall facade, so that you have a more solid
22 base.

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1 But overall, I think, you know,
2 removing some of the decorative elements on
3 the -- you know, the decorative verticals, and
4 simplifying things in other areas, I think has
5 improved it significantly.

6 I guess I didn't have a question
7 there. That was just a comment.

8 The balcony rails all seem to be
9 straight horizontals. I didn't think you
10 could do just a straight horizontal set of
11 bars as a rail and then meet code, cause it's
12 something that you can climb.

13 MR. WRIGHT: I think it'll
14 probably be a railing system that has some
15 sort of screen or mesh also integral with the
16 system.

17 COMMISSIONER MAY: So we'll still
18 read those horizontals?

19 MR. WRIGHT: Still read the
20 horizontals but there'll be --

21 COMMISSIONER MAY: There'll be a
22 glass backing or a wire, a screen, a hard

1 metal screen or something behind it, then?

2 MR. WRIGHT: Yes.

3 COMMISSIONER MAY: Okay. All
4 right. My concern is just how it looks, cause
5 I think -- I can understand why it was done
6 for the sake of the look and creating that
7 impression of continuity across the balconies,
8 and having, you know, a lot of verticals
9 doesn't really help you in that way. But just
10 from a code point of view, I wanted to make
11 sure it could be built as we see it.

12 You explained a little bit about
13 the west facade and how that got simplified.
14 You know, I would venture to say that in some
15 circumstances, I've seen buildings in which
16 they actually did take a chance on the windows
17 there, and then later, when a building was
18 built abutting it, the windows had to go away,
19 had to be sealed up, and so long as that could
20 be done, you know, it was okay, code-wise, and
21 with the Office of Planning, I assume, those
22 sorts of things.

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1 That's probably more expensive
2 than just building in the lintels, but it may
3 be a long time before there's another building
4 next door, and it would be unfortunate to be
5 coming through that sort of accidental portal
6 of the railroad bridge, and then seeing, you
7 know, just the end wall of the building, cause
8 it creates the wrong impression of the
9 building, you know, and you want to create an
10 impression of something special, particularly
11 if you are going to regard this as a gateway.

12 The plans for the residential
13 units, I notice that on the north side, the
14 windows that we're seeing in the elevations
15 are not drawn in the plan. I assume that
16 that's just an issue of the elevation getting
17 ahead of the drawings.

18 MR. WRIGHT: Yes.

19 COMMISSIONER MAY: The plans in
20 the drawing stages; is that right?

21 MR. WRIGHT: Yes; that's correct.

22 COMMISSIONER MAY: Okay. It

1 wouldn't be a bad idea to sort a see that
2 corrected, if we have time to do that. That's
3 it for me, for the moment. I am interested in
4 seeing the sample board, so if we could
5 actually bring that up here. I may be the only
6 one who wants to touch the brick but I always
7 like to touch the brick. And that's it for
8 me, Mr. Chairman.

9 CHAIRMAN HOOD: Thank you,
10 Commissioner May. Commissioner Jeffries. Do
11 you want to wait to see the sample board
12 first, before you start asking?

13 COMMISSIONER MAY: That's a two-
14 man sample board. That's big. All right.
15 Thank you. Go ahead.

16 CHAIRMAN HOOD: You're going to
17 keep the board down there? Okay.

18 All right. Commissioner Jeffries.

19 VICE CHAIRMAN JEFFRIES: I have a
20 couple of programmatic questions, and then I
21 have a couple of architectural observations
22 and questions. I'll start with the

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1 programmatic ones, and I'm going to probably
2 -- this retail strategy, I'm still trying to
3 get my arms around it, somewhat.

4 First of all, the retail that is
5 along 4th Street, that retail is going to be
6 -- whom am I talking to? Mr. Ray or Mr.
7 Greene?

8 MR. RAY: I think that I will try
9 to answer your questions, because the problem
10 is we're constrained somewhat by the land
11 agreement with the Department of Housing and
12 Community Development, and I'll answer your
13 questions and I'll just share with you what
14 they required of us, and what we have to first
15 sort of get by.

16 VICE CHAIRMAN JEFFRIES: They've
17 required of you, I mean, a particular retail
18 strategy?

19 MR. RAY: Well, they say -- Mr.
20 Jeffries, as I pointed out in my earlier
21 testimony, the Department of Housing and
22 Community Development, this project started

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1 out as a retail-wholesale office building, you
2 know, primarily constructed for folks who were
3 there in the marketplace.

4 And basically they said that the
5 warehouse space, the retail space, and the
6 office space, first had to be offered to folks
7 in the market, and only to the extent that
8 they didn't use it all up, then we could
9 market otherwise.

10 Then the Metro came in, and of
11 course we added the residential part to it,
12 and they agreed to take out the warehouse
13 part, you know, because, you know, we didn't
14 want these big 18-wheelers coming to the
15 building. But they still require us to offer
16 the retail space and the office space to folks
17 in the market, to give them first choice, and
18 to the extent that they don't take it, then we
19 can do otherwise.

20 So what Mr. Greene has pointed out
21 on the second floor there, which is actually
22 ground level from Moore Street, we would hope

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1 and think that this would be an area where we
2 could offer opportunities to those who are in
3 the market. Keeping in mind, Mr. Jeffries,
4 that when Department of Housing made this
5 requirement, they also made it clear that the
6 folks in the market may not do exactly what
7 they're doing now, they may want to do other
8 things, but we had to offer it to them.

9 So with that in mind, Mr. Greene
10 indicated he thought it might be deli's,
11 etcetera. Can you pick it up from there,
12 Fred.

13 MR. GREENE: Well, I mean --

14 VICE CHAIRMAN JEFFRIES: But you
15 clearly understand -- I mean, you know, I'm
16 looking at your PowerPoint presentation and
17 I'm looking at what's in green for retail.
18 Well, it's here. Is that sort of different?
19 Oh, that's it. That's it.

20 So I'm just, I guess I'm just
21 trying to understand how this second floor --
22 I understand that, you know, this is the first

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1 floor from Moore side, but I'm just trying to
2 understand how this is arranged. I mean, I
3 see you have open seating. Will there be
4 stall -- I mean --

5 MR. GREENE: Mr. Jeffries, the
6 green is circulation as you can see.

7 VICE CHAIRMAN JEFFRIES: Right.

8 MR. GREENE: All right. And the
9 darker, to the right, are the retail stalls.

10 VICE CHAIRMAN JEFFRIES: Right.

11 MR. GREENE: And the center part
12 is what is Certain Taste. That's a place that
13 sells a sandwich.

14 VICE CHAIRMAN JEFFRIES: Okay. I
15 mean, you've got 12 feet elevation difference
16 between Moore and Florida. So how is that
17 reconciled on the 4th Street side with the
18 retail that you're offering. How does that
19 work in the interior?

20 MR. GREENE: Maybe we should --
21 Craig, would you show the section.

22 VICE CHAIRMAN JEFFRIES: Because

1 the retail that's on -- those retail spaces
2 that are being offered are 4th Street, I mean
3 that's just ground floor from 4th Street.

4 MR. GREENE: No.

5 VICE CHAIRMAN JEFFRIES: No.

6 That's my problem. Okay.

7 MR. GREENE: No.

8 VICE CHAIRMAN JEFFRIES: Okay.

9 That's my problem. Okay.

10 MR. GREENE: Because of the grade
11 change.

12 VICE CHAIRMAN JEFFRIES: Okay.

13 MR. GREENE: It goes up like this.

14 VICE CHAIRMAN JEFFRIES: Okay. So
15 if I'm walking from Florida going up towards
16 Moore Street on 4th Street, what am I looking
17 at?

18 MR. GREENE: You're looking at a
19 hill.

20 VICE CHAIRMAN JEFFRIES: Let me
21 see the elevation.

22 CHAIRMAN HOOD: We're going to

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1 make sure we're on the microphone. Sorry.

2 Okay.

3 VICE CHAIRMAN JEFFRIES: Okay. So
4 I'm walking, there's no entrances.

5 MR. GREENE: Yes.

6 VICE CHAIRMAN JEFFRIES: There are
7 entrances there?

8 MR. WRIGHT: There's an entrance
9 to the community space and the residential
10 lobby. There are no entrances to the retail
11 spaces. You can see there's sort of a gray
12 area here.

13 VICE CHAIRMAN JEFFRIES: Right.

14 MR. WRIGHT: Up above here would
15 be the floors of those retail stalls, that
16 come across.

17 VICE CHAIRMAN JEFFRIES: Okay.
18 Where's the entrance to the community space?
19 Right there. Okay. And so take that pointer
20 and go to your left. There's no doors or no
21 penetration? That's just glass?

22 MR. WRIGHT: No. This gray line

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1 up here actually marks the floor line, so the
2 retail spaces are actually up here.

3 VICE CHAIRMAN JEFFRIES: But if
4 I'm walking along 4th Street, I have one
5 entrance on that side. But on the interior,
6 there are different, you know, partitioned
7 retail spaces.

8 MR. WRIGHT: That's correct.

9 MR. RAY: Mr. Jeffries, isn't
10 there two entrances on that side? You've got
11 the entrance to the residence and the entrance
12 to the ANC.

13 VICE CHAIRMAN JEFFRIES: That's
14 correct. But they're both right here.

15 MR. RAY: But they're both right
16 there, Mr. Jeffries. But there's two entries.
17 Yes. No retail entrance.

18 VICE CHAIRMAN JEFFRIES: So if I
19 look at the second-level floor plan -- okay,
20 circulation for all those spaces. So this is
21 really at interior building, effectively?

22 MR. WRIGHT: Yes.

1 VICE CHAIRMAN JEFFRIES: It really
2 doesn't speak to sidewalks and this building
3 goes inward. I mean, it's like Georgetown
4 Park or something. I mean, it's like -- okay.

5 MR. RAY: You just described it.

6 MR. WRIGHT: Yes, sir.

7 VICE CHAIRMAN JEFFRIES: Okay.
8 Okay. And then in terms of the type of
9 retail, I don't want to deal with DHCD and
10 their requirements, I just want to deal with
11 from a market perspective. I mean, what do
12 you think you can get in here if these spaces
13 are not taken by some of the existing tenants?

14 I know you brought up, you know, a
15 coffee shop. Has there been any kind of
16 retail study?

17 MR. GREENE: Actually, Mr.
18 Jeffries, Transwestern is our consultant,
19 retail consultant here, and let me start with
20 the Florida Avenue side. The Florida Avenue
21 retail obviously is larger but the kinds of
22 discussions that we had includes a deli -- I'm

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1 sorry -- includes a diner, for like 24 hours
2 food venue, a much larger retailer in the
3 center, the potential for coffee shop
4 operations on the corner, or the potential for
5 banks. But we've gotten reaction from the
6 Office of Planning with regards to a bank.

7 Going around the corner, the
8 stalls could very well be some of the type of
9 retailers and tenants already in the market.
10 There could be, like I say, a deli. I mean,
11 could be other special types of retailer.
12 Could be on the food side on the market side.
13 It could be a cooking school there.

14 VICE CHAIRMAN JEFFRIES: You know,
15 I'm just having some difficulty with
16 feasibility of this. You know, this is not
17 Georgetown, and we'd like for it to eventually
18 be Georgetown, but given this is a "maiden
19 voyage property" in this area, you know,
20 having this retail, I'm just wondering, if
21 you're not able to fill it -- unless you're
22 saying you're going to fill it with all the

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1 existing tenants, I'm just wondering who's
2 going to -- I mean, what kind of demand you're
3 going to have for this kind of configuration
4 at this time in the market.

5 MR. GREENE: Mr. Jeffries, I --

6 VICE CHAIRMAN JEFFRIES: It just
7 seems a little counterintuitive to me, but I'm
8 listening.

9 MR. RAY: Let me give a real
10 honest response to you. One is no, we don't
11 believe, at the end of the day, that a lot of
12 folks from the market are going to come into
13 this building. I mean, most of the folks in
14 the market -- I mean you've been to the
15 market, you know, the kinds of retail they are
16 doing now.

17 COMMISSIONER MAY: Right.

18 MR. RAY: But basically retail out
19 there now is retail that's done in a wholesale
20 setting.

21 VICE CHAIRMAN JEFFRIES: Right.

22 MR. RAY: There may be one or two

1 out there that have operations that, you know,
2 would fit in to this. There also may be one
3 or two who would like to start on a new
4 course. Mr. Greene has went and brought on
5 what I think is one of the best marketing
6 companies. They have a vision for what's
7 going to happen there. Fred, I think you
8 might want to share that vision with him.

9 Because at the end of the day, we
10 know that most of the folks who are in the
11 market is not going to be there.

12 So our approach to this is to plan
13 this so it will work as a food designation
14 that will tie into the larger development
15 that's coming behind this. And Western has
16 shared their vision with us, and Fred, I think
17 you --

18 MR. GREENE: And also, Mr.
19 Chairman, it's kind a tough to really, at this
20 point, talk specific uses, and that's just not
21 -- it's bad for the process. I would say that
22 we have some very experienced folks working

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1 with us. If need be, if you need us to submit
2 to you something regarding the strategy, we
3 can submit that.

4 VICE CHAIRMAN JEFFRIES: I think
5 this sounds like there's like a contingency
6 plan or there's -- some of this is flex space.
7 I mean, I look at the first floor retail, and
8 I just look at the configuration of it, and,
9 you know, and it dead ends on Moore Street, I
10 mean right at the alley -- I mean at a wall.
11 Unless I'm not following this. Look at the
12 first level floor plan. Can we go there. I
13 just want to be clear before I speak, just
14 cause I don't want to -- so I'm looking at the
15 retail space that's to the left of the
16 entrance.

17 Right. Okay. Now all that gray
18 that's behind there, what? that's circulation?

19 MR. GREENE: No.

20 VICE CHAIRMAN JEFFRIES: That's
21 actual -- that's a retail --

22 MR. GREENE: Well, I would say a

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1 part of it could be retail. If you look at
2 that large piece, I mean just look at it in
3 three pieces, one to your left --

4 COMMISSIONER MAY: Right.

5 MR. GREENE: And then you've got
6 the center, got one to the right.

7 VICE CHAIRMAN JEFFRIES: Right.

8 MR. GREENE: You know, I can see
9 in the center something like a Walgreen's.

10 VICE CHAIRMAN JEFFRIES: How large
11 is that space?

12 MR. GREENE: What's the size of
13 that space? And I could see on the left-hand
14 side something like a diner, 24-hour diner.
15 Keep in mind, it's walking distance from AFT
16 and a lot of employees over there.

17 VICE CHAIRMAN JEFFRIES: Okay. I
18 got you.

19 MR. GREENE: And I could see on
20 the right portion, with the 15 foot ceiling
21 heights, I mean, I can see a Starbuck's or I
22 can see some other, you know, coffee venue

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1 there.

2 VICE CHAIRMAN JEFFRIES: Well, I'm
3 fine with your corner --

4 MR. GREENE: Or I could see a bank
5 there.

6 VICE CHAIRMAN JEFFRIES: I'm fine
7 with the corners. I'm just dealing with the
8 naked quality of that middle retail space and
9 I just want to know what size, what's the
10 square footage?

11 MR. GREENE: Do we have the square
12 footage, Craig? 13,000 square feet.

13 VICE CHAIRMAN JEFFRIES: Well, a
14 Walgreen's not going to move in there.

15 MR. GREENE: Well, I just gave
16 Walgreen as an example, but --

17 VICE CHAIRMAN JEFFRIES: And then
18 looking at the configuration of the space. I
19 mean --

20 MR. GREENE: I mean, the space can
21 be chopped up.

22 VICE CHAIRMAN JEFFRIES: Yes.

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1 Well, okay, then you chop the space up. Then
2 who's going to be in the back?

3 MR. GREENE: I didn't say anyone
4 was going to be in the back. The back could
5 very well be storage.

6 VICE CHAIRMAN JEFFRIES: Okay. I
7 mean, listen -- I think it would be helpful
8 that, you know, in your application you just
9 spend some more time -- you know, it might be
10 that you might want to look at some sort of
11 flex space, you know, in the event of, or
12 something, because, you know, the retail
13 strategy seems very problematic to me. I
14 mean, not all of it, but some of it, and this
15 retail that works like a mall, inner city sort
16 of mall, that doesn't really work with the
17 street, I mean -- you know, and I'll talk to
18 Office of Planning when we eventually talk.
19 I mean, is it really promoting walking and,
20 you know, pedestrian-friendly, you know,
21 thoroughfares, and so forth?

22 Anyway, I have just a couple other

1 questions on program.

2 MR. RAY: Mr. Jeffries, I just
3 want to bring your attention -- there's a
4 study, which is part of the record you have,
5 and I would just bring your attention to page
6 36 of that, when you get a chance, which is
7 the market demand that we had done on this
8 property.

9 VICE CHAIRMAN JEFFRIES: Yes. I'm
10 actually looking for something a little
11 different than that. I'm not looking for, you
12 know, sort of, you know, an analyst who sort
13 of sits in a backroom and just runs out
14 numbers. I mean, you know, somebody who can
15 really look at this and really speak to,
16 perhaps, best practices, other places where
17 this has happened. You know. I mean, this is
18 not in-fill -- I mean this is a new
19 development, effectively, on the other side of
20 the tracks, and so this is going to start
21 something.

22 It would be different if it was

1 in-fill, meaning you were going to slide
2 something into a context that was pretty much
3 up and going. So that's the only concern,
4 just in terms of just general feasibility.

5 And then the same thing with the
6 office floor. It just seems like -- can you
7 go to the office floor. So first of all,
8 you're talking about -- I mean, what type of
9 office users are we talking about?

10 MR. GREENE: Based on the feedback
11 we've gotten from the consultants, it could be
12 associations.

13 VICE CHAIRMAN JEFFRIES:
14 Associations.

15 MR. GREENE: It could be
16 professional offices -- doctors, lawyers.

17 VICE CHAIRMAN JEFFRIES: Okay.

18 MR. GREENE: And it also could be
19 medical.

20 VICE CHAIRMAN JEFFRIES: Could it
21 be back-office space?

22 MR. GREENE: It could be back-

1 office space.

2 VICE CHAIRMAN JEFFRIES: Okay.
3 And then in terms of partitioning, I'm just
4 wondering -- well, that tricky floor plan
5 again for office.

6 MR. GREENE: When you say
7 "office," keep in mind that when an office
8 tenant goes -- and also it could be
9 contractors from the Alcohol Tobacco and
10 Firearms as well. Now when you look at a
11 floor plan, you have to keep in mind that it
12 gets chopped up so many ways. Depends on a
13 tenant.

14 VICE CHAIRMAN JEFFRIES: Yes, but
15 the core is not quite centered, and it just
16 might --

17 MR. GREENE: You have good window
18 exposure. You've got good views of the city
19 at that level. You have an atrium right down
20 the middle.

21 VICE CHAIRMAN JEFFRIES: Okay.

22 MR. GREENE: And you see the core.

1 VICE CHAIRMAN JEFFRIES: Okay.
2 Let me move to the architecture, Mr. Wright.
3 So just help me out. What was the inspiration
4 of the design of this building? I mean, what
5 did you look at and say, okay, this is what
6 should be -- this is how this building should
7 look?

8 MR. WRIGHT: We started by looking
9 at market halls. If you remember, some of the
10 initial designs had some arches and things of
11 that nature in it. So we were looking at the
12 base of the building to be a very rustic base.
13 It has something to do with the market
14 buildings in the area. And then the top
15 portion of the building would be something
16 lighter, more glassy, more contemporary for
17 the residential portion of the building.

18 VICE CHAIRMAN JEFFRIES: It looks
19 like an office building to me. I see that,
20 you know, it does -- I mean, the residential
21 part of it, I see you've got the balconies and
22 so forth. And it could be -- can you go to an

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1 elevation. It could be just the rendering
2 that could be, you know, not helping me out.
3 But it doesn't seem to be neither contemporary
4 nor traditional. It's just somewhere in the
5 middle, and I don't know -- it just doesn't
6 seem to have a level of warmth, and, you know,
7 I look at the Yale Building on New York
8 Avenue, which looks like a large adaptive
9 reuse warehouse building, you know, like the
10 building was formerly something else, and
11 that's why I was asking you about sort of, you
12 know, what was your inspiration or what did
13 you gather from it.

14 It just -- you know, it's an
15 observation. I just don't -- as a mixed use
16 building, the first one out the box, it just
17 does not seem that this architecture is
18 forward-thinking enough. So that's an
19 observation.

20 MR. GREENE: One comment, please.

21 VICE CHAIRMAN JEFFRIES: Yes.

22 MR. GREENE: You know, it has

1 balconies.

2 VICE CHAIRMAN JEFFRIES: I know.
3 I brought up balconies.

4 MR. GREENE: All right. So I'm
5 wondering if it's the rendering.

6 VICE CHAIRMAN JEFFRIES: Yes. I
7 said it might be the rendering.

8 MR. GREENE: More so.

9 VICE CHAIRMAN JEFFRIES: It might
10 be the rendering.

11 MR. GREENE: Yes.

12 VICE CHAIRMAN JEFFRIES: It might
13 be the rendering. I mean, I look at the
14 ground floor. I mean, I feel like I'm on K
15 Street, you know, Northwest. This really
16 could be the rendering. But it just looks a
17 little too cool. The residential just does
18 not look warm enough. So, you know, would I
19 deny the project because of what I see?
20 Probably not. But just, you know, one
21 Commissioner's comment.

22 MR. RAY: Mr. Jeffries --

1 MR. GREENE: If I may, if you
2 would just spare me one moment to add to that.
3 We actually started out, and I think Craig
4 will bear out in this -- we actually started
5 out with a very sort of different-looking
6 building, because we tried to pick up more of
7 the sort of historical buildings, you know, in
8 the market.

9 VICE CHAIRMAN JEFFRIES: We looked
10 at that building.

11 MR. GREENE: Many of these changes
12 was a result of discussion with the Office of
13 Planning, with the Historic Preservation
14 fellow at the Office of Planning, who didn't
15 like the way the original building looked, and
16 we sort of ended up where we are now, you
17 know, working with him. So I just wanted to
18 put that on record.

19 VICE CHAIRMAN JEFFRIES: You know,
20 the ground floor, it's like -- you know, I
21 mean upper levels I guess are somewhat
22 forgiving, but not really, because there's a

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1 rail view. You know, people are going to be
2 on the Metro and they're going to see this
3 building; right? You know, so normally, if it
4 was again in-fill, you know, I could just
5 really deal with the ground floor. But now
6 I've really got to deal with the whole
7 building and, you know, what does it look like
8 from being on the Metro? And again it's a
9 catalytic building, it's the first one, and
10 the ground floor, you know, it just seems like
11 it needs more animation.

12 Again, this could be the
13 rendering. And then this is, you know, one of
14 the issues in terms of, you know, types of
15 firms that come before us, and, you know, you
16 sort a get used to a certain quality or
17 certain kind of vocabulary, and so -- anyway.
18 So I'm done, I'm done, I mean, cause I've
19 taken up way too much time.

20 CHAIRMAN HOOD: No. But in your
21 comments -- and I want to make sure that the
22 Applicant understands before we reconvene.

1 Are you asking them to go back and revisit,
2 look at, or see if we can make it a little
3 warmer?

4 VICE CHAIRMAN JEFFRIES: Yes; yes.
5 My only -- you know, listen -- this is a body
6 here. I really would like for them to do a
7 little work on this ground floor portion. And
8 again, it might be a different rendering, and
9 so forth. I don't feel very strongly about
10 this, however. So if the rest of you think
11 that "this is a go," they can go forward, I'm
12 fine. I just think that -- anyway.

13 COMMISSIONER TURNBULL:
14 Commissioner Jeffries, you know, what's often
15 happened sometimes before, we've asked for
16 either street rendering or rendering in
17 perspective, that give you a better view --

18 VICE CHAIRMAN JEFFRIES: Right.

19 COMMISSIONER TURNBULL: -- rather
20 than just an elevation.

21 VICE CHAIRMAN JEFFRIES: Right.

22 COMMISSIONER TURNBULL: Maybe that

1 might --

2 VICE CHAIRMAN JEFFRIES: Yes.
3 That might help. That might help. You know,
4 if you can give some renderings. And if I
5 could see -- you know, because it's just
6 looking somewhat flat to me, and I think that
7 these colors, you know, are very cool, but
8 this is a large building for such coolness,
9 the way I see it. So Chairman, I think the
10 suggestion by Commission Turnbull is a good
11 one. Maybe if we can just see some different
12 perspectives of the ground floor, and, in
13 fact, really, the building, that could be
14 helpful.

15 CHAIRMAN HOOD: Thank you, and we
16 want to seize the moment, because we're going
17 to be going back for the continuation, so we
18 might as well ask for it now so we won't do it
19 at that point. Thank you.

20 VICE CHAIRMAN JEFFRIES: And also
21 if we can get a rail view. I'd just like to
22 see what this building looks like from, if

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1 you're on the Metro.

2 MR. WRIGHT: Okay.

3 CHAIRMAN HOOD: Okay. Mr.
4 Turnbull.

5 COMMISSIONER TURNBULL: Mr. Chair,
6 actually, Mr. Etherly has got his light lit.
7 I don't know if he wants to --

8 CHAIRMAN HOOD: I purposely didn't
9 turn to the right. Mr. Turnbull.

10 (Laughter)

11 COMMISSIONER ETHERLY: Now that
12 I'm persona non grata among my colleagues up
13 here tonight. And that's just absolutely
14 meant "tongue in cheek." Very quickly, Mr.
15 Chair, because I believe the questions that
16 have been asked by my colleagues have been
17 asked "spot on" in many respects, so I won't
18 be duplicative.

19 I will perhaps want to kind of
20 massage a little bit this issue of proximity
21 to the residential community, cause I just
22 want to kind a get a sense for the surrounding

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1 context. We've had a little bit of discussion
2 about it, but I just want to make sure we kind
3 a talk about it a little more "head on."

4 As you move -- and I apologize
5 because I lost my map reference -- as you move
6 back, what would be kind of southeastward
7 along Florida Avenue, you are hitting the
8 residential zone, if you will, and I believe
9 it technically starts -- goodness, I lost my
10 map setting -- but would it be 6th Street and
11 Florida, essentially, where you first hit your
12 residential property?

13 MR. RAY: Well, if you're going
14 northeast on Florida Avenue, you will hit the
15 residential starting on 5th Street.

16 COMMISSIONER ETHERLY: I see.

17 MR. RAY: And if you're going,
18 say, on 4th Street south, you'd pick it up at
19 K.

20 COMMISSIONER ETHERLY: Okay. So
21 with that in mind, have you taken a look at
22 what -- and I'm not necessarily concerned

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1 about it, but I just want to kind a get a
2 sense. Have you taken a look at what your
3 site lines look like from the residential? Or
4 alternatively, to phrase it another way,
5 what's your feeling about the visual impact
6 from that residential zone? I'm not too
7 concerned about negative impact per se, but I
8 do just want to kind a get a sense of, if I'm
9 one of the residential property owners, or a
10 resident in the vicinity of this building, as
11 I'm looking back up Florida Avenue towards the
12 northwest, so to speak, what am I likely to
13 see?

14 MR. WRIGHT: You will see mainly
15 the 4th Street side of the building from that
16 vantage point, which is the procession of bays
17 across that elevation.

18 COMMISSIONER ETHERLY: And that
19 would be the exterior east elevation which is
20 revised and represented at your A-202;
21 correct?

22 MR. WRIGHT: Yes.

1 COMMISSIONER ETHERLY: Okay. I
2 haven't seen in this set of submittals. Have
3 you done any type of representation of what
4 your lighting plan or lighting scheme will be
5 for illuminating the building?

6 MR. WRIGHT: No. We have not
7 developed a lighting scheme at this time.

8 COMMISSIONER ETHERLY: Okay. Have
9 you given some general thought to what would
10 be the most likely scenario for this?

11 MR. WRIGHT: Well, I think you
12 would probably light up the base of the
13 building more than the residential units, just
14 because there's people living inside there,
15 and that would have its own sense of light
16 coming from within.

17 So I think the base of the
18 building would be lit up more than the top.

19 COMMISSIONER ETHERLY: Okay. And
20 with respect -- I'm going to move to another
21 topic now. With respect to the issue of the
22 loading bays, as was indicated in your June

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1 4th submittal, and I believe this would either
2 come back to Mr. Ray or Mr. Greene, it is
3 indeed your sense that the proposed number of
4 bays would be very consistent with the type of
5 tenant mix that you would be looking at for
6 this property?

7 MR. GREENE: Yes. Absolutely.
8 Actually, the code requires seven, and I just
9 think that's just too many for this project.
10 And what we have also represented is the fact
11 that we would have a timing system as to when
12 loading and unloading takes place, especially
13 for move-ins on the residential side.

14 So we have requested some
15 consideration in that regard, but we are
16 proposing three, and we think we can manage
17 those three out well.

18 COMMISSIONER ETHERLY: Okay. And
19 with respect to the issue of LEED
20 certification, I just want to make sure I'm
21 clear -- is it the Applicant's intention to do
22 24 or get to the minimum of 26 for

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1 certification?

2 MR. GREENE: I think the goal is
3 to get to 26. I mean, we're at 24 and this is
4 a project, you know, in design, and we're
5 still working. They call it "design in
6 progress." Our goal is to get the 26, and we
7 are two away.

8 COMMISSIONER ETHERLY: Okay.

9 MR. GREENE: What we're going to
10 find, I don't know yet, but we're definitely
11 working towards it.

12 COMMISSIONER ETHERLY: Okay.

13 MR. GREENE: And I think 24, you
14 know, is a pretty big step.

15 COMMISSIONER ETHERLY: Okay.

16 MR. GREENE: Yes.

17 COMMISSIONER ETHERLY: And then
18 finally, my final question, Mr. Chairman, and
19 perhaps this links back to Mr. Jeffries'
20 inquiry and Mr. Turnbull's -- maybe another
21 way to kind a phrase it is in your view of
22 this building as you approach the project, I

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1 kind of heard Mr. Jeffries asking somewhat,
2 kind of what's -- at least the way I
3 interpreted it -- what's the narrative behind
4 the building?

5 When you think of what this
6 building represents, did you view it, or do
7 you view it as a gateway to a residential
8 community, which is probably not the best way
9 to look at it? Or do you view it as an anchor
10 that's going to have the best of both
11 elements, a mixed use project as well as a
12 residential building? And perhaps that's kind
13 of what has driven some of the architectural
14 piece by it.

15 I'm definitely somewhat open to
16 what Mr. Jeffries is saying, not that I find
17 the building overly discordant from an
18 aesthetic standpoint. I'm most certainly not
19 an architect here, so I try to be somewhat
20 genteel with my approach on those kinds of
21 questions. But I'm just kind a curious as to
22 how the Applicant would characterize their

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1 approach to -- you know, is this meant to be
2 an office building with a little bit of
3 residential look to it? Or is it meant to be
4 truly a marriage of both elements, recognizing
5 where it's at?

6 MR. GREENE: I think it's the
7 latter. I think it was intended to be a mixed
8 use project at a Metrorail stop, a project
9 that offers residential, because obviously
10 folks want to live close to the Metro, to
11 reduce the reliance on cars, a place where one
12 would shop and a place where one would do
13 business.

14 It sort of reminds me, in a
15 different way, of a project I was involved in
16 called Gallery Place. Slightly larger scale.
17 But our approach to that Metrorail stop was
18 similar. We wanted a great definition of the
19 street. We wanted very active, very visible,
20 and well-lit retail. We want a residential
21 vibe and, quite frankly, you don't even notice
22 the residential vibe because the street looks

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1 so animated, so to speak.

2 COMMISSIONER ETHERLY: Okay.

3 MR. GREENE: And we also have
4 office and we connect to Metrorail with
5 underground parking. Is this the best fit for
6 that particular area? I would say that given
7 what we have seen so far with the ATF
8 building, with the Marriott hotel, and with
9 other development that has been talked about
10 and planned for that area, I think we can
11 accomplish those goals.

12 Now going from that to what is the
13 architectural vision for this, it sort of
14 takes off on that. In this case, we have
15 tried to please quite a few people. I mean,
16 we've got you, the Commission, we have the
17 Office of Planning, we have Dave Maloney that
18 we, you know, work closely with. And we've
19 gotten comments from others, other experts.
20 So it is like the beginning here and we want
21 to make sure that we get it done right.

22 But the mix of uses, I believe,

1 represent the most exciting part about this,
2 at a Metrorail stop.

3 COMMISSIONER ETHERLY: Okay.

4 Thank you. Thank you, Mr. Chair.

5 CHAIRMAN HOOD: Mr. Turnbull.

6 COMMISSIONER TURNBULL: Thank you,
7 Mr. Chair. I'll try not to repeat what anyone
8 else has gone over. I guess I'd like to kind
9 of take off on -- Mr. Etherly brought up the
10 loading dock, and I think if we went to C8 in
11 the drawings -- I'm trying to -- I mean,
12 Florida Avenue is a wide street and we show
13 three lanes of traffic going in each
14 direction. Moore Street, at least
15 figuratively here, looks almost as wide or
16 wider than. And so I'm wondering, what is the
17 projected width of Moore Street? Do we know?
18 I mean, it's not really there in a sense, true
19 sense.

20 MR. WRIGHT: No. I believe Moore
21 Street's 90 feet wide.

22 COMMISSIONER TURNBULL: 90 feet

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1 wide?

2 MR. WRIGHT: Yes.

3 COMMISSIONER TURNBULL: And how
4 about 4th Street?

5 MR. WRIGHT: I think 4th Street's
6 90 feet wide.

7 COMMISSIONER TURNBULL: That
8 sounds consistent to what you were saying, and
9 then -- but I see just four lanes of traffic,
10 and I guess you're allowing for parking on 4th
11 Street and on Moore Street. There's on-street
12 parking on both those streets, then, or --

13 MR. DELGADO: Yes. There's on-
14 street parking on 4th Street and there's also
15 a drop-off zone there.

16 COMMISSIONER TURNBULL: Okay. And
17 Florida Avenue has no parking on it.

18 MR. DELGADO: That's correct.

19 COMMISSIONER TURNBULL: Okay. I
20 guess getting back to the loading dock
21 situation, when I look on A-1-12, I see the
22 loading dock, I see a bay in there with a

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1 lift, I see the compactor storage, and I see
2 a vertical lift. But if I look on the other
3 drawings, that vertical lift only goes down to
4 the lower levels. So residential tenants
5 bring their loads through this sort of public
6 space, then, to the bank of elevators more
7 towards Florida Avenue. Would that be right?

8 MR. WRIGHT: Yes. I think it
9 would have to be worked out with the building
10 management when residents could do their heavy
11 loading and unloading.

12 COMMISSIONER TURNBULL: Yes.

13 MR. WRIGHT: But yes, you would
14 have to go through the public space to get to
15 the freight elevator.

16 COMMISSIONER TURNBULL: Okay. I
17 was just confused, cause if that's a major
18 retail area during -- you know, from 10:00
19 o'clock on, and you've got people bringing
20 furniture through there, it could be a little
21 bit, from an operational standpoint, a little
22 messy. Okay. I was just confused as to how

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1 all that worked.

2 Do you feel comfortable that the
3 turning radiuses that you've got coming out of
4 the loading dock on to Moore Street will work?

5 MR. DELGADO: We have done turning
6 movements for each of the size trucks, the 55,
7 the 30 and the delivery --

8 COMMISSIONER TURNBULL: Have you
9 submitted that to us?

10 MR. DELGADO: I don't believe that
11 it was part of the package; no. So we can
12 provide them.

13 COMMISSIONER TURNBULL: If you
14 have them, could you provide those?

15 MR. DELGADO: Yes, sir.

16 CHAIRMAN HOOD: Mr. Turnbull, can
17 I add, that was one of the things I wanted to
18 ask the traffic consultant when he comes, all
19 all that circulation is going to work with the
20 pedestrian, the truck traffic, and the loading
21 dock. That's something I'm going to ask Mr.
22 Wells to do when he comes back. Okay.

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1 Proceed.

2 COMMISSIONER TURNBULL: In the
3 parking garage, is there bike storage for any
4 of the residential units? I didn't it noted
5 per se.

6 MR. WRIGHT: There are 44 bike
7 spaces.

8 COMMISSIONER TURNBULL: Was it on
9 the plan?

10 MR. WRIGHT: Yes.

11 COMMISSIONER TURNBULL: Oh. Did I
12 miss it? Oh. I'm sorry. Okay.

13 In your next submission, can you
14 provide a LEED checklist of what you've --

15 MR. WRIGHT: I think we have it in
16 this last --

17 COMMISSIONER TURNBULL: In this
18 last one?

19 MR. WRIGHT: It's the general,
20 cheat aid, I think.

21 COMMISSIONER TURNBULL: Was it a
22 check list?

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1 MR. WRIGHT: It's a LEED score
2 card.

3 COMMISSIONER TURNBULL: Is it the
4 LEED? Did you have it?

5 COMMISSIONER MAY: It's not filled
6 out very clearly but it's in there. It's like
7 the light-colored boxes. Is that the point
8 you're going for?

9 MR. WRIGHT: Yes.

10 COMMISSIONER MAY: Okay. So it's
11 there. It's not the easiest to read.

12 COMMISSIONER TURNBULL: Okay.
13 Maybe we could get that bolded up a bit.

14 MR. WRIGHT: Okay.

15 COMMISSIONER TURNBULL: The other
16 thing is that on the roof, the penthouse
17 height, the screen is 18 feet. Is that a
18 given, or --

19 MR. WRIGHT: That's just an
20 estimate.

21 COMMISSIONER TURNBULL: I'm
22 wondering if you could -- and maybe you need

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1 to work -- I'm just concerned that you don't
2 need relief, if you've met the setback
3 requirements on all sides of the building.

4 MR. WRIGHT: That's correct. I
5 don't think we're asking for relief.

6 COMMISSIONER TURNBULL: I see
7 something on your PowerPoint. The east
8 elevation shows something, I'm not sure what
9 it is, at the very end there, but it looked --
10 what is that thing at the top, on the left?

11 MR. WRIGHT: We do have an
12 architectural embellishment from the Florida
13 Avenue side.

14 COMMISSIONER TURNBULL: Could you
15 maybe depict that a little bit more next time,
16 when you present it to us, so we can see what
17 it is?

18 MR. WRIGHT: Okay.

19 COMMISSIONER TURNBULL: The other
20 thing is that on that multipurpose room, it
21 looks like you're brought up right to the face
22 of the back of the building. There's no

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1 setback from --

2 MR. WRIGHT: We do butt up to the
3 side closest to the deli site. We are getting
4 into a court issue if we were to set back
5 some.

6 COMMISSIONER TURNBULL: Well, if
7 you could just go through, maybe review with
8 Mr. Jesick next time, all of the height
9 issues, and whatever else comes up, and make
10 sure that we can clearly see what the heights
11 are and how far they're back from the edges.
12 Just to clarify it.

13 MR. WRIGHT: Okay.

14 COMMISSIONER TURNBULL: All right.
15 Thank you. Mr. Chair, I think that's the
16 extent of my questions.

17 VICE CHAIRMAN JEFFRIES: Just one
18 quick question. Perhaps Mr. Greene. There is
19 another project that's right at the corner of
20 Florida Avenue and New York. I think
21 Washington Gateway. Have you seen those
22 drawings?

1 MR. GREENE: I have not seen the
2 drawings but I've seen the big sign. I mean,
3 it was --

4 VICE CHAIRMAN JEFFRIES: Yes, but
5 you've not seen --

6 MR. GREENE: No.

7 VICE CHAIRMAN JEFFRIES: Okay.
8 Because that was another PUD project that was
9 before us.

10 MR. GREENE: Okay.

11 VICE CHAIRMAN JEFFRIES: I know
12 the Office of Planning -- I think Steven
13 Cochran was the point person.

14 MR. GREENE: And this was a PUD or
15 just a map?

16 VICE CHAIRMAN JEFFRIES: Was a
17 PUD. It was a PUD and map amendment, wasn't
18 it? Yes. And if I recall, it had a fairly,
19 I mean, good, you know, site plan and
20 architecture, and it was a mixed use building,
21 had office. That was a little different in
22 that it had like an office building, or I

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1 think two office buildings, then a hotel
2 building, so that the uses were separate, and
3 so forth.

4 But I'm just, you know, throwing
5 that out there, you know, as, you know,
6 perhaps, you know, something to look at.

7 MR. GREENE: Okay.

8 VICE CHAIRMAN JEFFRIES: Anyway.

9 MR. GREENE: Thank you.

10 CHAIRMAN HOOD: All right. Thank
11 you. Any other questions, colleagues?

12 (No response)

13 CHAIRMAN HOOD: I will tell you
14 that when I hear the comments and I look at
15 the architecture, I remember when we first
16 started over in -- was it on M Street? -- and
17 I saw an Applicant's case tonight, how they
18 talked about jump-starting the neighborhood,
19 and I'm sure we all agree, but look look what
20 happened over there on M Street. I've been
21 around long enough to see how -- we had a
22 similar discussion some ten years ago, and now

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1 M Street is just -- that whole area is just
2 flourishing, and I appreciate the Applicant
3 putting this in his submittal about jump-
4 starting, because that's always resonated with
5 me.

6 And I think that's where we are,
7 once we work out the quirks. It's going to
8 jump-start and we should see the same result
9 as we saw on M Street. That's my two cents
10 worth.

11 Okay. Any other questions?

12 (No response)

13 CHAIRMAN HOOD: All right. With
14 that, let's see how we're going to be
15 proceeding. Ms. Schellen, do we have the date
16 again?

17 MS. SCHELLEN: Yes. It is
18 Thursday, July 24th, immediately following the
19 hearing that is already scheduled for that
20 evening.

21 CHAIRMAN HOOD: So should we say
22 7:00 o'clock?

1 MS. SCHELLEN: No. We should say
2 no time, just in case that one takes five
3 minutes, we can start at 6:35.

4 CHAIRMAN HOOD: Oh, yes. Thank
5 you. Thank you very much. I sure hope it
6 doesn't take two hours. I like that now.
7 That's fine. No; that's good. Thank you.
8 Okay. And we will start with cross
9 examination. It depends on where we are. We
10 won't know then but we suspect that we're
11 going to start with cross examination. But a
12 lot of that is going to depend upon further
13 progress between now and that point.

14 Okay. So if anybody has any
15 questions of 6C and 5B, please help us to help
16 you, to make sure you contact the office if
17 you have any questions.

18 Mr. Ray, is there anything else?

19 All right. With that, I
20 appreciate everyone's attention tonight and
21 this hearing will be continued until the date
22 so noted. Good night.

1 (Whereupon, at 9:52 p.m., the
2 hearing was adjourned.)