

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 15-19 [411 New York Holdings, LLC. -
Consolidated PUD and Related Map Amendment at Square
3594, Lot 800.]

6:30 p.m. to 10:51 p.m.

Monday, February 1, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 ANTHONY HOOD, Chairperson

3 MARCIE COHEN, VICE CHAIR

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 MEGAN RAPPOLT

14

15 DDOT:

16 ANNA CHAMBERLIN

17 JONATHAN ROBERTS

18

19 Other:

20 MERIDITH MOLDENHAUR

21 DENNIS LEE

22 BROOK ROSE

23 DAVID DELCHER

24 JEFF LEE

25 ERWIN ANDRES

1 Other:
2 TANYA HILTON
3 VIKKI TOBAK
4 CHRIS OTTEN
5 GRAHAM BOYLE
6 AARON MARTIN
7 JENNA HENDERSON
8 SUSAN HOSTETLER
9 RAYE LEITH
10 KATIE GREER
11 CHRIS NAOM
12 JOSH LEVI
13 MICHELINE KLAGSBURN
14 WARREN CRUDUP
15 ANDRAS FEKETE
16 SHANNON LUTHWAITE
17 G. L. JAGUAR
18 AMANDA HURON
19 AKIN EL BASS
20 KATIE MCDERMOTT
21
22
23
24
25

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

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

2 CHAIRPERSON HOOD: Good evening, ladies and
3 gentlemen. This is a public hearing of the Zoning
4 Commission for the District of Columbia. Today's
5 date is February 1st, 2016.

6 My name is Anthony Hood. Joining me this
7 evening are Vice Chair Cohen, Commissioner Miller,
8 Commissioner May, and Commissioner Turnbull. We're
9 also joined by the Office of Zoning staff, Ms. Sharon
10 Schellin, Office of Planning, Ms. Rappolt, and I
11 think we expect to be joined by Ms. Steingasser and
12 Mr. Lawson. Or just Ms. Steingasser?

13 MS. SCHELLIN: Ms. Steingasser.

14 CHAIRPERSON HOOD: Ms. Steingasser will be
15 joining us shortly. Also, the District Department of
16 Transportation, Ms. Chamberlin and Mr. Rogers.

17 This proceeding is being recorded by a court
18 reporter and it's also webcast live. Accordingly we
19 must ask you to refrain from any disruptive noises or
20 actions in the hearing room, including the display of
21 any signs or objects. Notice of today's hearing was
22 published in the D.C. Register, and copies of that
23 announcement are available to my left on the wall
24 near the door.

25 The hearing will be conducted in accordance

1 with provisions of 11 DCMR 3022 as follows,
2 preliminary matters, applicant's case, report of the
3 Office of Planning, report of other government
4 agencies, report of the ANC, organizations and
5 persons in support, organizations and persons in
6 opposition, rebuttal and closing by the applicant.

7 The following time constraints will be
8 maintained in this meeting and the applicant probably
9 only needs about 45 minutes, if that. Thirty at the
10 least. Organizations, five minutes. Individuals,
11 three minutes.

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

18 All persons appearing before the Commission
19 are to fill out two witness cards. These cards are
20 located to my left on the table near the door. Upon
21 coming forward to speak to the Commission, please
22 give both cards to the reporter sitting to my right
23 before taking a seat at the table. When presenting
24 information to the Commission, please turn on and
25 speak into the microphone, first stating your name

1 and home address. When you are finished speaking
2 please turn your microphone off so that your
3 microphone is no longer picking up sound or
4 background noise.

5 The decision of the Commission in this case
6 must be based exclusively on the public record. To
7 avoid any appearance to the contrary the Commission
8 requests that persons present not engage the members
9 of the Commission in conversation during any recess
10 or at any time. In addition there should be no
11 direct contact whatsoever with the Commission
12 concerning this matter, be it written, electronic, or
13 by phone. All materials received directly by a
14 Commission will be discarded without being read and
15 any calls will be ignored.

16 The staff will be available throughout the
17 hearing to discuss procedural questions. Please turn
18 off all beepers and cell phones at this time so not
19 to disrupt these proceedings.

20 Would all individuals wishing to testify
21 please rise to take the oath? Ms. Schellin, would
22 you please administer the oath?

23 MS. SCHELLIN: Yes. Please raise your right
24 hand.

25 [Oath administered to the participants.]

1 MS. SCHELLIN: Thank you.

2 CHAIRPERSON HOOD: Okay. At this time the
3 Commission will consider any preliminary matters.
4 Ms. Schellin, do we have any preliminary matters?

5 MS. SCHELLIN: Yes, sir. The first thing is
6 that at Exhibit 24 we have a party status request and
7 opposition from the 411 Artists Union. They're being
8 represented by Mr. Boyle and/or Chris Otten. Would
9 ask the Commission to consider that.

10 They've also submitted at Exhibit 84, I
11 believe that authorizes Mr. Boyle or Mr. Otten to
12 represent them.

13 CHAIRPERSON HOOD: Ms. Schellin, what's that
14 exhibit again right quick?

15 MS. SCHELLIN: The party status request is at
16 Exhibit 24.

17 CHAIRPERSON HOOD: Okay. Let me find our
18 first, is Mr. Boyle present?

19 [No audible response.]

20 CHAIRPERSON HOOD: Is Mr. -- well, I don't
21 see Mr. Otten. Is Mr. Otten present?

22 [No audible response.]

23 CHAIRPERSON HOOD: Ms. Schellin, can I see
24 this?

25 [Pause.]

1 CHAIRPERSON HOOD: Okay, Commissioners, we
2 have Exhibit 24 in front of us. What is your
3 pleasure. 411 New York Avenue Northeast, is the
4 address. They're going to be represented by Mr.
5 Boyle and Mr. Otten. Are the membership -- are the
6 members here?

7 Okay, the members are here. Okay. Oh, the
8 members of the Artist's -- what's the name of it?

9 MS. SCHELLIN: 411 Artists.

10 CHAIRPERSON HOOD: The 411 Artist's Union.
11 The 411 Artist's Union are represented. So okay.
12 Thank you. All right.

13 The members are here, colleagues, so they can
14 relay anything to Mr. Otten and Mr. Boyle of our
15 discussions. So let me open up any comments. Vice
16 Chair Cohen.

17 MS. COHEN: Thank you, Mr. Chairman. I think
18 the artists are uniquely affected by this project so
19 I would recommend that we give them party status.

20 MR. MILLER: I would agree, Mr. Chairman.

21 MR. TURNBULL: I'll go along with that.

22 CHAIRPERSON HOOD: Okay. Certainly it sounds
23 like we have the votes. I think I believe it's
24 unanimous. I don't have an issue. Okay. But I will
25 let the parties know that when their representatives

1 come in you need to fill them in on what's going on
2 because I'm not going to go back through this part of
3 it. So I mean, just listen to me, they need to go
4 back through because it's 7:00. You know, we're
5 going to move this hearing along. I can tell you I'm
6 not going to wait.

7 Okay, Ms. Moldenhaur, do you have any issues
8 with that? Well, it's kind of a moot point now, but
9 do you have any issues?

10 MS. MOLDENHAUR: We have no objection.

11 CHAIRPERSON HOOD: Okay. All right.

12 Anything else, Ms. Schellin? So 411 Union, Artist's
13 Union will be a party to this case.

14 MS. SCHELLIN: In opposition, yes.

15 CHAIRPERSON HOOD: In opposition.

16 MS. SCHELLIN: So there are some proffered
17 expert witnesses. At Exhibit 22G there is resume for
18 the one expert that we did not find had previously
19 been accepted before the Commission. Actually,
20 there's two. Damenic Giordano and David Delcher.
21 Experts in architecture.

22 CHAIRPERSON HOOD: Okay.

23 MR. TURNBULL: Can we pick one of those
24 architects as the expert?

25 MS. MOLDENHAUR: Yes, Commissioner Turnbull.

1 We actually only have David Delcher present from
2 BBGM, and we would be proffering him as an expert.
3 We also have two other requested experts.

4 CHAIRPERSON HOOD: Who are your two --

5 MS. SCHELLIN: From Friday? Were they
6 submitted on Friday?

7 MS. MOLDENHAUR: Those would be part of the
8 late filing which I think is another --

9 MS. SCHELLIN: Yes.

10 MS. MOLDENHAUR: -- preliminary matter.

11 MS. SCHELLIN: That's the other.

12 CHAIRPERSON HOOD: Let me just say, if it's
13 Mr. Andres, we've already -- I mean people we've
14 already seen, I saw that. I saw that when I came in.

15 MS. MOLDENHAUR: Yeah, so we have Mr. Andres
16 from the traffic, which is part of the -- our late
17 filing that we filed on Friday because of the change
18 in traffic consultants. We have Jeff Lee, who has
19 previously been qualified as an expert in
20 landscaping. And then we also have two individuals
21 from Cultural D.C. that we'd like to proffer as
22 experts that were part of Exhibit 82C and 82D.

23 CHAIRPERSON HOOD: Why don't we do this? Mr.
24 Lee, Mr. Andres, we don't need to go back over any of
25 that. I think we need to deal with the architect and

1 I think we now have identified who the architect is,
2 and let's go to Cultural D.C. What are they being
3 proffered -- what is that, Exhibit 82?

4 MS. MOLDENHAUR: Tanya -- oh, would you like
5 me to provide that, Chairman Hood?

6 CHAIRPERSON HOOD: We already have the
7 resumes, right?

8 MS. MOLDENHAUR: Yes, you do. Exhibit 82C
9 and 82D.

10 MR. TURNBULL: But what are they being
11 proffered experts as?

12 MS. MOLDENHAUR: Tanya Hilton, Cultural
13 D.C.'s interim Executive Director is requested to be
14 proffered as a nonprofit manage -- in nonprofit
15 management. And Vikki Tobak, Cultural D.C.'s interim
16 Director of Consulting Services is being proffered as
17 an expert in art management, and art place making.

18 CHAIRPERSON HOOD: Let's deal with the
19 architecture first and then we'll come back to those
20 Cultural D.C. We'll come back.

21 MR. TURNBULL: I have no problems with the
22 architect.

23 CHAIRPERSON HOOD: No problems with the
24 architect.

25 MS. COHEN: I don't either.

1 CHAIRPERSON HOOD: Okay. So architect will
2 be proffered and he will be added to our running
3 list. Let's go back to the two who are proffered as
4 arts, cultural interim -- well, I think her name is
5 Tobak, Ms. Tobak, and Hilton. Okay. Let's deal with
6 both of them, I think, at the same time.

7 Colleagues, any concerns or objections? Can
8 we just do Ms. Tobak? Let's do one at a time.

9 [Discussion off the record.]

10 CHAIRPERSON HOOD: That will be a first for
11 me. I thought we usually are not that specific. We
12 usually do not proffer that. This would be a first
13 for me. I don't recall this Commission doing one,
14 something of that nature, my whole tenure. That's 17
15 years, so I think we could -- my advice is that we
16 take the testimony if they're going to testify. I
17 don't think we have ever made specific, like
18 marketing people, experts.

19 MS. COHEN: I agree.

20 CHAIRPERSON HOOD: I think we might have made
21 one. I don't know. Let me open it up and see.

22 MR. MAY: I agree, Mr. Chairman. It's
23 unusual and it's an area of expertise that I'm not
24 sure is really critical to the case anyway. Plus the
25 resumes that we've been presented are rather light

1 compared to what we would normally get detailing, you
2 know, specific experience, years doing certain work
3 or you know, a number of major projects. Yeah,
4 education. I mean, all the things that go into an
5 expert resume. I mean, I don't see that here.

6 Plus I also don't, you know -- I agree with
7 you, it's an odd thing to sort of qualify someone
8 for.

9 CHAIRPERSON HOOD: Any other discussion on
10 those two nominees? Not that we would not listen to
11 their testimony if they provide it, but we would not
12 proffer them as experts. Okay.

13 MS. MOLDENHAUR: We'll move forward with them
14 as fact witnesses.

15 CHAIRPERSON HOOD: Okay. Anything else, Ms.
16 Schellin?

17 MS. SCHELLIN: That's all I have.

18 CHAIRPERSON HOOD: Okay.

19 MS. SCHELLIN: Other than the fact that they
20 did file a supplemental statement on Friday, which
21 was 20 day -- less than 20 days prior to the hearing.
22 So they did request a waiver and the Commission needs
23 to consider that waiver request.

24 CHAIRPERSON HOOD: I notice a lot of things
25 came in, especially as late as about 30 minutes or an

1 hour or so before we walked out here. Any
2 objections?

3 MS. COHEN: No.

4 MR. TURNBULL: No objections. Just might
5 take an extra hour to review the new material as
6 we're going along.

7 CHAIRPERSON HOOD: Yeah, that might be added
8 to our time.

9 MR. TURNBULL: To compare what's different
10 between what we have or what we've -- what we had
11 received before as far as large scale plans.

12 CHAIRPERSON HOOD: And that may be good, as
13 your architect goes through it, anything that's
14 changed from the version we got Friday to what a lot
15 of my colleagues probably have -- we've looked at and
16 studied. It might be key to point some of those
17 differences out. And was all this served on a --
18 well, was the ANC served on this?

19 MS. MOLDENHAUR: The ANC was provided a copy,
20 yes.

21 CHAIRPERSON HOOD: Okay.

22 MS. MOLDENHAUR: Yes. And the major
23 difference has to do with the traffic consultant,
24 making sure that our traffic consultant information
25 and circulation was then updated on the plans and

1 provided so that the Commission had a full set of
2 plans. So the plans in general have not changed.
3 It's really more of the traffic element of those
4 plans. And so we can go through that as well if the
5 Commission would like.

6 CHAIRPERSON HOOD: Okay. Yes, let's do that.
7 Okay. Anything else?

8 MS. SCHELLIN: That's it.

9 CHAIRPERSON HOOD: Okay. Ms. Moldenhaur, you
10 all may begin.

11 MS. MOLDENHAUR: Good evening, Chairman Hood
12 and Members of the Commission. We are here tonight
13 to present a consolidated planned unit development
14 project and related map amendment for the development
15 of 411 New York Avenue Northeast. The application
16 before you this evening will allow for 178 key hotel
17 with a partnership with Cultural D.C. to provide an
18 arts oriented program, classroom, studios, gallery
19 exhibits, ground floor restaurants, exemplary
20 architecture and landscaping, requesting three areas
21 of flexibility, and coming forward to the Commission
22 with ANC, OP, and DDOT support.

23 We are looking to rezone the property from a
24 C-M-1 to a C-3-C zone district and comply -- and are
25 not inconsistent with the Comprehensive Plan Future

1 Land Use Map, and Florida Avenue Market Study. At
2 this point in time I'll turn the presentation over to
3 Dennis Lee to go through as the applicant, and then
4 we'll follow along in the following order and keep to
5 a 30-minute time frame.

6 MR. D. LEE: Hi, good evening. My name is
7 Dennis Lee, and along with my partner, Brook Rose, we
8 represent 411 New York Avenue Holdings, the owner of
9 the property. We joined this team of these
10 Washington D.C. professionals and pleased to present
11 this exciting project, 411 New York Avenue.

12 As a personal introduction I've lived in the
13 Washington, D.C. I went to high school here in the
14 area as a military brat, moved away, and then have
15 been here 20 years as a working adult. I've been
16 proud to watch the city grow and change over those
17 years and been invigorated by the cultural growth
18 that we've seen over the last five, six, seven years.

19 This is especially true in the Union Market
20 area, which is our focus tonight, where the city has
21 had the vision to convert the warehouses and
22 industrial space into a thriving mixed use center.
23 These plans are now coming to fruition with the Union
24 Market development, and we're proud to be part of it
25 with our project.

1 When we first became involved in the project
2 our initial thought was to create condominiums. As
3 we went through our due diligence and came about
4 we -- and became more familiar with the District's
5 Comprehensive Plan for the area there were a variety
6 of things that pointed us towards developing the
7 hotel. It just wasn't our first choice.

8 The first of those was that the Florida
9 Avenue Market Study specifically recommends a hotel
10 use for the property. The second thing that pointed
11 us there was that the majority of the projects being
12 proposed and developed in the area are residential
13 and office spaces. And we felt as though it was
14 being underserved with hotels. Particularly a
15 quality hotel that would be heavily catering to a
16 high end restaurant with interesting cuisine and
17 beverage open to the public.

18 The third important factor was the geographic
19 importance of the property. It sits on New York
20 Avenue at the crest of the hill as you're going east,
21 and we look at that location as being able to bridge
22 the New York Avenue corridor with Union Market,
23 Gallaudet, NoMa, and downtown. So we think it's a
24 significant project in that regard.

25 As we continue developing we picked up on the

1 vibe of the Union Market and the industrial flavor
2 and the arts that were happening in that area. And
3 we were influenced to integrate an arts component
4 into the project.

5 Having grown up in D.C. during those high
6 school years, my mother was a working artist and I
7 experienced her moving from studio to studio as
8 development chased on their heels, and she kept
9 moving forward. But that was my first experience.

10 After moving back here as an adult and trying
11 to find art, it became clear that most of the arts
12 communities were fragmented. There wasn't a lot of
13 centralization. And then most of the artists that I
14 met, the young artists that were developing, they
15 would move. They would go to New York or some other
16 city where they could find that community that they
17 were looking for.

18 So that was part of our inspiration to put
19 the arts into this hotel, to create a cultural center
20 where artists can come together, do their trade,
21 share, and then also integrate it with the hotel,
22 which we picked as a perfect venue to put the
23 community in with the artists and to share all of
24 that.

25 So I think that's pretty much the key, and

1 I'd like to introduce Brook Rose who might have a few
2 more comments on D.C. and the hotel.

3 MR. ROSE: Hi. Good evening. My name is
4 Brook Rose and apparently I'm part of the development
5 team for New York Avenue. I've lived here in D.C.
6 since the year 2000.

7 Before moving here I called New York City
8 home for five years, and one thing that struck me as
9 a new resident of the District was how the creative
10 culture here was not very visible. It seemed to take
11 a backseat to the government, the lobbyists, and the
12 rest of that world.

13 As the years passed, that has changed,
14 absolutely. In areas of 14th Street to 8th Street,
15 creative talent has become visible in the form of
16 varied restaurants, interesting shops, theaters, and
17 galleries. But with hospitality our city has lagged
18 when it comes to boutique hotels, particularly those
19 appealing to the creative community.

20 We don't have something similar to
21 Manhattan's Crosby Street, or Brooklyn's Wythe Hotel,
22 which served as our inspiration as well. So when our
23 team became part of the hotel project we wanted to do
24 something that built upon the unique creative nature
25 of Union Market. We are proud of our concept to

1 integrate subsidized artist studios and a
2 comprehensive arts program within a hotel. The
3 program connects artists with the community, and
4 guests of the city as well. This is a model for true
5 artist community integration and we hope it will be a
6 catalyst for other arts inclusive development.

7 We are very happy to be partnering with BBGM,
8 a great architectural firm. And I'm going to turn
9 this over to David Delcher to walk us through the
10 conceptual plans.

11 MR. DELCHER: Hello. I'm David Delcher with
12 BBGM here in Washington, D.C., a firm that does a lot
13 of work with multi-family residential and also a lot
14 of hotel work in the city.

15 We have developed this design of this
16 boutique top quality hotel, working closely with
17 Dennis and Brook. And the concept is a unique arts
18 focused destination focused on interaction between
19 the guests, art, and the public.

20 This is pretty much the image of the hotel,
21 but let me take you quickly through because I know
22 we're trying to beat the clock here. Located in
23 Northeast D.C. on New York Avenue, just above Union
24 Market, Gallaudet is to the east, Union Market is to
25 the south, and we are adjacent to another hotel

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 that's actually currently under construction.

2 This is the zoning map which shows a closer
3 version of the site with Penn Street to the south.
4 This is the existing building. The New York Avenue
5 façade on the left, which was the decorative façade,
6 and then the surrounding -- the remaining facades are
7 kind of a more of a warehouse aesthetic.

8 The building suffers from kind of a lack of
9 maintenance and it's deteriorating internally and
10 externally. And like I said, it's a warehouse
11 building kind of with a decorative façade. This
12 particular photo, on the top, is the 1933 original
13 construction on the right with an addition on the
14 left. And then they actually built another addition
15 on the fourth floor later in the 40s.

16 This is some of the detail of the existing
17 façade, which we are going to retain. We're also
18 going to use this kind of an inspiration for some of
19 the materials on the project.

20 The concept behind the new hotel is the life
21 of a seed. The warehouse was originally a seed
22 company which distributed seeds throughout the city
23 and the region. So what we're -- the concept is
24 involved with is, is the existing façade to be the
25 original seed, and then we have two separate pieces

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 of the façade that step back. And as you move back
2 to the first one on the right, that's kind of the
3 germination and transition of the seed. And then on
4 the left it's the full bloom, kind of highlighted by
5 the green copper panels, which is again, inspired by
6 the existing green panels on the existing façade.

7 One thing to point out on this particular
8 rendering on the west façade, which is on the right.
9 At the previous setdown hearing I think there were
10 some discussions about what the materials would be on
11 that façade and to kind of enhance that façade. So
12 we've added the same materials that we're using
13 throughout the building, corrugated metal and some
14 fiber cement panels. Even though that is an at-risk
15 façade, eventually, for an adjacent development.

16 This is just another view looking east, so
17 coming into town down New York Avenue. And what you
18 see here on the left is actually the building that's
19 under construction. On the right is just a massing
20 representation of what they could build at the
21 adjacent site which is not owned by your group.

22 Go through the plans real quick. We've gone
23 one and a half levels below grade of parking, back of
24 house services, bike parking. And we'll get to that
25 in some of the traffic discussions. I want to get up

1 to the ground floor because that's kind of where
2 everything, the true excitement starts. New York
3 Avenue is to the north on the top of the slide.
4 There is a right in off of New York Avenue. There is
5 no right out. That's from discussions with DDOT. So
6 it's only one way into the entry drive.

7 Couple things to point out, the lobby and
8 restaurant on the ground floor are one large space,
9 which is actually a double height space opened up to
10 the second floor. We've got two entrances off of New
11 York Avenue, one to the restaurant and one to the
12 lobby. And then an additional entrance off of the
13 entry drive where we have the lay-by for all the
14 guests arriving.

15 We also have -- one of the nice things about
16 this being a double height space is that we're
17 connected to the second floor. And I'll show you the
18 second floor in a second. And it involves a lot
19 about what I talked about, the circulation
20 interaction between art, guests, and the public.

21 Then along on the south side there's a couple
22 things to point out. One is, this is where you first
23 get a glance of specific art studios that we are
24 creating along the alley. The intent here is to try
25 to make the alley less of an alley and more of an

1 active space, with four studios along that. We're
2 anticipating that a lot of people would want to walk
3 down south through the alley to get to Union Market,
4 and also to join with the hotel that's adjacent to
5 us.

6 Another thing to point out is on this plan we
7 are on the property line, but we are also asking for
8 an additional part of the alley to take over and then
9 dedicate back to the city in order to meet the
10 requirements for a PUD, because right now our site is
11 14,000 square feet, and by taking part of the alley
12 we get to the 15,000 square feet. And this has been
13 talked about with DDOT and also Office of Planning as
14 preliminary.

15 Second floor, this again connects down to the
16 lobby and this is where you see a lot of where the
17 heavy arts use is. We've got studios that line the
18 lobby, overlooking the lobby. We've got a large
19 gallery space in the center, a classroom on the south
20 side which opens to both the gallery and an outdoor
21 sculpture terrace, which our landscape will talk in
22 more length, and another studio on the south side.
23 All of these spaces are open to the public, open to
24 the guests, and we're looking forward to actually a
25 lot of interesting events here.

1 Just to kind of go through some of the upper
2 levels, third floor, which is a typical -- almost
3 typical guestroom level. This is showing that the
4 existing façade of the existing building is being
5 retained, and some of the additional areas on the
6 south, such as offices and amenity spaces. The
7 typical guestroom level, 23 keys per floor, where the
8 two new facades actually set back away from the
9 existing façade below.

10 On the 11th floor we have a restaurant and a
11 bar with this kitchen, and we also have an art
12 gallery that's kind of strung through the restaurant.
13 Another thing to point out about the restaurant, what
14 we're going for here is to have a very kind of fluid
15 restaurant where we can move tables around, and we're
16 going to design these portable art walls that can be
17 ganged together or moved around so that the art can
18 constantly change the space.

19 On the north side we have a sketching
20 terrace, which overlooks New York Avenue, which since
21 the train tracks are right across the street we have
22 a pretty great view all the way through at the north.

23 And on the south side we have a garden
24 terrace which will be a explained a little bit
25 further, the landscape.

1 And then finally, on the roof we have the
2 pool deck, and which connects down to the garden
3 terrace below with an exterior stair. And then the
4 penthouse roof.

5 So I wanted to get to this slide. This is an
6 occupancy diagram where we're showing how there is
7 hotel uses, art uses, and shared uses. We have
8 specific areas that we're dedicating to art uses
9 themselves, and other areas that we're sharing. But
10 it's a good kind of jumping off point.

11 Tenth floor, a potential alternate for some
12 meeting space. This is something I wanted to point
13 out from the earlier meeting. We had a discussion
14 about the penthouse setback. And what we've done is
15 we've reduced the height of the penthouse and also
16 pulled the north wall back. So we've got a 17 foot
17 setback on a 17 foot high wall. So we've resolved
18 that issue.

19 And then on the south side, sorry, we are
20 asking for some flexibility with the setback there.
21 The penthouse actually does step back from the plain
22 of the façade, but we also want to point out that the
23 actual penthouse is actually 37 feet away from the
24 property line.

25 This is just another view of the building, an

1 aerial view. Another aerial view here. And then
2 just some of the straight on elevations. The north
3 elevation, east elevation, south elevation, west
4 elevation, which is again this is the elevation that
5 we've enhanced since the last hearing. And then some
6 building sections.

7 This particular detail here shows the setback
8 that we have resolved since the last time.

9 Signage, we're asking for these locations for
10 signage. All back-lit letters. A perspective of the
11 drop-off area showing the existing façade on the
12 right with the remainder of the building new to the
13 left. Another view down New York Avenue looking
14 east. This would be the restaurant entrance. And
15 then materials.

16 So corrugated metal at the top, fiber cement
17 panels, aluminum framing for the curtain wall, and
18 then copper panels to kind of mimic the existing
19 building.

20 I think that's about it for me and I'd like
21 to actually introduce Jeff with -- we will hand you
22 that, yes.

23 MR. J. LEE: Thank you, David. I'd like to
24 give you a quick tour of the public realm, starting
25 with the sidewalk. New York Avenue. There's no

1 parking on New York Avenue, but what we do have in
2 front of our project is some very, very nice mature
3 elm trees. There's a little run down the middle that
4 help to preserve and enhance.

5 So the whole idea here is that by some
6 miracle these trees got to be really, really healthy.
7 Even though the trees are very, very small. So
8 working with our own arborist and working with DDOT's
9 urban forestry folks, we wanted to make sure that
10 these trees are cared for, you know, and thrive.

11 The picture on the right down below is the
12 alley in question. There is a construction back
13 beyond there and those cars are stacked up against
14 the back side of Maurice Electric.

15 Because there is no on-street parking on New
16 York Avenue, it affords the chance to actually create
17 a larger tree pit for the health of the trees. You
18 can start to see some of the typical sidewalk area
19 with the planting zones and then the main entrance to
20 the hotel, sort of a little carpet. And then the --
21 also the sort of a café zone area that we would like
22 to incorporate.

23 Here's a quick section of what that would
24 look like in terms of planting both on the street
25 side and the building side, and then a little outdoor

1 seating.

2 We're going to be looking at this hotel drop-
3 off as more than a hotel drop-off. I mean, we're
4 going with curbless access to make -- you know, to
5 make it much more pedestrian friendly, where the
6 people -- there's going to be more people going
7 through here than cars, obviously. So we're going to
8 achieve that by using cobble, special paving, a nice
9 surprise water feature to the right, and then
10 obviously all of the other streetscape elements such
11 as bike racks and other furnishings.

12 When we talked -- the images that David
13 showed you prior, basically this is sort of a
14 pedestrian portal that takes you out to New York
15 Avenue. I think several months ago I was here
16 presenting to you our 320 Florida Avenue project,
17 which is the southern art gateway into Union Market,
18 with a park. And so I sort of feel very blessed that
19 I get to actually do the north part with two
20 different connections in through the Union Market,
21 going through the 4th, 5th, and 6th Streets.

22 To the right of that rendering you'll see the
23 water feature that's there. And then the access up
24 to the second level, which I'll talk about shortly.

25 The alley itself, I think in the tradition of

1 Katie's Alley and Pragden Alley (phonetic). We want
2 to activate that alley as a place where people will
3 use it as for not only connection but as David
4 pointed out earlier, we do have those artist studios
5 that are engaged in those areas.

6 I think the portal we're looking at is more
7 of a grandiose version of like an Arran Gate
8 (phonetic) and kind of thing in a much more modern
9 sense.

10 Here's some quick sessions that shows you the
11 relationship between the studios, the garage below,
12 and then a portion of the alley. And then off of the
13 drop-off entry area, you could see the stairs that
14 are leading up to the second floor level.

15 The second floor area, which we call sort of
16 the artist courtyard, the inspiration of that,
17 because David was talking about seeds, we started
18 looking at wheat and plants that are flowing. And
19 that sort of gave us this movement in the space with
20 a paving pattern with that being over the top, trying
21 to be artistic. But it does create a nice sense of
22 movement where we will be able to have permanent art,
23 art installation that's to be rotated, and also areas
24 that would be multipurpose.

25 As we go further up to the sketching lounge,

1 or the sketching area, up to the top, you can see the
2 relationship between the interior functions with the
3 exterior (sic) function. Down below in the bands of
4 green you see is, we're also going to be introducing
5 urban agriculture where the restaurants and the chefs
6 will be able to utilize a planting that's going to be
7 raised in that zone.

8 Real quickly, when we go to the top of the
9 penthouse, this is the area we'll create more
10 intimate spaces, more contemporary spaces, as well as
11 the infinity swimming pool.

12 On the roof we're going with the seeding
13 pattern. I think the client and the architects
14 challenged us to really look at 40 different species
15 of seed and see if we can really do create some sort
16 of an artistic pastel-like effect.

17 Now I'll hand you over to Erwin Andres.

18 MR. ANDRES: Good evening, Chairman Hood,
19 Members of the Commission. Erwin Andres with
20 Gorove/Slade Associates. I'd like to go quickly
21 through the site elements related to transportation.
22 The site is very well situated, close to half a mile
23 to the NoMa/Gallaudet Metro station.

24 The access and parking elements related to
25 the site consist of access from New York Avenue where

1 it's right-turn only. As Mr. Delcher had identified,
2 there is no exit on to New York Avenue and there are
3 no left turns in from New York Avenue. Left turns
4 associated with patrons coming to this site would
5 need to take place at 4th Street and then those
6 vehicles would have to enter the site via the alley.

7 In addition to that there are some
8 improvements that were identified in the alley and in
9 the alley entrance as part of our mitigation
10 discussions with DDOT.

11 With respect to parking, the site is -- the
12 current zoning requirements identify a need for 59
13 parking spaces. We're providing 47. The parking
14 provided will be via valet, and based on using the
15 aisles for stacking, you can achieve up to 61 parking
16 spaces within a site. The current -- excuse me, the
17 zoning rewrite parking requirement is only 28 spaces.
18 Given that, you can take credit being within half a
19 mile from the Metro station. And the site actually
20 complies with the loading requirements for zoning.

21 Here is a graphic. The blue arrows show how
22 you would get in to the site via New York Avenue and
23 via the alley. And then as I identified earlier, all
24 outbound traffic from the site is via the alley.
25 This plan shows the parking levels, and with respect

1 to our coordination with DDOT, the proposed
2 transportation demand measures are relatively
3 consistent with other hotel projects. I think some
4 of the notable ones on this list include providing
5 Capitol BikeShare passes to the guests, and providing
6 an off -- providing a shuttle to the Metro stop,
7 which are unique TDM measures.

8 And then with respect to our coordination for
9 DDOT, DDOT had identified several conditions in their
10 letter. The applicant has agreed to implement all of
11 them, ranging from specific alley closing
12 improvements and improving some pedestrian
13 facilities. We are committing to providing the
14 Capitol BikeShare memberships, the bulk membership
15 program in perpetuity that is associated with a hotel
16 site. And we are providing a management plan for all
17 of the access that includes access to the rear for
18 all of the northbound traffic, and all of the
19 delivery vehicles.

20 So with that we can move forward to our next
21 -- our next witness.

22 MS. MOLDENHAUR: We'll now move to Cultural
23 D.C. just to summarize. In our submission we have a
24 wealth of public benefits, including hearing impaired
25 design, enhanced urban design, streetscapes, gateway,

1 entrance way onto New York Avenue, exceptional
2 architecture including LEED certification under
3 environmental benefits. And now I'll turn over to
4 Cultural D.C. to go through our arts program
5 specifically.

6 MS. HILTON: Hi. I just wanted to quickly
7 let you know that Cultural D.C. in the past 18 years
8 really has been making space for art and artists,
9 working with thousands of artists and serving over
10 30,000 audience members annually.

11 Some examples are, our work to establish the
12 Atlas Performing Arts Center, our involvement there.
13 Having the Monroe Street Arts Market Walk with over
14 27 studios and 40 artists thriving there. Affordable
15 housing for artists. Over 70 live/work spaces at
16 Brookland Art Space Lofts, Loree Grand, the Mather
17 Studios, and H Space with hundreds of artists
18 involved there. And then to go a bit further I think
19 what makes the art hotel so unique is that the
20 artists will have a platform to engage the public,
21 the hotel visitors, the residents in the surrounding
22 area, and really we will have an opportunity to bring
23 the hospitality of art and the art of hospitality
24 together in a really unique setting with all sorts of
25 programming. And I'd like to have my colleague,

1 Vikki Tobak, talk a bit more about that.

2 MS. TOBAK: Thank you, Commissioners. Like
3 Tanya said, I'm Vikki Tobak with Cultural D.C. and
4 I'll quickly walk us through the specifics of the
5 hotel program.

6 So this hotel really is going to be more than
7 just a white cube environment. We have over 10,000
8 square feet dedicated to art, designed to maximize
9 opportunities for artists to work and present.
10 Beyond that we also have a platform for innovative
11 programming education, which will include film
12 screenings, exhibition tours, a sculpture garden,
13 workshops, and much more.

14 We have affordable, flexible, inclusive
15 spaces that enable the creative community to thrive.
16 And that is all based on a broad community engagement
17 program that strengthens support for artists and
18 expands the creative economy.

19 Our four key concepts start with gallery
20 spaces. The hotel will be activated by artwork that
21 reflects the diversity of contemporary culture.
22 We'll also have community connections, on-site staff
23 and artists will direct engage with the public. The
24 program involves special outreach to local schools
25 and community groups, as well as a membership program

1 that will be subsidized or free for the community, as
2 well as internship programs.

3 We'll have a classroom on-site, as well as
4 programming year round. That will be activated by
5 partnerships with local artists and local
6 organizations. It will generate a range of creative
7 and interactive cultural activities for all, all
8 overseen by Cultural D.C.

9 Fourthly, we're going to have artist studios
10 there, subsidized, high quality spaces. And I'll get
11 to the specifics of those in a minute and I'll start
12 with specifics of the gallery spaces.

13 So we're going to have multiple spaces to
14 exhibit work by a variety of artists on a rotating
15 basis. We're going to have the second floor gallery.
16 We're going to have a sculpture garden, eleventh
17 floor gallery, and 10 floors of hallway exhibition
18 space. These spaces will establish an in-demand
19 exhibition program for artists, local galleries, as
20 well as independent curators. They'll provide ample
21 additional space for artists to share their work with
22 the community.

23 The community connections portion of this,
24 I'll move on to here. We really believe that this
25 program is a gateway for connecting Ivy City, Union

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Market, Gallaudet University, and the broader D.C.
2 arts community, bringing everyone together. We plan
3 to form alliances with local high schools and
4 universities to provide special exhibitions,
5 education, and programming opportunities.

6 And as I mentioned earlier, the membership
7 program will be subsidized for Ward 5 residents, and
8 free for ANC and community partners.

9 Classroom programming will be programmed year
10 round. It will be facilitated by on-site staff. The
11 rentals will be subsidized for nonprofits, schools,
12 and community organizations.

13 And art, getting to the artist studios, will
14 have four interior spaces and four alley-facing
15 studios, all subsidized at up to 60 percent, and
16 serving up to 20 plus artists. These studios will be
17 fully built out with state of the art lighting, HVAC,
18 heating, AC, hearing impaired accommodations, and
19 more.

20 Here we have the studio selection process,
21 which will kind of adhere to what Culture D.C.
22 normally does. And then I just also want to go over
23 the artist opportunities here. We broke down, based
24 on spaces and based on how often we'll be rotating
25 the exhibitions, just how many artists can be part --

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 thank you.

2 CHAIRPERSON HOOD: You can go ahead. Go
3 ahead and finish. Finish. Go ahead and finish.

4 MS. TOBAK: Okay.

5 CHAIRPERSON HOOD: Go ahead and finish. That
6 was just an approximate 30 to 45 minutes.

7 MS. TOBAK: Sorry, I'm trying to --

8 CHAIRPERSON HOOD: So go ahead and finish.

9 MS. TOBAK: Trying to beat the clock here.
10 So we broke down here based on the spaces that will
11 be activated by art, and how often they'll be
12 rotated. Just how many artists and curators and
13 community members will be able to bring into the
14 fold. And this is just counting artists. This isn't
15 counting community members or visitors, which is
16 really unparalleled in the City of D.C. Thank you.

17 MS. MOLDENHAUR: Thank you so much, Vikki and
18 Tanya, going through the Cultural D.C. element.

19 We will conclude and identify obviously
20 additional issues during rebuttal. But we believe
21 that based on our presentation here and our in-depth
22 written statements, that taken as a whole the
23 proposed project, including the three areas of
24 flexibility, is fully justified given the lack of
25 adverse impact and the high quality of amenities and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 benefits that are being proffered. The project is
2 not inconsistent with the Comprehensive Plan as
3 amended by the Florida Avenue Market Study. The
4 project meets all of the requirements for the
5 approval under the zoning requirements. It has
6 received support from Office of Planning, DDOT, and
7 the ANC.

8 The proposed new development will provide a
9 quality of 178 hotel rooms, community service, and
10 ground floor restaurant use, enlivening New York
11 Avenue as the gateway into Washington D.C. and into
12 the Florida Avenue and Union Market area. The
13 project will improve both the public streetscape on
14 New York Avenue as well as providing costly
15 improvements into the alley and enhancing, as Jeff
16 Lee discussed, the interactive nature and the mosaics
17 of bringing individuals from Union Market up to the
18 second floor, sculpture garden and into the space,
19 into the art galleries.

20 A lot of the benefits that we have identified
21 are substantial design qualities, a new home for art
22 studios, additional gallery space, arts programming
23 and classrooming, classrooms that will occur
24 throughout the entire day and throughout the hotel
25 opportunity that will be provided both to hotel

1 guests, D.C. residents, ANCs, and also it will
2 provide additional benefits including the 110 or 100
3 plus employees that will come to the project for the
4 construction jobs, and in conjunction with the
5 overall hotel management and operation through the
6 life of this project.

7 We will open this up to any questions and
8 thank you for your time, Commissioners.

9 CHAIRPERSON HOOD: Okay. We want to thank
10 you for that presentation. But let me do a little
11 housekeeping.

12 If there is some available seats I would ask
13 that you not block the doors. I have been here
14 before and the crowd was overflowing. We had an
15 overflow room and the Fire Marshal did come up and
16 tell us we needed to make some adjustments. So I'd
17 rather do that now than to wait for him -- wait for
18 us to be told. So if you're blocking the door -- and
19 Ms. Schellin, I'm going to ask Ms. Schellin to keep
20 an eye on that. If you're blocking the door I ask
21 you to come in and try to find a seat and sit by
22 someone. I'm not sure if we have a lot in the
23 hallway or what's going on, but the key is to not
24 block the door because if you block the door they're
25 going to shut us down.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 And I think they used to be located in this
2 building. Oh, they still here. Yeah, they're still
3 here. So they will come and visit us.

4 Okay. Let's make sure we all work on that so
5 we won't get shut down and we can try to get through
6 this case as quickly as possible and hear from
7 everyone.

8 Okay. Let's, colleagues, let's open it up
9 for any questions or comments. Somebody like to
10 start us off or do we have any?

11 MS. COHEN: Okay.

12 CHAIRPERSON HOOD: Vice Chair Cohen.

13 MS. COHEN: Thank you, Mr. Chairman. Is
14 there a view of the rear part of the building so we
15 can see how the impact of the lack of a setback will
16 look from the street? Is there -- I didn't see
17 anything but some new material came in and I may not
18 have.

19 MR. DELCHER: There's not a perspective, like
20 a street perspective from that.

21 MS. COHEN: Can you provide something like --
22 can you provide that? I would really like to see
23 that; make sure that I'm comfortable.

24 MS. MOLDENHAUR: Just to clarify,
25 Commissioner Cohen, the rear is an alley so are you

1 looking at a perspective from 4th Street or from
2 Penn, or --

3 MS. COHEN: Yes.

4 MS. MOLDENHAUR: Okay.

5 MS. COHEN: I'd like that, yeah.

6 MR. MAY: Vies that show what the impact is.

7 MS. COHEN: Yeah.

8 MR. MAY: I mean, you're asking for relief.

9 We want to understand what the impact is, so --

10 MS. COHEN: Thank you.

11 MR. MAY: -- I support that.

12 MS. COHEN: I notice that you're going to
13 achieve LEED Silver. I think that you need to push
14 your pencil and try to go Gold. The reason why is
15 popularity of LEED certification in hotels is really
16 taking place rapidly throughout the country. And I
17 think if you want compete and attract the clients
18 that you're aiming towards, people who care about
19 culture, I think they also care about the environment
20 and where they're living. And so I really would push
21 the pencil.

22 Did you meet with DDOE on this project?

23 MS. MOLDENHAUR: No, we have not met with
24 them.

25 MS. COHEN: I suggest you do. They may have

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 some recommendations for you and I'd like you to do
2 it before we have a, you know, a preliminary
3 approval.

4 CHAIRPERSON HOOD: I'll second that.

5 MS. COHEN: Now, one of the concerns that I
6 have is how you derived rent for the studio space. I
7 think there's a letter in the record from a broker
8 who gave us retail rents. And I believe that the OP
9 report brought this up and I happen to agree with
10 OP's entire report. It was very thorough. But on
11 the amount being charged for the studio space studio
12 artists are often paying more than they can afford
13 and if they're shown in a gallery, the gallery takes
14 a chunk of their you know -- the amount of money that
15 they get paid from the customer, client.

16 I think what you need to do is go back and
17 look at artists, and I would think that the group can
18 help you to try to reduce those rents there. You
19 seem to be -- even though you're saying that they are
20 subsidized, they're subsidized if it's a retail
21 customer that can make a living from that space. But
22 a lot of the artists are going to be hard-pressed to
23 pay those prices. So I would like you to take a look
24 at it. If it's impossible by pro forma reasons,
25 please explain that because it just doesn't seem fair

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 to price them as you would a regular retail endeavor.

2 MS. MOLDENHAUR: I'd like Cultural D.C. to
3 address that because we did take extensive time to go
4 through and to analyze other programs and how we came
5 to that figure. We were providing the comparison,
6 not as a justification for the value that we came up
7 from a subsidy perspective, but more as an
8 illustration of the degree of benefit if we had
9 identified another course of action to pursue in
10 regards to benefit if we had done a retail use and
11 identified another public benefit to pursue at the
12 hotel.

13 So I do want Cultural D.C. to identify how we
14 came to that figure from a subsidy perspective and
15 from their experience.

16 MS. TOBAK: Thank you. I'll address that
17 issue. So we are very much aware and empathetic to
18 the fact that affordable artist space in D.C. is
19 needed. We deal with that all the time. And we did
20 do a comparison of what studios are out there, what
21 kind of conditions they're in, what kind of amenities
22 they have, and how many artists they serve.

23 So we came upon these numbers based on the
24 fact that these will be fully built out studios with
25 the potential for artists to have interaction with

1 the public. We will not be taking a cut of any kind
2 of sales or anything that the artists sell out of
3 those studios. We also anticipate, just like as that
4 is commonplace all around the city, that studios
5 could be shared as artists often do. So for example,
6 you know, if we had three ceramic artists in what
7 we're calling Studio E on the interior, which is
8 about 500 and one dollars -- I'm sorry. Let me take
9 that back. If we had three ceramic artist studios in
10 Studio E on the interior, that would be \$275 a month
11 each. Plus they would be getting all the access to
12 curatorial staff and exhibition and classrooms.

13 So, you know, this isn't really necessarily
14 an apples to apples comparison, but in coming up with
15 these numbers we were very aware of the need for D.C.
16 artists.

17 MS. HILTON: I'd like to add that the
18 interior studios are subsidized at what is comparable
19 based on looking at five different areas of the city,
20 and what those studios are rented for that do not
21 have utilities in some places. Some places do not
22 have heat or air conditioning. These will be fully
23 heated, fully air conditioned, state of the art AV,
24 state of the art capabilities. And they're being
25 subsidized at \$20 a square foot for example, for the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 one that she just gave you so --

2 MS. COHEN: Can you put that into the record,
3 your research, because we didn't have access to that.

4 MS. HILTON: Yes. It is in our PUD
5 submission, I believe.

6 MS. COHEN: I don't remember seeing it.

7 MS. MOLDENHAUR: We referenced the different
8 studios that Cultural D.C. has curated and worked
9 with, but we didn't have the specific numbers and
10 kind of show -- but we did indicate that other
11 projects do not have heat and air conditioning, but
12 we can supplement that.

13 MS. COHEN: Yeah, I think you should. What
14 is the current --

15 CHAIRPERSON HOOD: Vice Chair, let me
16 interrupt. Let me read this for those who came in
17 late. We did start at 6:30 and my opening statement;
18 accordingly we must ask you to refrain from any
19 disruptive noises, that hasn't been done. Or actions
20 in the hearing room, including the display of any
21 signs or objects. So if you're sitting down in front
22 of me and you're doing that I would ask you to just
23 turn your signs over and be done with it so you won't
24 have to leave us tonight.

25 Okay? Thank you. Okay, Vice Chair.

1 MS. COHEN: Thank you, Mr. Chairman. Okay,
2 where is my -- my train of thought is, what -- do the
3 current occupants share space as you suggested, like
4 three ceramicists. Do they actually currently share
5 space or do they occupy their own space? I'm just
6 trying to understand the practicality of your plan.

7 MS. TOBAK: Well, it's a little difficult to
8 answer that because the spaces are so different. I
9 mean, the spaces are much larger in the building
10 currently. And I know that there are several artist
11 collectives there.

12 MS. MOLDENHAUR: I think Dennis will be able
13 to answer this.

14 MS. TOBAK: Okay. And I'll let Dennis
15 answer.

16 MR. D. LEE: I've spent a little more time in
17 the building. And the answer is yes, there are
18 several artists that there is one lease that include
19 two or three different artists. The Union Arts
20 Group, I think they have five or seven additional,
21 and they've sort of divided up the spaces amongst
22 themselves. So it's a little hard to compare it
23 apples to apples to what we're providing. But yes,
24 people are sharing the spaces.

25 MS. MOLDENHAUR: And I think that Tanya from

1 Cultural D.C. can talk a little bit about her
2 experience in shared spaces in other areas of the
3 District of Columbia in her background.

4 MS. HILTON: At Monroe Street Market, for
5 example, we do have of the 27 studios, we have a bit
6 -- we have 41 artists sharing those studios. And
7 they range in square footage from 230 to 500 square
8 feet. And the studios that we will have here range
9 on average 233 to 418 square feet.

10 And when we gave the example earlier of three
11 ceramic artists, if they were sharing the studio that
12 would be \$7 a square foot each. And what we find is
13 that artists often share studio space, not only
14 because it's more economical, but to fit their
15 schedules, to fit the way that they work together in
16 terms of the type of art they're creating, et cetera.
17 So it's often a dynamic of the way artists work as
18 much as it is of the space that they share.

19 And no, we won't have a like for like, as
20 Dennis mentioned, apples to apples of the current
21 environment that exists. But we will have an
22 opportunity for artists to share the space and work
23 dynamically in terms of how they typically work
24 today. And you can see that activity across the city
25 today, in many shared studios that --

1 MS. COHEN: Well, there was a lot of
2 correspondence that we received with regard to
3 obviously the concerns of displacement. I don't know
4 what the occupancy is of the current building.
5 However, I do know that there's probably not enough
6 space throughout the city that's available and
7 affordable. So my question is, is that something
8 that is your -- you do get funding from the city,
9 don't you? So is that one of your responsibilities,
10 is to help artists locate space, because again, I
11 don't know precisely and maybe you know how many
12 artists will end up being without space to do their
13 art. And again a lot of the comments that we got,
14 and I think all of us up here really believe that the
15 city is much more vibrant and livable because of our
16 art community, and I don't want to see them moving
17 out.

18 MS. HILTON: Well, we agree with you totally.

19 MS. COHEN: They're all shaking their head
20 yes.

21 MS. HILTON: That's what we live and breathe
22 is trying to work to get grants to then fund work for
23 -- with and on behalf of the artists that we support.
24 And we're not fully funded by the city by any means,
25 and we've lost grants from the city. Most recently

1 severely in the last 24 months, actually.

2 But we continue to thrive and we continue to
3 seek private funding, individual funding, as well as
4 public funding for the work that we do. And we do
5 work to provide information to artists on alternative
6 spaces all over the city.

7 O Street Raw Artist Space is one that has
8 seven newly renovated spaces. The D.C. Artist
9 Studios is another space. And the rentals there are
10 comparable to the rentals that will be offered at the
11 artist hotel. It may not be the least expensive
12 alternative, and yes, people do have to team up. And
13 it would be great if we could offer the same rental
14 rates that are offered in some of the outlying areas
15 of Maryland and Virginia, but we are in the middle of
16 D.C. and that could be considered unfortunate in some
17 ways. But rents change in different locals. As we
18 all know, even for our individual housing that we
19 have, and some of us do long commutes for work as a
20 result.

21 And then there's the Arts Walk at Monroe
22 Street Market. And when we do have openings we do
23 list those and we do --

24 MS. COHEN: So that's actually space, Arts
25 Walk.

1 MS. HILTON: Yes.

2 MS. COHEN: Because I thought it was a walk.

3 MS. HILTON: No, they're --

4 MS. COHEN: Or open bars.

5 MS. HILTON: -- are 27 studios and they're
6 shared by 41 artists, currently. For example.

7 MS. COHEN: All right. I'm going to jump to
8 the developer. This property was on the market for
9 several years. Is that correct?

10 MR. D. LEE: Yes, that's correct.

11 MS. COHEN: And this team bought it in 2015?

12 MR. D. LEE: We closed on it June 1st, 2015.
13 Yes.

14 MS. COHEN: And you have had many meetings
15 with the artists, or just one or two?

16 MR. D. LEE: No, we've had two meetings with
17 the artists. But then gradual communication along
18 the way.

19 MS. COHEN: So how many of the artists do you
20 believe -- is it fully occupied now, this building?

21 MR. D. LEE: No, the whole building is
22 probably 85 percent occupied, and I would imagine 60
23 percent of that is artists. To our count there is
24 approximately 30 artists actually working in the
25 building and paying rent there.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 MS. COHEN: And so you don't know how many
2 will be quote, displaced. I mean, I can't assume
3 that everybody in this room is an artist working
4 there.

5 MR. D. LEE: I think that's correct.

6 MS. COHEN: How many will be displaced? Do
7 you know?

8 MR. D. LEE: And I mean, we have
9 opportunities to place them into the building or to
10 place them into other areas.

11 CHAIRPERSON HOOD: Can you speak into your
12 microphone so everybody can hear you?

13 MR. D. LEE: Yes. We have opportunities to
14 put the artists into the building. We explained that
15 at the last meeting. There is a process where they
16 get a preferential treatment to get in there. But
17 then Cultural D.C. also has other relocation efforts
18 because in any case there's going to be a two-year
19 gap during the construction. So we've got to find a
20 home for these people. And then they'll go through
21 the process to get back in the building.

22 If you look at the slide that we have with
23 the opportunities, there's over 800 opportunities for
24 artists to, you know, apply their trade within here.
25 So it's a broad program.

1 that gallery space. So it's -- and this is what we
2 find to be a good market rate in the city for all of
3 this extra amenity.

4 MS. COHEN: All right. Let me just --

5 MR. D. LEE: It's a pretty good deal.

6 MS. COHEN: You did --

7 CHAIRPERSON HOOD: Let me interrupt again,
8 because I figured we were going to get to this point.
9 We're here. Okay? So what we have, I understand,
10 from the officer and Ms. Schellin's staff, is that we
11 have an unsafe condition. So what we're going to
12 have to do is we're going to have to set another date
13 to have a hearing for some people to come back.

14 Is March the -- can we go back on March the
15 7th and --

16 [Discussion off the record.]

17 CHAIRPERSON HOOD: I think what we're going
18 to do, we're going to finish up our hours. We're
19 going to have to hold the folks downstairs who want
20 to testify. Is that okay, officer?

21 [No audible response.]

22 CHAIRPERSON HOOD: And once we start hearing
23 from the public -- who all in here tonight is going
24 to testify?

25 [No audible response.]

1 CHAIRPERSON HOOD: Okay. Once you start
2 testifying, unfortunately we're going to have to swap
3 out with your counterparts so your other artists down
4 -- I believe they're all artists, or people who are
5 very concerned about the industry. So what we're
6 going to have to do, we're going to have to ask you
7 all to swap out because right now we have an unsafe
8 condition.

9 So, what we're going to do, we're going to
10 hear from some, we're going to let 10 go out, and we
11 might let five back up until we get this condition
12 conducive. Is that okay? We on the same page,
13 Officer.

14 OFFICER: Yeah, I'm trying to work with
15 everybody.

16 CHAIRPERSON HOOD: Okay. Good man. Good
17 man. Okay. So again, I have asked -- I already --
18 before you got here, to show you how productive of
19 me, how we tried to straighten things out, we asked
20 everybody not to block the doors. So we're working
21 with you. I understand this condition.

22 So again, I'm going to ask you all not to
23 block the doors because actually, technically, they
24 can close us down and we all go home. Okay?
25 Actually, that can happen, so let's work with us.

1 They're working with us, we're going to work with
2 them. Okay?

3 MS. COHEN: All right.

4 CHAIRPERSON HOOD: Hold on for a second. The
5 applicant has seats. Those are for the applicant.
6 They're going to go back as soon as we get through
7 asking our questions, and then we'll start taking
8 testimony at some point. I may have to revamp our
9 process. Okay? And I think I actually am going to
10 do that. I think we're going to go to DDOT and
11 Office of Planning after we hear from some of the
12 public, okay, and try to get this resolved here.

13 MS. SCHELLIN: And just to remind everybody,
14 this hearing is being recorded so if you're not going
15 to testify and you don't want to hang around you can
16 go to our website tomorrow and watch the video of
17 this hearing. So those of you who are not aware of
18 that, tomorrow, maybe even later this evening it will
19 be up and you can watch this hearing. So if you
20 don't plan to testify and you don't want to stick
21 around, you can watch this later this evening or
22 tomorrow morning.

23 CHAIRPERSON HOOD: Okay. Well, let's go
24 ahead and move forward. Let's press forward. Okay,
25 Vice Chair.

1 MS. COHEN: No, I think I'm going to -- I
2 really do have some large concerns for the
3 constituents who are there now. They will be
4 displaced. I have to rely on, you know, the D.C.
5 Coalition for the Arts, or I'm sorry, your name. But
6 I, you know, have to rely on your assisting some of
7 them to find alternative space that's affordable.
8 Thank you.

9 CHAIRPERSON HOOD: Okay. Thank you. Who
10 would like to go next? Commissioner Turnbull?

11 MR. TURNBULL: Thank you, Mr. Chair. I just
12 want to get back to Cultural D.C. Cultural D.C.

13 MS. MOLDENHAUR: Cultural D.C.

14 MR. TURNBULL: Now, I have down here that you
15 are Ms. Moldenhaur's -- they have a partnership with
16 you. Do you have a signed agreement then to work
17 with the applicant?

18 MS. MOLDENHAUR: Yes, we have a signed
19 agreement. We presented it to their executive board.
20 That's in the letter. And we are resolving and
21 finalizing the process of a lease or a formal
22 document. But we have a signed agreement and we are
23 working with them. And we've been working with them.

24 MR. TURNBULL: Because there was some
25 language that said an option that you wouldn't be

1 working with them. There was some language in your
2 submission.

3 MS. MOLDENHAUR: No, that was -- the issue is
4 that we are proffering this for a period of 20 years.

5 MR. TURNBULL: Okay.

6 MS. MOLDENHAUR: And so our current
7 relationship is for a five year relationship, just as
8 most, you know, lease or partnerships.

9 MR. TURNBULL: Okay.

10 MS. MOLDENHAUR: And then obviously what we
11 want to include in a covenant would be that if at the
12 end of the five years if Cultural D.C. was off doing
13 something else, or if we wanted to obviously extend
14 that which would be obviously the desire, to extend
15 that throughout the future of the arts program. But
16 to commit them, I don't believe that their executive
17 committee would commit to 20 years.

18 MR. TURNBULL: Right.

19 MS. MOLDENHAUR: And I think that that's --

20 MR. TURNBULL: Okay. Let's get back to the
21 existing building. You say there's 30 artists in
22 there which represents how many square feet is that?

23 MR. D. LEE: I believe we have a chart if you
24 can hold one second, please?

25 [Pause.]

1 MR. D. LEE: So it looks like currently there
2 is about 35,000 square feet occupied by artists in
3 the space.

4 MR. TURNBULL: Okay. And the arts program
5 has 10,000 square feet. But how much of that is
6 actually studio space?

7 MR. D. LEE: The actual studio space for that
8 is about 2,500 square feet.

9 MR. TURNBULL: So quite a substantial drop,
10 so. I guess, getting back there are four small
11 studios on the alley. And then there's three larger
12 ones upstairs. There's also a classroom space. You
13 talk about how these spaces can be equipped. I mean
14 are you -- I mean, you talk about ceramics. Are you
15 allowing for glass-blowing, steelmaking? How far --
16 what kind of artist spaces can be accommodated?

17 MR. D. LEE: There's really no limit to that.
18 I mean, there's certainly limits to what type of
19 ventilation we can install. But we're anticipating
20 being able to handle most anything. I mean, we've
21 got the electrical requirements, if you look at the
22 position of the studios they can be easily vented to
23 the outside. So there's obviously challenges to it.

24 MR. TURNBULL: I would think so.

25 MR. D. LEE: But the goal is to be able to

1 accommodate and attract as many different types of
2 artists and makers, whether it's --

3 MR. TURNBULL: So you're looking at
4 everything from print-making, paper making, textiles.

5 MR. D. LEE: Textiles, weaving, film --

6 MR. TURNBULL: Sculpture.

7 MR. D. LEE: -- audio, and everything.

8 MR. TURNBULL: Okay. Getting back to the
9 selection process, I think you mentioned that there
10 is this whole studio select, which sounds like it's
11 going to be a cutthroat kind of a thing trying to --
12 especially if you have the people in the building.
13 And I don't know how the preferences work out and how
14 you're going to work that. It sounds like you've got
15 sort of a layout there but -- I mean, an outline of
16 how you might do it but obviously it's going to be a
17 difficult way to accommodate the artists that are
18 already in the building.

19 MR. D. LEE: No, I --

20 MR. TURNBULL: Who I think would want to have
21 first choice to come back in there.

22 MR. D. LEE: No, I would -- I understand
23 exactly what you're saying and we're trying to place
24 them at the top of the ladder. But at the same time
25 we have to create a program that's going to be

1 successful because we're going to have 800 plus
2 opportunities for artists for show their --

3 MR. TURNBULL: Right.

4 MR. D. LEE: -- to show their craft in there.
5 So you know, unfortunately the studio spaces are not
6 the primary area where we can do that. We're limited
7 by how much we can have. We're trying to make the
8 best of it. And then accentuate it with as many
9 other opportunities as we can.

10 MR. TURNBULL: Okay.

11 MR. D. LEE: We're even considering, you
12 know, the meeting space that we're adding on the 10th
13 floor so that we can do more events, you know.

14 MR. TURNBULL: Okay.

15 MR. D. LEE: Cultured up there.

16 MR. TURNBULL: Can we --

17 MS. MOLDENHAUR: Commissioner Turnbull, would
18 you like Cultural D.C. to walk through the selection
19 process and explain --

20 MR. TURNBULL: No, no, I've got it here in
21 front. But I guess talk about the outplacement for
22 the next two years. How does that -- how are you
23 working with the artists that are there to --

24 MR. D. LEE: Well, you know, I mean, the
25 first thing we did when we came into the building,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 and it's a little awkward for people to say that
2 we're displacing artists because the reality is that
3 the previous owner is the one that chose to displace
4 the artists. They purchased that building for under
5 \$900,000. They had it on the market for quite some
6 time at a much larger, times seven.

7 So that set the economic precedent to develop
8 this property. So it wasn't us that became limited
9 in what we could do. Or we did become limited based
10 off of the sale. It's pure economics. We're doing
11 what we can to get -- to preserve the arts in there
12 as best we can. I think it's pretty exemplary what
13 we're trying to do. It's very unique.

14 But so, I'm sorry, could you repeat the
15 question?

16 MR. TURNBULL: Well, I just wanted to know
17 about the placement, how you're going to work with
18 some of the existing tenants, artists, in finding
19 them new homes or new studios.

20 MR. D. LEE: Well, so the minute that we came
21 in and took control of the building we had the
22 meeting with the tenants and we've been very
23 forthright with them, explaining the development
24 process and the need to start preparing for this
25 inevitable day. We explained that we have this arts

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 program and they need to be preparing for it.

2 We froze all of the rents that were at a very
3 very -- many of them much lower than you could
4 imagine, and have tried to prepare this process along
5 the way. And now once we've gotten with Cultural
6 D.C. we've tasked them to try to find more
7 opportunities as well.

8 It's interesting because as I've been
9 watching some of the social media over the last week
10 there's quite a few other organizations that have
11 volunteered to help get these people placed during
12 this time. So I think there are resources out there.
13 We just need to get those together and everybody work
14 together and not be fighting about it. There's
15 opportunity.

16 MR. TURNBULL: Okay. Thank you. At some
17 point in your presentation you talked about the
18 alley, and I see on some of the drawings some
19 improvements. I see different kind of stone work, I
20 see cobblestones. Are you redoing the alley? I was
21 unclear as to what you're doing out there.

22 MR. D. LEE: Yeah, the alley is very
23 interesting. The Baywood Hotel, which is being built
24 right next to us, their courtyard, their rear
25 courtyard if you look up the alley, is framed at the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 end of that alley. So it's quite attractive. So our
2 goal is to activate that alley, enliven it. We want
3 to do murals on the alley. We want to have those
4 artist studios alive, the paving that Jeff Lee is
5 designing is going to, you know, highlight the
6 pedestrian walk, put the pave -- the more of a
7 cobblestone, a rougher texture that will keep the
8 traffic slow, but really activate it. And then we
9 have a circulation pattern going through the alley up
10 to the sculpture garden. So it's all very well
11 thought out. But it --

12 MR. TURNBULL: So, but you're not only doing
13 the pedestrian walkway but you're doing --

14 MR. D. LEE: The entire alley.

15 MR. TURNBULL: The entire alley. And how far
16 would that go about?

17 MR. D. LEE: All the way down to the end of
18 the street.

19 MR. TURNBULL: All the way down. Okay.

20 MR. D. LEE: To the end of the alley.

21 MR. TURNBULL: And that's going to be --

22 MR. D. LEE: To the street.

23 MR. TURNBULL: That's -- okay.

24 MS. MOLDENHAUR: This would also be in
25 conjunction with a partial alley closure, which we've

1 discussed with DDOT. And then there would a
2 maintenance requirement in conjunction with that.
3 And so that would also -- and we haven't obviously
4 worked out all those details, but we've been in
5 contact with them throughout the entire process, the
6 PUD.

7 MR. TURNBULL: Okay.

8 MS. MOLDENHAUR: To help enable that. And
9 then there's also improvements if you want to have
10 additional information about -- right now there's no
11 curb at the end of where Eden's property is and
12 Pennsylvania -- Penn Avenue and 4th Street, and the
13 alley. And so that curb will also be improved,
14 connecting the curb where the curb ends for about 80
15 feet. And we could provide some additional
16 information on that if you'd like.

17 MR. TURNBULL: Okay.

18 MR. D. LEE: Also, if you look at the graphic
19 here, you know, there will be opportunities where
20 we'll be you know, working with artists. Like the
21 stairs. Both, you know, from here as well as in the
22 upper levels where we want to integrate our art into
23 our design.

24 MR. TURNBULL: Well, you thought you'd be
25 working with like private commissions or are these

1 things you would commission artists to do?

2 MR. D. LEE: Yes. And there will be a
3 selection process that I'm sure Cultural D.C. has
4 done many times and we have been participating in.

5 MS. TOBAK: Sorry. Through either direct
6 commissions or an open process, RFQ.

7 MR. TURNBULL: If you could submit to us how
8 many items are like that in the hotel, how many
9 artists -- how many areas of opportunity there are
10 for artists that you may commission, I think that
11 would be worthwhile.

12 MS. MOLDENHAUR: We do have a list, and maybe
13 we just -- at least just also for the benefit of the
14 public if we can walk through that to make sure
15 people can understand the extensive nature of the
16 different commissions, options, and exposure for not
17 only the individuals that are in the studio, but then
18 also for the local art community as that rotates
19 through the hotel to keep the hotel and the arts
20 alive in the building.

21 MR. TURNBULL: Well, no, I saw that. But you
22 sound like you --

23 MR. D. LEE: Yeah, and this does not even
24 include what you're describing.

25 MR. TURNBULL: That's what I would like to

1 see.

2 MR. D. LEE: Sculpture to commission the --

3 MR. TURNBULL: Right.

4 MR. D. LEE: -- stairways. And then actually
5 the hallways on each floor will be reserved for
6 rotating gallery showing. But then in the rooms
7 themselves we would be commissioning art to
8 actually --

9 MR. TURNBULL: Well, if you could summarize
10 that and give us --

11 MR. D. LEE: Sure.

12 MR. TURNBULL: -- a little bit more
13 explanation of those other opportunities that will
14 become available, I think that would be worthwhile
15 seeing.

16 MR. D. LEE: Absolutely.

17 MR. TURNBULL: Let me get back to the
18 architecture. I still didn't see a lot of dimensions
19 up on that roof plan. I mean, I saw some but I'm
20 still confused about some of the dimensions and the
21 setbacks. And again, I haven't gone through your
22 Friday submission here.

23 MR. DELCHER: So this diagram, the only thing
24 that's changed since the last time that this was
25 submitted is actually the north side. Previously if

1 you see in the center where it says 17 feet setback
2 with roof edge, previously that was not -- we
3 actually had a taller penthouse previously. It was
4 18 foot six.

5 MR. TURNBULL: Uh-huh. Yeah.

6 MR. DELCHER: So what we've done is we've
7 lowed the penthouse roof. We moved that north wall
8 back so now it's all 17.

9 MR. TURNBULL: Could you give us some better
10 sections, in not only of that but through the pool
11 deck showing the heights of the pool, the elevation
12 of the hand rails, and everything else? I see that
13 axonometric but I'd like to actually see a section
14 with some scale, with some drawings, with some
15 numbers that actually show where the setbacks are and
16 how high some of these things are.

17 MR. DELCHER: Okay. Where is the clicker?
18 We do have some sections here. So this particular
19 section is actually through the pool area. You can
20 see the restaurant on the bottom of the pools up at
21 the top. You can see the sketching terrace on the
22 left, the garden terrace on the right.

23 MR. TURNBULL: Yeah, but that doesn't have
24 any overall dimensions. It's clear. You have some
25 but I'd like a little blow up showing exactly the

1 setbacks, the dimensions, everywhere that's through
2 that roof. Okay? Thank you.

3 There's one thing in the OP report talking
4 about flexibility. And you talk about flexibility,
5 the final selection of exterior materials within the
6 color ranges and material types proposed. We often
7 get a little bit worried about applicants wanting to
8 make changes to materials. In other words I don't
9 want to see something that's either a precast panel
10 suddenly showing up as metal panel, or as -- so that
11 kind of flexibility I won't be agreeing to. Major
12 changes.

13 If you want to have the same material and a
14 slight variation in color within that material, that
15 I would be okay with. But wholesale flexibility to
16 start making changes on the exterior I would not be
17 in favor of. So that kind of flexibility, we've
18 never really gone in and granted that kind of
19 flexibility for material changes.

20 And, Mr. Chair, I know we want to move on so
21 that will be the end of my questions.

22 CHAIRPERSON HOOD: I'm sure we have some
23 other time to come back with some additional
24 questions. Commissioner Miller.

25 MR. MILLER: Thank you, Mr. Chairman. I'll

1 try to be -- try to be concise.

2 So this is very attractive. This is a
3 physically attractive project and I think the
4 materials and the design are to be commended. And I
5 think the, you know, the artists, normally if you
6 came in with a project like this for a vacant piece
7 of property we, you know, we would probably be
8 praising you all over the place for the artists
9 program and -- but it's, we have the unfortunate
10 situation of the displacement of the artists that
11 have been there for -- well, how long has it been
12 used as an artist enclave?

13 MR. D. LEE: We're unaware. I know that
14 there's some long-term, but there's also some that
15 have been very recent.

16 MR. MILLER: Right. I'm sure we'll get
17 testimony from the artists themselves.

18 So I think on the, just sticking with the
19 artist issue, I think on that -- on the preferential
20 opportunity to return for the existing artists I
21 think we need something memorialized. I saw the
22 selection process but I really, I think we need to
23 see something on the preferential opportunity to
24 return with something more memorialized there.

25 You have the studio art space in the interior

1 at 60 percent subsidy at \$20 a square foot, I think.

2 Is that correct?

3 MR. D. LEE: That's correct.

4 MR. MILLER: But the rear facing ground floor
5 access studios for -- well, you have that only at 20
6 percent subsidy. Obviously --

7 MR. D. LEE: That's correct. We envision
8 those being more commercially oriented. I think the
9 people that are occupying those are going to be
10 selling a lot more product.

11 MR. MILLER: Well, and I can see that's a
12 better -- a good location for that, but I just think
13 given the unfortunate displacement issue that we
14 have, you might want to give some consideration to
15 making all of it subsidized at that 60 percent
16 reduction level.

17 I would agree with the -- oh, the -- so I
18 guess there isn't any -- a lot of the correspondence
19 talked about -- well, some of the correspondence that
20 we had gotten from existing artists talked about that
21 the new space really won't be suitable for musicians.
22 Is that true? Unless you reconverted some of that
23 meeting space --

24 MR. D. LEE: Right.

25 MR. MILLER: -- on a temporary basis.

1 MR. D. LEE: I don't believe that that's
2 true. We haven't specifically programmed a space for
3 the music. We have a great deal of performance space
4 that can easily be utilized. In terms of dedicated
5 studio recording, you know, we would have to look
6 into that.

7 MR. MILLER: Okay. Well, I would urge you to
8 do that.

9 I would agree with the Vice Chair and
10 Commissioner Turnbull on needing more perspectives of
11 what's happening and sections of what's happening on
12 the roof. I would agree with the Vice Chair on
13 needing to shoot for LEED Gold rather than LEED
14 Silver, and meeting with the Department of
15 Environment and Energy.

16 And I don't think we saw -- maybe I just
17 missed it. Was there a LEED chart provided in the --
18 we would need to have a LEED chart if it hasn't been
19 provided, and hopefully the chart will show how you
20 might get the Gold. I think it will make it a -- it
21 would be a positive marketing brand for the hotel, as
22 the Vice Chair said.

23 You talked about, in your prehearing
24 submission, or one of the submissions, about a
25 reduction -- I think free -- having annual membership

1 program for the space. I guess that's to see the
2 performances or to participate in the space? Or --

3 MR. D. LEE: That's correct. And to offer
4 previewing of new exhibits. So a variety of
5 different things.

6 MR. MILLER: And so I think I saw -- I think
7 I saw something about free membership for the ANC.
8 Is that all residents in the ANC, or just the ANC
9 commissioners, or what would it -- and then it talked
10 about reduced membership fee for nearby residents and
11 I didn't know, I didn't get what --

12 MR. D. LEE: I believe we have a chart that
13 lists the percentage of the --

14 MR. MILLER: In tonight's --

15 MR. D. LEE: -- subsidized --

16 MR. MILLER: In tonight's presentation?

17 MR. D. LEE: Yes.

18 MR. MILLER: Okay.

19 MR. D. LEE: Yeah.

20 MR. MILLER: So what is the -- can you just
21 point me to that? What's --

22 MS. MOLDENHAUR: We can have Cultural D.C.
23 testify to that. I don't know if we actually have a
24 specific diagram or chart. But what we had discussed
25 with the ANC, and I'll let Cultural D.C. elaborate

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 upon it, was a -- if also can elaborate on the
2 membership program, but the program for both the
3 residents and the ANCs to distribute the free
4 memberships.

5 MS. TOBAK: Yeah. So the membership program
6 is designed to give year-round access for all the
7 classes and programming that is going to be held at
8 the hotel. The memberships will also give priority
9 access to register for certain classes or discounted
10 rates for classes or programs or film screenings.

11 So what we -- for the subsidy for ANC, I
12 think it was -- well, the -- it's going to be
13 subsidized for Ward 5 residents, and free for ANC
14 members. But I hesitate to give the exact
15 percentage. I think we're going to dedicate 20, 20
16 percent of total memberships. Yeah.

17 CHAIRPERSON HOOD: I mean, it's free for ANC
18 members.

19 MS. MOLDENHAUR: It was free for ANC members
20 to distribute at their -- so whether they wanted to
21 have a lottery program, or whether they wanted to
22 select somebody who is -- it is for their ability, we
23 were going to dedicate a certain number of
24 memberships that would be free of charge, and then
25 the ANC could determine how they wanted to distribute

1 those out to the public.

2 CHAIRPERSON HOOD: Let me just say this.

3 MS. MOLDENHAUR: It's not as though we're
4 giving those to the commissioners themselves.

5 CHAIRPERSON HOOD: Okay. But you said free
6 for ANC members. You all need to find --

7 MS. MOLDENHAUR: That's where I'm --

8 CHAIRPERSON HOOD: You all need to nail that
9 down.

10 MS. MOLDENHAUR: I'm clarifying it.

11 CHAIRPERSON HOOD: Let me just say this, no,
12 you need to nail that down even better than that.

13 Because I'm very familiar with the ANCs. ANC
14 members, that what you said. And I'm not talking
15 about the commissioners.

16 MS. MOLDENHAUR: And I think that --

17 CHAIRPERSON HOOD: So members who live within
18 an SMD, is it particular SMD, is it the whole single
19 member district? Because if I move across the street
20 I might be in it. So I'm just saying, you need to
21 really nail that down.

22 MS. MOLDENHAUR: So for the entire, the ANC,
23 it would be the individuals in this ANC would
24 actually get the reduced subsidized membership.

25 CHAIRPERSON HOOD: Within ANC 5D?

1 MS. MOLDENHAUR: Within the full ANC 5D would
2 get the ability to have the reduced subsidized
3 membership. Then the ANC commissioners would have a
4 grouping of free memberships that they could
5 distribute in either a lottery system or however they
6 deemed appropriate to distribute those.

7 CHAIRPERSON HOOD: Okay. We need to make
8 sure that's nailed down.

9 MR. MILLER: I would agree with you, Mr.
10 Chairman. I think we do need more specificity as to
11 what actual number we're talking about. So all the
12 20 percent set-aside level, but 20 percent of what?
13 Of how many members? Just, I think we need a minimum
14 number so that can be part of the order. And I think
15 we need a specific percentage on the reduction of the
16 annual membership fee, which I saw somewhere, was
17 pretty high. Although there's obviously going to be
18 a lot of programs there to see, but I think I saw
19 \$350 annual -- that the normal annual membership was
20 \$350.

21 So let me try to hurry along here. Why, and
22 we can ask Office of Planning or this is -- and DDOT
23 as well, but why are you doing the alley? And
24 Commissioner May might have asked this at setdown.
25 Why are you doing the alley closing to get the

1 thousand square feet which you're going to dedicate
2 back as an easement? To get to the PUD 15,000 square
3 foot minimum instead of just asking us for a waiver?
4 That would seem easier, but is it not? Do we not
5 have the authority to give you that waiver?

6 MS. MOLDENHAUR: My understanding is that you
7 do not have the authority to give us the waiver. The
8 issues is, is that we are not in the central
9 employment district, and since this is not a
10 residential project that the waiver to reduce the
11 15,000 square feet by half is if you're either
12 interview he central employment district or you are
13 doing a residential project.

14 So if the client wanted to not go through the
15 process of requesting either the alley closure or
16 working with -- we know that there was a text
17 amendment that went through setdown, but our
18 understanding is that I don't know if that's being
19 withdrawn or if that's not moving forward, but
20 obviously we were supportive of that text amendment
21 because that text amendment would allow a project
22 like this, which is not in the central employment
23 district and is not a full -- is not a residential
24 project, to have a reduction in that total of the
25 15,000 square foot requirement.

1 But so if the applicant decided that they
2 wanted to do a residential building and not a hotel,
3 the hotel which provides public access to the arts,
4 public access to all of these amazing opportunities,
5 but something more of one of the arts condo buildings
6 that we have down in the Penn Quarter, we could then
7 not have to go through this process and then simply
8 obtain the 50 percent reduction. But we are moving
9 forward with this concept of the arts hotel where we
10 do need to then close 7 point, I believe, 8 feet of
11 the alley for the width of the alley, for the width
12 of the property, which then would gross the project
13 1,000 square feet, getting us the 15,000 square feet.

14 We have had this discussion with DDOT and
15 DDOT is obviously preliminarily understands that
16 we're moving forward with this. We have filed for
17 the request of the surveyor's office to close this.
18 And unless there is movement in the text amendment
19 that have been filed, which I believe is text
20 amendment 15-11. Twenty-five.

21 MR. MILLER: And I saw that you filed that
22 alley closing, I think a year ago. Is that correct?

23 MS. MOLDENHAUR: No, we finalized that just
24 recently as we were under the impression that the
25 other text amendment may not be moving forward as --

1 MR. MILLER: Oh, okay.

2 MS. MOLDENHAUR: -- expeditiously --

3 MR. MILLER: Maybe I just saw the wrong --

4 MS. MOLDENHAUR: -- as our project is.

5 MR. MILLER: I thought I saw a January 2015
6 date on that letter. Maybe it said 2016.

7 MS. MOLDENHAUR: Or we might have messed up
8 the date. I have to double-check that.

9 MR. MILLER: That's fine. And I know these
10 alleys --

11 MS. MOLDENHAUR: At the beginning of 2016 --

12 MR. MILLER: I know these alley --

13 MS. MOLDENHAUR: -- everyone thinks of the
14 old year, so I'd have to double-check that.

15 MR. MILLER: Yeah.

16 MS. MOLDENHAUR: But it was just recently
17 that it was filed.

18 MR. MILLER: Right. Okay.

19 MS. MOLDENHAUR: To clarify the record.

20 MR. MILLER: Okay. So if it is an alley
21 closing I think there is a possible issue with the
22 provision of the alley closing statute that requires
23 relocation assistance to be provided to any non-
24 residential tenants who are displaced by a
25 development associated with the alley closing. I

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 think I would want you to address that. I'm very
2 familiar with that provision. I helped write it 30
3 years ago with then council chairman David Clark. So
4 is there any discussion amongst -- has there been any
5 consideration or discussion by the developer in terms
6 of the 30 rent paying artists? Even though the rent
7 is extremely low has there -- is there any discussion
8 about monetary relocation assistance, or is it just
9 working with Cultural D.C. -- D.C. Cultural on
10 finding alternative spaces and you making the
11 preferential opportunity to return for the new
12 spaces?

13 MR. D. LEE: That's correct. We've been
14 leaving that to Cultural D.C. We have not had
15 negotiations on that level.

16 MR. MILLER: Okay. I only have one last
17 issue. You have -- and I guess I can ask DDOT to
18 address it, but maybe Mr. Andres can address it. Is
19 the loading --one loading berth adequate for all the
20 activity going on in this, the two restaurants, all
21 the hotel use --

22 MR. ANDRES: Yes.

23 MR. MILLER: -- the artist use, and then --
24 and the trash. If you could just better understand
25 where the trash room is.

1 MR. ANDRES: Uh-huh.

2 MR. MILLER: Or is there a trash room? Or
3 you're just pulling the trash into the alley?

4 MR. ANDRES: Yes. So the loading facilities
5 that are proposed do comply with the zoning. It
6 consists of one 30 foot berth which -- can I have the
7 pointer please? One 30 foot berth that is shown
8 coming off of the rear alley, and then there's a 20
9 foot service space that is accessed from the alley,
10 which is adjacent to the Baywood Hotel next door to
11 us. So those are the two facilities.

12 With respect to the trash, when it's time for
13 the trash to -- when the trash contractor arrives the
14 dumpster will be rolled out so that the trash vehicle
15 would pick it up, and then the dumpster would be
16 rolled back in. So it's a relatively simple
17 procedure that's consistent throughout the District.

18 MR. MILLER: And where is it being rolled --
19 where is the room that it's being rolled from?

20 MR. ANDRES: It is -- let me see if there's a
21 cleaner diagram. So this is the -- this area where
22 I'm pointing to right now is the 30 foot -- 30 foot
23 loading berth. Adjacent to it is where the dumpster
24 would be located. There is some room. So the 30
25 foot loading berth does not take the entire width of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 that loading area. So there will be room adjacent to
2 that 30 foot berth to provide for that dumpster.

3 MR. MILLER: And --

4 MR. ANDRES: We can have -- we can show a
5 plan that actually situates the dumpster to
6 supplement the record.

7 MR. MILLER: And just one dumpster is enough
8 for all that going on here, and all the artist
9 materials and --

10 MR. ANDRES: It all depends on the scheduling
11 of how often that --

12 MR. MILLER: Yeah, that was my next question.

13 MR. ANDRES: Yes. So, you know, with respect
14 to the events that are being held, you know,
15 typically for a facility of this size, you know, they
16 usually take trash once every two days. So in an
17 instance like this they can either increase the
18 frequency or have another dumpster.

19 But there is more -- there is room for more
20 than one dumpster adjacent to that 30 foot berth
21 that's provided.

22 MR. MILLER: Is that typical for a hotel to
23 have a -- not to have a daily trash removal?

24 MR. ANDRES: You know, again, depending on
25 the size of the hotel. You know, you know, some of

1 the smaller hotels, you know, don't have this. This
2 is -- the number of hotel rooms that we have here is
3 less than 200. So it's, you know, comparative to a
4 lot of the other hotels in the district, you know,
5 there are larger hotels that are in a three and 400
6 room range. So this is on -- you know, I would say
7 this is on the lower side of the hotels in the
8 district.

9 MR. MILLER: And as Commissioner Turnbull
10 just whispered in my ear, there are also two
11 restaurants and don't restaurants often have daily --
12 well, this size. One is fairly large. I guess we
13 need more information on how this will -- to show
14 that it will work. I realize, it complies.

15 MR. ANDRES: Absolutely. We can identify
16 what the frequency is, and we would look at the
17 contractor associated with the trash removal.

18 MR. MILLER: Okay. Well, thank you all for
19 your presentation. Mr. Chairman, that concludes my
20 questions for now.

21 CHAIRPERSON HOOD: Okay. We're going to hold
22 off. We're trying to get some other things situated
23 here, some dates, so everybody just give us one
24 minute. Don't move. Just give us one minute.

25 [Pause.]

1 CHAIRPERSON HOOD: Okay. What we're trying
2 to do, we have a situation downstairs we're trying to
3 remedy. So what we're trying to do is maybe set --
4 already announced that we're going to do a date for
5 February 24th.

6 [Discussion off the record.]

7 CHAIRPERSON HOOD: Okay. So February 16th.
8 We're going to schedule -- have that date for
9 February the 16th at 6:30. Ms. Schellin, if you can
10 let the folks know downstairs and we're going to --
11 we have a list, I believe, going downstairs of -- we
12 have a list. Okay, we've already got a list of the
13 folks who are going to come back and testify. If
14 anybody wants to leave now you can sign your -- sign
15 the list and you can come back on February the --

16 MS. SCHELLIN: Sixteenth.

17 CHAIRPERSON HOOD: -- 16th, at 6:30. Okay.

18 Ms. Moldenhaur, the 16th doesn't work for
19 you? Maybe if you all had more than two meetings
20 with the artists maybe I wouldn't be going through
21 this tonight because I can tell you, that was one my
22 questions.

23 [Applause.]

24 CHAIRPERSON HOOD: And no, no. What you all
25 just heard was a frustrated chairman right now. So I

1 would ask you all not to refrain -- refrain from any
2 disruptive noises and actions in the hearing room.
3 But that is one of my questions so get ready to
4 answer it.

5 MS. SCHELLIN: So the 16th is not going to
6 work?

7 CHAIRPERSON HOOD: Sixteenth doesn't work for
8 them.

9 MS. MOLDENHAUR: The 16th does not work. I
10 mean, the --

11 [Discussion off the record regarding dates.]

12 CHAIRPERSON HOOD: Ms. Moldenhaur, the 23rd,
13 can you --

14 MS. MOLDENHAUR: Twenty-third is fine.

15 CHAIRPERSON HOOD: Is the 23rd fine for
16 everybody? Okay. Okay. So we're going to reconvene
17 on the 23rd. Downstairs, if you can let them know.
18 Those in the audience, if you can't stay with us
19 tonight, because I usually go to about 11:30, quarter
20 to 12:00, if you can't stay with us tonight we'll be
21 reconvening on the 23rd and I'm giving you ample
22 notice how far we're going to go. We'll do another
23 assessment, colleagues, in about another hour and a
24 half or so and see how far we -- how long we're going
25 to go. Okay?

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 You know what, we don't have a way of
2 controlling that because some people left and I want
3 to be fair to everyone, so we have time to listen.
4 If we can listen to a case for eight years, we can
5 listen to this case. Okay? All right.

6 So let's reconvene. Who was asking
7 questions?

8 So the 23rd, every -- okay, you're finished.
9 Commissioner May.

10 MR. MAY: All right. First of all, thanks to
11 all of my colleagues for asking all the tough
12 questions about the artist component of this project,
13 so that saves me a few questions. And I would lend
14 my support to the call for greater LEED scores if
15 that can be done. We certainly need to see the
16 scorecard for that.

17 The one thing I would ask about with regard
18 to the arts component is to understand better what is
19 happening at the Arts Walk. So I mean, if there is,
20 you know, like a one-page fact sheet or something
21 like that on how that's working, with as many numbers
22 as possible and how they compare. I mean, I'm not
23 looking for, you know, another book like this. Okay?
24 I don't need volume, I just need good concise
25 information. So if you can summarize what was done

1 there and how that compares, and you know, and how
2 well it's doing. I mean, any information about that.
3 But again, concise.

4 I continue to question the alley closure. It
5 seems like it's a lot of hoop jumping and if there's
6 a way to avoid that, that would be preferable. I
7 mean, waiting for the text amendment, I don't know
8 that that's the right strategy either. So I mean, it
9 seems to me that if we make the rules we ought to be
10 able to waive the rules, so maybe we need to do some
11 checking on that ourselves to figure out what might
12 be an option, or maybe the applicant can further the
13 conversation, talking about the Office of Planning
14 and they can consult with the Office of Zoning about
15 it. I'm not sure what the avenue is but it just
16 seems like it's an awful lot of work for 1,000 square
17 feet on a project that's -- you know, we wouldn't
18 want this to be rezoned any other way. You know,
19 we'd want this to be a PUD. So if it just came in as
20 a map amendment or something like that, we wouldn't
21 be happy. So this is the thing that makes sense.

22 The DDOT report included a number of
23 conditions. If you said that you agreed to them all
24 I missed that. But --

25 MS. MOLDENHAUR: We agree to all the

1 conditions, and we had multiple conversations with
2 Jonathan Rogers at DDOT finalizing those conditions
3 and we agreed to them, I think even before the report
4 was written so that way the report could be written
5 conferring all those conditions that were stated.

6 MR. MAY: Okay. Got it. Okay. Sorry, I
7 missed that slide.

8 So what's happening on either side? I know
9 there was another hotel development to the east,
10 right? So can we have that image of the front of the
11 building that's slightly east of the project?

12 MS. MOLDENHAUR: So the Baywood Hotel was one
13 of the first PUDs in the area and that's a hotel
14 that's out of the ground and almost complete.
15 Actually BBGM can probably speak to that because
16 they're the architect on it.

17 MR. MAY: Yeah, I saw some images of it.
18 Yeah. So I'm looking for that view from the street
19 that shows it just from --

20 MS. MOLDENHAUR: We're -- I think --

21 MR. MAY: -- slightly to the east.

22 MS. MOLDENHAUR: Okay.

23 MR. MAY: Well, actually and let's go back to
24 one of those aerials that's three dimensional. Yeah.
25 Okay. All right. So that seems to be showing the

1 façade -- I'm sorry, the party wall being more or
2 less flush, whereas there's another view that shows
3 us a kind of a recess right at that corner on the
4 east side of the building. Maybe we do need to see
5 that other view. There we go. Nope. Yeah.

6 So I mean, is that a real recess of the
7 building there that we're seeing that shows your
8 copper wall along the side? Or is that --

9 MR. D. LEE: Yes, it is.

10 MR. MAY: Okay.

11 MR. D. LEE: The upper floor penthouse on the
12 Baywood property steps in from that line, which is
13 what creates that gap.

14 MR. MAY: It steps in. So that's a little
15 strange. I mean, it puts you at something of a
16 disadvantage because I can see your penthouse more
17 than I would like to from this view. It's not the
18 end of the world but I think I'd like to understand
19 better what's happening with Baywood and so I'm --
20 you know, we did review that PUD but I don't memorize
21 everything so if we can just see an image of what's
22 actually being proposed there, that might help allay
23 my concerns because I really don't like seeing
24 penthouses from the street.

25 MR. D. LEE: It's actually been built up

1 quite a bit on the Baywood, so I think it would
2 satisfy your concern.

3 MR. MAY: Okay. That would be helpful. So
4 now let's go to the aerial view again. Well,
5 actually, you know what I'm interested in is, what's
6 happening directly to the west? I know there's a
7 building that's close to 4th, right? But that's a
8 low-rise building and the whole thing is probably
9 going to be redeveloped.

10 MS. MOLDENHAUR: The parcel down New York
11 Avenue that you're referring to is a vacant lot right
12 now that's owned by Eden's. And they own both a
13 vacant parking lot and then the corner parcel that
14 you're referring to. Both of those are owned
15 collectively by Eden's and they will be eventually
16 developed, but we do not know the time frame.

17 MR. MAY: Okay. So but technically speaking
18 that's zoned C-M-1, right? And it's going to remain
19 C-M-1.

20 MS. MOLDENHAUR: It's large enough for a PUD
21 as well and so --

22 MR. MAY: Without the alley?

23 MS. MOLDENHAUR: Without -- well, they did
24 residential. The difference is we're doing hotel --

25 MR. MAY: Oh, got it. They're doing

1 residential. Got it. Okay.

2 MS. MOLDENHAUR: So if we were not doing the
3 hotel use --

4 MR. MAY: Yeah, got it.

5 MS. MOLDENHAUR: So they do residential.

6 MR. MAY: I got it.

7 MS. MOLDENHAUR: They could do 130 feet, via
8 PUD, maxing that out.

9 MR. MAY: Right. So, all right. Let's go to
10 the aerial view of the rooftop. All right, stop.
11 Right there. So the northwest corner of the
12 penthouse is not set back. I'd use my pointer but my
13 pointer is out of batteries, so --

14 MR. DELCHER: Are you talking about that
15 corner right there?

16 MR. MAY: Yes.

17 MR. DELCHER: It is set back from this façade
18 right here.

19 MR. MAY: Yes, but it's not set back from the
20 corner. Typically when you have indentations like
21 that, you have to do a radius or something like that
22 and it has to be set back all the way. So it's not
23 set back there. I mean, one of the reasons why this
24 apparent is from the street views where you can
25 really see it. And that's the inherent problem. So,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 and I don't think this is a question of asking for
2 relief. It is a question of fixing the penthouse so
3 that it's set back.

4 MS. MOLDENHAUR: We hear your comments.

5 MR. MAY: Thank you. Yeah, I'm -- you know,
6 with all the changes in the penthouse regulations I'm
7 a real stickler on setbacks. Particularly in the
8 front of a building.

9 So I don't think I have any other questions.
10 I think most of my colleagues covered the other
11 questions that I would have had. So, thank you.

12 CHAIRPERSON HOOD: Okay. Thank you, Ms.
13 Andres. Let's go --

14 MR. TURNBULL: Yeah, Mr. Chair, I just wanted
15 to just add to, or concur with Commissioner May that
16 if they could Photoshop in the Baywood hotel in scale
17 with your building, I think it would be worthwhile
18 for us to see that.

19 CHAIRPERSON HOOD: And I think we asked for a
20 number -- someone asked for a number of views, right?
21 I believe representing -- okay. Yeah, I would agree
22 with all that. So I'm not going to repeat anything.

23 Let's go through the circulation. I think
24 that was a question I asked -- mentioned at setdown,
25 so.

1 MR. DELCHER: Yes, absolutely. The
2 circulation drawing that's in the PUD package,
3 there's a lot of lines so what we did is we tried to
4 simplify the graphics to show the in-bound.

5 So the blue lines represent how guests and
6 employees get to the site. So if you're coming from
7 New York Avenue heading west, you cannot turn left
8 into the site. You would have to go to 4th Street,
9 turn left onto 4th Street and then turn left into the
10 alley to get to the rear of the site.

11 CHAIRPERSON HOOD: And let's walk through
12 that. Now that's a left turn signal there already I
13 believe.

14 MR. DELCHER: Yes, there is. There is, and
15 there's actually a lag arrow that shows up.

16 CHAIRPERSON HOOD: And I guess we're going to
17 need to make some adjustments because it's not
18 working now, so I'm sure that we're going to have to
19 make some adjustments.

20 MR. DELCHER: Yes.

21 CHAIRPERSON HOOD: Okay.

22 MR. DELCHER: So if you're heading eastbound
23 on New York Avenue it is a right into the site. So
24 that's -- those are two basic movements into the
25 site. If you're coming from point south, you would

1 come up Penn Street and then turn right into the
2 alley. So that primarily are the ways to get into
3 and out of the site.

4 When you're leaving there is only one way to
5 come out and that's through the alley. For patrons
6 coming -- for patrons who pick up their car from the
7 valet, they would turn right into the alley and then
8 turn right on to 4th Street or turn left on to Penn
9 to get where they need to go. So and the team had
10 worked with DDOT to come up with this access and
11 circulation plan, which is relatively simple.

12 CHAIRPERSON HOOD: And I saw the schematic.
13 Did we do anything at 4th and Penn? What's going to
14 happen at 4th and Penn? Are there some lights there,
15 a stop sign? What kind of measures?

16 MR. DELCHER: Yeah, so in the DDOT report on
17 page -- excuse me. On page 13 of the DDOT report
18 there are some graphics that identify what's being
19 done. So essentially what's being done is at the
20 intersection of 4th, Penn, and the alley, we're
21 proposing to put curbs in, and then we're proposing
22 to put some striping in to allow for the ability to
23 show how people are getting in and out.

24 In addition to that we're also building
25 sidewalk for a distance of about 80 feet to the

1 south, because there's a gap right now. There's no
2 sidewalk in this portion of Penn Street. And in
3 addition to that we're also installing handicap ramps
4 and a crosswalk to allow for people to head further
5 west on 4th Street as it goes into the market.

6 So those are all the improvements associated
7 with the mitigation for that intersection.

8 CHAIRPERSON HOOD: Okay. Let's pull up the
9 PowerPoint of the signage, Ms. Moldenhaur. Can
10 somebody pull up the signage? There it is.

11 So we're looking at one, two, three, four.
12 Is it four signs what we're looking at on that
13 street. On what's that, New York? Yeah. We're
14 looking at four signs, correct?

15 MR. DELCHER: Yes.

16 CHAIRPERSON HOOD: Okay. So that's
17 representative of what you would like to see?

18 MR. DELCHER: Correct.

19 CHAIRPERSON HOOD: Are there any other signs
20 anywhere else around that building?

21 MR. DELCHER: No.

22 CHAIRPERSON HOOD: Okay. And I'm going to
23 move forward quickly with my questions. Ms.
24 Moldenhaur, you all knew this was coming. The two
25 meetings, we kind of -- when you mentioned about the

1 two meetings you kind of went over it. Oh, we had
2 two meetings and we did such and such. Maybe we
3 wouldn't have all the people down here tonight if
4 there was more discussion.

5 So what were those meetings about? What
6 happened in those meetings? I mean, you know, I
7 understand, you know, you purchased the building. I
8 understand that you have a right, you have rights. I
9 understand that. But what kind of dialog was had
10 with those who are there now? What kind of dialog?
11 Explain it to me so I can understand it.

12 MR. D. LEE: The first meeting that we had, I
13 think it was about three weeks after the acquisition,
14 was primarily an introduction for us to come in and
15 introduce ourselves and talk about the plan. We had
16 already had several months to, you know, do the due
17 diligence and make sure that it was financially
18 viable for a development.

19 In that meeting we were very clear about what
20 the timeline would be for this process and for the
21 development to start. We put out very clear dates
22 saying that -- and this was in June, we said that we
23 weren't going to change any leases. We weren't going
24 to increase the rents. Everybody needed a plan, and
25 our projection at that time was to vacate the

1 building June 1st.

2 It was in the very early stages of the
3 development of the art program, so we brought that up
4 and we said there would be opportunity. It wasn't
5 anything solid at that time, but that we would inform
6 them and we said towards late fall, we should have
7 more information on one, the deadline that could
8 possibly extend from June 1st, because you all know
9 difficult it is to predict the time frame. But we
10 set it very firm for June 1, and then as we had our
11 second meeting in January, we explained that that
12 could go through to September 1st, and at that point
13 we had gotten more information and a more stable
14 program which we were able to produce.

15 Now throughout that entire time frame we were
16 working with artists every week. We were with
17 Cultural D.C. working on this program, who are the
18 experts in the field. I mean, they know about
19 housing. They know programming. So it wasn't that
20 we were neglecting the tenants. We were managing the
21 property, we were doing a good job keeping everybody
22 under roof and secure, keeping their rents stable so
23 that they could be planning for the moving. And then
24 as soon as we had a program that was solid enough to
25 present, we presented it.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 And I think at that meeting we announced that
2 we would be looking for more input from the
3 residents, from the tenants that are in there.

4 CHAIRPERSON HOOD: Was this the first meeting
5 or the second meeting?

6 MR. D. LEE: No, this is the second meeting.

7 CHAIRPERSON HOOD: The second meeting.

8 MR. D. LEE: The first one we just lightly
9 introduced that we had become inspired by the arts in
10 the building and the culture in the Union Market, and
11 saying that we were going to be working towards an
12 art program in there. We didn't have much more
13 detail than that. We had just purchased the
14 building.

15 But so at that point we engaged Cultural D.C.
16 and we've been working with them consistently from
17 that point, and using information from all of their
18 projects to sculpt this project.

19 CHAIRPERSON HOOD: So at that -- after the
20 second -- let me finish. After the second meeting,
21 Cultural D.C. kind of took it and worked with
22 tenants, to start working --

23 MR. D. LEE: Right. I think that point we --

24 CHAIRPERSON HOOD: They took -- in your
25 stead, they started working for you?

1 MR. D. LEE: Well, they had been working with
2 us the entire time. But at that moment the second
3 meeting, the whole goal was to introduce Cultural
4 D.C. and talk about the opportunities that were
5 coming available, and to try to engage people to then
6 get into the program.

7 CHAIRPERSON HOOD: Okay. So Cultural D.C.,
8 what happened after they -- well, you all had been
9 working together all along. So now we're at the
10 second meeting, and the second meeting there was some
11 more discovery, I guess, that was going on, or more
12 conversation. So what happened now? Where are we at
13 now?

14 MS. TOBAK: So the idea was that when we came
15 on board that we would create a framework to present
16 to the artists that were there, and also to the
17 broader community about what this could look like.
18 And really the plan is quite malleable enough where
19 we can accommodate lots of different programming. I
20 mean, that -- all of those things have not been set
21 in stone.

22 Cultural D.C. presented this plan I think
23 about a month ago, three weeks ago, to the current
24 residents. And at the same time we also offered a
25 list of other studio spaces and talked about work

1 that we do in placing artists.

2 So the idea really was, though, before we
3 could engage we wanted to have a loose enough
4 framework, but also a tight enough framework for
5 everyone to have a dialog around.

6 CHAIRPERSON HOOD: Was that memorialized in
7 our prehearing statement? All that? All that
8 activity and --

9 MS. MOLDENHAUR: The meetings were stated in
10 the filing that occurred on, what is it, January
11 30th. The one that was filed more recently.

12 CHAIRPERSON HOOD: Do you have a list of the
13 artists that you met with?

14 MS. TOBAK: On the -- I believe the meeting
15 was on the 18th, and I don't know that we took -- I
16 don't know that we took like a roll call or anything.
17 I mean, many of them are here today and in the
18 building, but we don't have a list per se.

19 CHAIRPERSON HOOD: So there wasn't a sign-in
20 sheet or anything of that nature?

21 MR. D. LEE: No, it was a very well attended
22 meeting though.

23 CHAIRPERSON HOOD: Okay. But you don't have
24 anything for the record. Most applicants, when they
25 do stuff in that situation, they always provide us

1 with some names. Not saying -- I'm sure if you
2 didn't meet with them they would tell us, but it's
3 good to have so we know who you met with so when they
4 come up and start testifying we can do cross-
5 reference, we can ask certain questions, we can find
6 out what the status is as far as what your program
7 that you present. That's kind of where I am.

8 MS. TOBAK: Yeah, that's a good point. We'll
9 take note for next time.

10 CHAIRPERSON HOOD: Just for future
11 references. Hopefully it's not like this. But let's
12 see, that's all I have, colleagues. I'm going to --
13 Commissioner May.

14 MR. MAY: Sorry. One other issue on the
15 setbacks. So on the east side -- no, sorry. West
16 side of the building you have the raised platform for
17 the pool, you have a ramp and a guardrail that goes
18 up there right?

19 So those -- anything that's above the parapet
20 height along that wall would need to be set back one
21 to one because your adjacent property is -- the
22 matter of right height there is less than what you
23 are requesting here. If it was already rezoned to C-
24 3-C then you would not need the relief. But you need
25 the relief or you need to fix it, and I'd prefer that

1 you fix it. But -- and it may not be that hard to
2 do.

3 It's also a little bit odd that the ramp is
4 sort of along that wall anyway. But you know, I
5 leave it up to you to figure out what the best
6 solution is.

7 MS. MOLDENHAUR: Can I ask a follow up
8 question to Commissioner Hood's question of the
9 applicant, Dennis Lee, in regards to the first
10 meeting? Did any of the tenants in that first
11 meeting express concern or the same level of
12 obviously concern over the displacement at that first
13 meeting that would have made you feel as though there
14 needed to be extensive degrees of outreach? Or did
15 they -- how exactly did that meeting go?

16 MR. D. LEE: I mean, the meeting was actually
17 very positive. There was a lot of appreciation for
18 us taking the time to come in and explain the
19 process, what we were doing, introduce ourselves.
20 There no mention of displacement.

21 CHAIRPERSON HOOD: Okay. All right. Thank
22 you.

23 Colleagues, I think what I'm going to do is
24 I'm going to go down the -- first is cross-
25 examination from the party in opposition. First, is

1 the ANC 5D here? Or any cross-examination?

2 Okay. The 411 -- what is it? 411 Union?

3 MS. SCHELLIN: Artist's Union.

4 CHAIRPERSON HOOD: Artist's Union. Mr. Otten
5 and whoever else is going to -- Mr. Boyle. Would you
6 all like to yield your cross-examination to those who
7 are here to testify? Or do you want to just go ahead
8 and ask your -- first, let me ask you this, Mr. Otten
9 and Mr. Boyle. How much time do you think your
10 cross-examination will be?

11 MR. OTTEN: Thank you, Chairman Hood. Chris
12 Otten, authorized representative of the 411 Artist's
13 Union. You know, we're getting information very last
14 minute here in this case. We believe this case is
15 prematurely filed and that the late materials has led
16 us to like get generating a lot of questions, even
17 tonight, from your great cross-examine.

18 We have a lot of questions to clarify the
19 presentation, and clarify the descriptions of these
20 so-called meetings that are well attended. And so I
21 don't know how long it's going to take. I guess it
22 depends on the answers, but we do have questions, and
23 I would ask --

24 CHAIRPERSON HOOD: So let me ask you this,
25 Mr. Boyle and Mr. Otten, would you all be -- would

1 you all mind if we go out of order and hear from the
2 residents who have come down to testify prior to you
3 all doing your cross-examination? I'm just asking
4 the party, Mr. Otten and Mr. Boyle. Do you have any
5 objection?

6 MR. OTTEN: Part of what I think -- there are
7 a lot of people here to testify, right?

8 Well, let me -- I mean, let me ask you.
9 Would it benefit you for us to ask some clarifying
10 questions to help shape your testimony?

11 [Several affirmations from audience.]

12 MR. OTTEN: Any objection to that?

13 [No audible response.]

14 CHAIRPERSON HOOD: Okay. Well, that's fine.
15 That's fine. I just want -- just when we get to
16 about 11:30 and they haven't testified, I just want
17 to make sure that when they -- well, if we get to
18 11:30. I'm getting some looks up here. But when we
19 get late, when we get late I just want to make sure
20 everybody knows that if I wait and we don't hear from
21 you today and I guess you have to come back on
22 whatever the date is. The 24th.

23 And let me just say this, we start at 6:30 --
24 23rd. I'm sorry. Twenty-third. February 23rd.

25 We start at 6:30. Not 7:00, not 9:00. And I

1 would suggest, we have a website, we have an office
2 down here. Make sure you do your own homework.
3 Don't listen to what somebody else tell you what
4 time. Don't let them tell you to get here at 9:00.
5 9:00 we basically trying to wrap up and go home. So
6 do me a favor, sometime do your own homework. And
7 that's on everything when it comes to dealing with
8 stuff down here.

9 Okay. Vice Chair Cohen.

10 MS. COHEN: Yeah, Mr. Chairman, I would just
11 suggest that 911 represents many of the -- 411. 411
12 represents many of the people in the audience so
13 there would be a lot of duplication. So I would
14 think you could move ahead and a lot of people will
15 feel comfortable after they're finished.

16 CHAIRPERSON HOOD: Okay.

17 MS. MOLDENHAUR: Commissioner Hood, I would
18 request if we have a timeframe on the cross-
19 examination, if we stuck to 30 minutes on our
20 presentation. I can't imagine there's more than 30
21 minutes of cross-examination.

22 CHAIRPERSON HOOD: Our regulations state they
23 get additional 30 minutes of their testimony, which
24 is equal to whatever time you had, 31 minutes. We do
25 not, and I would encourage other groups that may

1 do -- we do not limit time limit cross-examination.
2 Some people try but I think the Court of Appeals has
3 already said, we cannot limit cross-examination. We
4 cannot time -- out it on a time frame. So you're
5 trying to get me in trouble with the Court of
6 Appeals.

7 Okay. Mr. Otten. Thank you, Ms. Moldenhaur.
8 We may try one of these days but not right now.

9 Okay. Mr. Otten.

10 MR. OTTEN: Thank you. So I might need some
11 help with some of the names of the presenters because
12 -- but I just want to review the details of the plan
13 here just to best understand some of the things that
14 are going into this proposed space. How many hotel
15 rooms are we talking in this space being proposed?

16 MR. D. LEE: It's 178 rooms, unless we do the
17 meeting space, and then it reduces down to, I
18 believe, 163 or 165. One sixty-five.

19 MR. OTTEN: Okay. And what's the height of
20 the proposed building?

21 MR. D. LEE: 110 feet, I believe.

22 MR. OTTEN: And the current height of the
23 existing building?

24 MR. D. LEE: Fifty feet.

25 MR. OTTEN: Okay. Will there be a pool in

1 this building? I guess I'm seeing one up top on the
2 roof.

3 MR. D. LEE: Yes, there will be.

4 MR. OTTEN: Is it an Olympic sized pool?

5 MR. D. LEE: No, it's a very small pool.

6 MR. OTTEN: How many bars are going to be in
7 the proposed hotel?

8 MR. D. LEE: It's difficult to understand the
9 word bar. There will be service areas. There's a
10 café in the arts area. We don't know if that's going
11 to serve alcohol or just smoothies and sandwiches.
12 But there is a bar on the pool level and there's one
13 in the restaurant.

14 MR. OTTEN: Okay, so at least three bars.

15 MR. D. LEE: And the 11th -- yes.

16 MR. OTTEN: Or, yeah, concessions.

17 MS. MOLDENHAUR: I believe the plans also
18 state -- speak for themselves in regard to the
19 illustrated locations for bars.

20 MR. OTTEN: Okay. The reason why I'm asking
21 is because the plans have changed and they were
22 submitted two days ago. So --

23 MS. MOLDENHAUR: The plans have not changed,
24 for the record. The only thing that changed was the
25 circulation diagram that had been filed late due to a

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 change in the traffic consultant.

2 MR. OTTEN: Aren't there revised plans
3 currently on the record?

4 CHAIRPERSON HOOD: I think at 6:30, or when
5 we first started, Mr. Otten, that's when that was
6 mentioned.

7 MR. OTTEN: Okay.

8 CHAIRPERSON HOOD: To this Commission. That
9 was a question this Commission actually mentioned --

10 MR. OTTEN: Yeah.

11 CHAIRPERSON HOOD: -- about the plans and
12 circulation. I think there was a change and she just
13 mentioned it. Whatever she just said, that's what
14 this Commission was told at 6:30.

15 MR. OTTEN: Okay.

16 CHAIRPERSON HOOD: Okay.

17 MR. OTTEN: Got it. I'm just trying to get
18 clarity on that then.

19 How many kitchens will be -- commercial
20 kitchens in this project?

21 MR. D. LEE: It's slated with two commercial
22 kitchens.

23 MR. OTTEN: Okay. Have you worked with the
24 Department of Environment to figure out the impacts
25 on the surrounding infrastructure and utilities based

1 on all of these --

2 CHAIRPERSON HOOD: Mr. Otten.

3 MR. OTTEN: -- parameters?

4 CHAIRPERSON HOOD: Mr. Otten, let me just --
5 and I know you were not here. Again, that was a
6 question that came from this Commission. We have
7 directed them to go to DOEE.

8 MR. OTTEN: Uh-huh.

9 CHAIRPERSON HOOD: And that was a question so
10 you can go to your next question.

11 MR. OTTEN: So the question is, that gets to
12 the prematurity of this filing. Here we are, this is
13 a consolidated PUD correct?

14 MR. D. LEE: Correct.

15 MR. OTTEN: And yet we don't have complete
16 reports on the record for public review. I'm
17 wondering -- the alley closing, which is also its own
18 administrative procedure, correct?

19 MR. D. LEE: Correct.

20 MR. OTTEN: That is processing just now. You
21 just filed that when?

22 MR. D. LEE: Well, that's actually not true
23 because we started the conversations with DDOE many
24 months ago, and we were in the process of filing with
25 them. But then the text amendment came up after we

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 had our setdown hearing where that would become moot
2 and we wouldn't need the alley closing. We've been
3 working with DDOT, keeping that alive, running
4 parallel to the text amendment. Just recently it's
5 come to our attention that the text amendment isn't -
6 - doesn't have as much excitement as when it was
7 first introduced, so we went ahead and filed with
8 DDOT for the alley closure to again keep that running
9 parallel.

10 MS. MOLDENHAUR: And I'd just like to state
11 for the record that we will be pursuing alternative
12 means as well, working with OAG and Office of
13 Planning.

14 MR. OTTEN: By text amendment, what are you
15 referring to?

16 MS. MOLDENHAUR: It's part of the record.
17 It's part of the record on filing 14 that was filed
18 with this Commission on November 9th, and it's
19 Exhibit A

20 MR. OTTEN: Is there a timeline that DDOT has
21 given you regarding the alley closure?

22 MS. MOLDENHAUR: Not at this time.

23 MR. OTTEN: Given these issues, why not a
24 second stage PUD? Why did you produce -- ask for a
25 consolidated PUD?

1 MS. MOLDENHAUR: We have OP support, we have
2 DDOT support, and we have ANC support. We believe
3 the application is full and we are moving forward
4 with a consolidated map amendment and PUD.

5 MR. OTTEN: And by OP you're referring to the
6 Office of Planning?

7 MS. MOLDENHAUR: Yes, the Office of Planning.

8 MR. OTTEN: Okay. Speaking of the Office of
9 Planning, in their second report on page 4, they've
10 asked you all to follow up in the application process
11 with following up on various questions and points.
12 Has that happened?

13 MS. MOLDENHAUR: Yes, it has.

14 MR. OTTEN: Where is that located in the
15 record?

16 MS. MOLDENHAUR: Exhibit 82.

17 MR. OTTEN: Okay. Looking at Exhibit 82,
18 there is an Exhibit F in that -- there is a, I guess,
19 Attachment F as part of Exhibit 82, correct? There's
20 an attachment about the showing D. B. Lee's letter in
21 terms of outreach to the artists in the --

22 MS. MOLDENHAUR: Yes, you're holding it.

23 MR. OTTEN: Okay. Just want to make sure
24 that this is the correct one I'm holding.

25 MS. MOLDENHAUR: I wouldn't know that unless

1 it's stamped and your copy is stamped with that --
2 the date and --

3 MR. OTTEN: Excellent.

4 MS. MOLDENHAUR: -- exhibit that is filed --

5 MR. OTTEN: Excellent.

6 MS. MOLDENHAUR: -- with Office of Zoning.

7 MR. OTTEN: So let's get to the communication
8 with the creative residents that currently exist at
9 411 New York Avenue. This exhibit in 82, Attachment
10 F, kind of outlines some of the communication that's
11 happened there, and tonight we heard some testimony.
12 I'd like to have some questions on what I heard
13 tonight.

14 You describe that you've had two meetings
15 with the existing creative residents at 411 New York
16 Avenue, correct?

17 MR. D. LEE: That's correct.

18 MR. OTTEN: The first meeting was held
19 sometime in June, 2015?

20 MR. D. LEE: That's correct.

21 MR. OTTEN: And you stated that that was at
22 the early stages of the art program with Cultural
23 D.C.?

24 MR. D. LEE: That was shortly after the
25 acquisition. And yes, we had been inspired to pursue

1 the arts program, but it had not been developed at
2 all.

3 MR. OTTEN: And then Cultural D.C. testified
4 tonight that they showed the plan for the first time,
5 three weeks ago. Showed the artist plan three weeks
6 ago, correct?

7 MR. D. LEE: Correct.

8 MR. OTTEN: So between June of 2015 and three
9 weeks ago, what was happening with the existing
10 current creative residents?

11 MR. D. LEE: Well, throughout the course of
12 managing the property there had been communications
13 with individual artists throughout that timeframe,
14 and we shared a variety of information, telling
15 people the process was moving forward. I actually
16 had a lunch with one of the resident artists, Anne
17 Barnes, and went through the entire process, showed
18 her the package, explained the arts program at that
19 point.

20 MR. OTTEN: I'm sorry, who was that with?

21 MR. D. LEE: Ann Barnes. And she said that
22 she was going to go back to her co-workers and
23 explain that. I believe that was in October or
24 November. So there was communication outside of
25 formal meetings. When you talk about formal meetings

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 there were two, but there was other communication
2 going through the process because people are all
3 curious, and so we were feeding information as we
4 could.

5 MR. OTTEN: But the actual plan for artists
6 and artist residency and the artist program you're
7 introducing tonight was only created -- available
8 three weeks ago, is what I'm hearing.

9 MR. D. LEE: Well, that's not true. I did
10 share it great detail with Ms. Barnes.

11 MR. OTTEN: And who -- so even after these
12 meetings, tonight we heard that you believe there's
13 only 30 artists currently in the building. Are you
14 aware that there are artist organizations that are
15 existing currently in the building that have
16 themselves over 50 artists working with them and
17 through them and in this space?

18 MR. D. LEE: No. Actually we're not aware of
19 that. And I'm not really sure of the relevance of
20 that. I mean, if you're going to --

21 MR. OTTEN: So actually --

22 MR. D. LEE: No, but I mean, if you're going
23 to say that you've got 100 artists in there that are
24 related to the facilities that are there, we say we
25 have 850 artist opportunities in our package. So if

1 you're talking about displacement you need to stick
2 to the hard numbers, the people that are actually
3 there that are in residence that are not residents,
4 they're working there and are paying rent there.

5 MR. OTTEN: Uh-huh.

6 MR. D. LEE: I don't think it's fair to you
7 to say that there's affiliated people because we have
8 800 affiliated people in our program.

9 MR. OTTEN: So under the terms of the leases
10 that you have with maybe a singular artist that has
11 one space that might be 1,200 square feet in the
12 building, are you saying that that artist, that you
13 only consider that one artist there and not, say, a
14 collective of artists that's working with that lease
15 holder?

16 MR. D. LEE: No, it's not as clear as that
17 because we don't know if the 1,200 square foot space
18 that's leased to one artist and is writing the rent
19 check, has additional people. One of our staff
20 people who is managing the building very closely,
21 he's the one that has a familiarity with all of the
22 artists in there and he has done the count saying
23 that he believes there is approximately 30 artists in
24 the space. And we've never heard anything opposite
25 of that, or to counter that.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 MS. MOLDENHAUR: Can I just object here. And
2 if there is testimony, Mr. Lee may not be the best
3 person. We have a lot of people in the audience, and
4 on their case-in-chief, if they want to present
5 evidence in regards to the number of tenants that
6 they possibly have a knowledge of, it may be more
7 expeditious. So I would object to any questions that
8 our client does not have specific knowledge of that
9 they may be introducing in their case-in-chief.

10 CHAIRPERSON HOOD: Let me say this, if you
11 have somebody that can answer the question, is that
12 what you're saying? You have somebody that can
13 answer the question?

14 MS. MOLDENHAUR: We don't. I'm saying, we've
15 answered the question the best we can. If the
16 questions are going to continue in regards to the
17 exact numbers we have stated what we can. We would
18 then ask that they put on their testimony in their
19 case-in-chief as to any additional information.

20 CHAIRPERSON HOOD: Yeah, Mr. Otten, when they
21 answer a question they've answered the question. You
22 can move on to the next one. If you want to rebuttal
23 to talk about in your testimony, then that's the time
24 to do it.

25 MR. OTTEN: Yeah, I'm just -- we're just

1 trying to get an understanding.

2 CHAIRPERSON HOOD: And again, let me remind
3 you that you want to do things that are specific to
4 the zoning, which is in our purview for us, to help
5 us make our decision.

6 MR. OTTEN: Right. Talking about
7 displacement.

8 Okay. Is there an agreement between the
9 development team and Cultural D.C. at this point? A
10 lease or -- not a lease, a memorandum of agreement?

11 MR. D. LEE: Yes, there is.

12 MR. OTTEN: And when was that signed?

13 MR. D. LEE: I think the final version was
14 signed within the last two weeks.

15 MR. OTTEN: And --

16 MR. D. LEE: No, I'm sorry, I've been
17 corrected. We have our original consulting agreement
18 where we actually hired them and laid out the entire
19 process, including the management later, which was
20 signed in June of last year.

21 MR. OTTEN: And wasn't there testimony
22 earlier that said, all of this could change by --
23 meaning the artist program being proposed as an
24 amenity in this project, when you bring in an
25 operator for the hotel?

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 MR. D. LEE: I don't remember that at all.

2 MS. MOLDENHAUR: That was not testified to
3 earlier.

4 MR. D. LEE: In fact, I mean, our goal is to
5 establish this program clear enough that it will
6 survive anybody in this room.

7 MR. OTTEN: Have you worked with -- have you
8 asked or involved any of the existing creative
9 residents in the planning of this artist program,
10 besides Cultural D.C.?

11 MR. D. LEE: No, not as of the last meeting
12 that we had, which was the intent of introducing the
13 program that Cultural D.C. sculpted and put together,
14 which was a viable program for what we're presenting.
15 And so then from there we were going to get input
16 from the tenants.

17 MR. OTTEN: And isn't it true that you have
18 been contacted by at least one artist in the space
19 with a plan that may be more viable than what you're
20 proposing to the Zoning Commission?

21 MR. D. LEE: Actually, that's very
22 interesting. We did meet with one of the tenants
23 representing the group on Friday, and as he unveiled
24 his plan it was amazing to me how it was virtually
25 identical to the plan that we have. He had drawings

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 he showed us, the different parts of his program with
2 the education, with the meeting spaces, with the
3 music spaces, and so I sat there and listened to the
4 entire thing. And then when he was done presenting I
5 said, well, that's amazing because that is identical
6 to our plan. And so then I pulled out our drawings
7 and we walked through every room, every detail. We
8 looked at the programming that we have for the
9 different concepts and the education and the arts,
10 and they're literally identical.

11 So I'm not sure where you're going with that.

12 MR. OTTEN: Where I'm going with that. Well,
13 I guess we'll explore that in our presentation. But
14 the point of this question is, why not work with the
15 artists that are in the building right now as opposed
16 to an outside group like Cultural D.C.?

17 MR. D. LEE: Well, this is actually what we
18 tried to discuss in that meeting, was -- I think the
19 number one criticism that we received was there's a
20 disagreement on authenticity with art. You know,
21 what's a guy that makes cuckoo clocks, or what's an
22 artists, and how you differentiate between which one.
23 But it seems like the conflict here is in authentic
24 arts.

25 And from the very beginning, even in our very

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 first meeting we tried to make it clear that we were
2 looking for an authentic arts program. So when we
3 met and went through those plans it seemed like that
4 was the only concern or area that we weren't eye to
5 eye. And that's when we brought up the point, well,
6 you know, we need your participation. If you think
7 that you can help bring that authentic art to our
8 program we need all these people in this building to
9 come in and help us create that feeling. Instead of
10 fighting it we have to get that input. We got a
11 great deal of good information and insight from that.

12 But it ironically fits directly into our
13 plan. We just need that special sauce to get that
14 authenticity. And that's been our goal from day one.
15 And that's what Cultural D.C. was going to be working
16 with the artists, not only from our building, from
17 all the other buildings that they manage and all the
18 art space, to try to get that feeling. To create an
19 authentic arts program that will integrate with the
20 public and the hotel.

21 MS. MOLDENHAUR: And can Cultural D.C.
22 explain what they would then obviously be adding to,
23 and to answer that question, what they're adding to
24 the design program?

25 MS. TOBAK: Yeah, I can speak to that. You

1 know, I said earlier, the plan that we created, I
2 like to use the word framework because we have
3 purposely created it where we have ideas, but we're
4 also very used to working with artists and being open
5 to artists participating. So we haven't said this is
6 going to be our programming for the first five years,
7 these are going to be the artists. We purposely left
8 the selection process transparent and open. We have
9 not said what artists are going to go up on the
10 walls. We said we are going to have open calls and
11 outreach for curators.

12 And I've said before, I said this at the
13 meeting on the 18th, why can't there be participation
14 from the current artists? It really -- I see that
15 there's plenty of opportunities there, and we just
16 need to engage in a meaningful way I think. I think
17 it's doable. And Tanya wants to add.

18 MS. HILTON: I think the hallmark of our
19 success for many years has been our ability to engage
20 strong advisory groups and expert panels that include
21 community representatives, artists from across the
22 communities that have been involved in the spaces
23 that we work with, as well as Government entities, as
24 well as other arts organizations.

25 And it's the combination of those put

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 together that come up with solutions that work for
2 the venues that we serve. And over and over again
3 they've been successful. Our programs and our
4 artists have won all sorts of awards. We were voted
5 the Nonprofit of the Year last year in 2015, by the
6 D.C. Chamber of Commerce. They've won Helen Hayes
7 Awards, they've won Mayor's Arts Awards. There have
8 been all sorts of awards because we do it in a very
9 collaborative and open fashion.

10 And that's the way we want to continue to do
11 this work. And we've been doing it that way for many
12 years. I could read you the list of all the
13 successes we've had, working with artists like the
14 artists in this room. And we've worked with some of
15 these artists that are here.

16 MR. OTTEN: But yet tonight we're hearing,
17 since June the artists have not been reached out to
18 that currently exist there right now.

19 MS. MOLDENHAUR: I think we've answered that
20 question.

21 MR. OTTEN: Okay. Well, we heard earlier,
22 testimony that you, that Cultural D.C. and this
23 project, wants to expand creative art resources. But
24 doesn't that mean in addition to those that already
25 exist right now at that site?

1 MS. MOLDENHAUR: Objection, that's not the
2 PUD standard. It's a question of a comparison that I
3 don't believe is appropriate.

4 MR. OTTEN: I'm talking about plain language
5 here. English. When you say expand artist resources
6 in the city does displacing a group of artists do
7 that?

8 MR. D. LEE: We have, if you look at the
9 chart, over 800 opportunities a year for artists to
10 present their work and participate. They can all
11 come here and commune, they can share information.
12 We don't have enough artists in the city to fill the
13 program that we're trying to put together. That's
14 actually a very positive statement because what we're
15 trying to do is cultivate it so that we have more
16 art, so that people are encouraged to come and share
17 art, learn art. We have classes. We want to get
18 more artists in this community.

19 MS. MOLDENHAUR: Can I just -- the PUD
20 process -- I just want to object because I don't want
21 to go too far down this question of the -- all the
22 questions in regards to the artist program. The PUD
23 process is a building design and zoning process that
24 includes public benefits. The public benefits have
25 obviously been articulated and there is an organic

1 way that they will evolve. This building has not
2 been built yet, but we are laying a foundation in the
3 PUD and in the PUD covenant.

4 I think that some of these questions are
5 seeming as though this, the formation of the public
6 benefits are something that, you know, have no
7 ability to continue to evolve and work with those
8 artists and individuals that Cultural D.C., as an
9 expert, has been brought in as a partnership on the
10 team to take it to the next level for the next five,
11 10, 20 years of this project.

12 CHAIRPERSON HOOD: Let me just say this, Ms.
13 Moldenhaur. Let me ask you a question. Isn't part
14 of this and Cultural D.C. being brought in to it,
15 isn't part of this working with artists? Isn't that
16 part of the equation here?

17 MS. MOLDENHAUR: Yes, and we brought
18 Cultural --

19 CHAIRPERSON HOOD: Okay. So, it's not my
20 application. It's in the record. So I think his
21 questions are right in line, even though they might
22 go a little too far, but I think he might -- the
23 public and I think Mr. Otten and his team, or his
24 party, are asking these questions because of
25 discovery. Obviously it didn't happen in those two

1 meetings.

2 So this is your application. I didn't bring
3 it. I know PUD is design, but it also -- the Zoning
4 Commission's charge is also to protect the residents
5 of the District of Columbia. This is the residents
6 of the -- so part of that evolves around what we're
7 charged to do. So we know are charge, and we know
8 what -- believe me, we know what PUD is.

9 So if you feel like you've answered their
10 question then say, I've answered your question. And
11 then I will interject and tell them to move forward.
12 Okay? That's your application that talks about what
13 you're going to be doing with artists. Not mine or
14 this Commission's.

15 MR. OTTEN: Okay. Part of also is
16 understanding the space as it's used by artists and
17 what we heard tonight, if I'm not mistaken, this
18 term, this concept of artists pushing more commercial
19 product. This is what you testified tonight,
20 correct?

21 MR. D. LEE: I used those words but again,
22 I'm not sure if I can explain exactly what commercial
23 wares are. I mean, we look at it as more of a
24 commercial venue where somebody would be doing more
25 business rather than art. I think the worker space

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 would be positioned down there, so there's going to
2 be a more trade there.

3 MR. OTTEN: And let's explore this worker
4 space versus what's currently there. Wouldn't you
5 agree there is a difference -- well, let's first talk
6 about square footage. The working space that you're
7 envisioning, what's the square footage of that, that
8 you're proposing?

9 MR. D. LEE: For -- are you asking about a
10 specific space?

11 MR. OTTEN: Well, I want to clarify because
12 there is a difference between exhibition space and
13 working creative space, correct? Would you agree
14 with that statement?

15 MR. D. LEE: Yes.

16 MR. OTTEN: Exhibition space being kind of a
17 gallery type setting or something like that where
18 artists can display their work, videos can be played,
19 musicians can jam.

20 MR. D. LEE: Correct.

21 MR. OTTEN: For a crowd. Working space is
22 where the artists do their work. They get their
23 stuff done, right?

24 MR. D. LEE: Correct.

25 MR. OTTEN: And currently if -- are you aware

1 that the working space is a place where, you know,
2 it's kind of compartmentalized, locked down if you
3 will, every artist has their key. They can go in;
4 they know where stuff is. That's not how the program
5 you're proposing seems to represent of future artist
6 space there, correct?

7 MR. D. LEE: I'm a little unclear on that
8 because I mean, the space is -- and Cultural D.C.
9 also touched on this. When an artist secures one of
10 those spaces, it's their space. It's their space to
11 manage as they'd like. They have a few criteria
12 which are requirements to be active so that when our
13 visiting artists come in. But outside of that they
14 can decide if they want to sell their art. They can
15 decide when they want their artists to come in. They
16 can decide how many artists they want in there.

17 MR. OTTEN: Let me stop you there. I just
18 want to get clarity. So that working space, if
19 you're saying that an artist has working space, how
20 much working space is in this proposal that you're
21 bringing?

22 MR. D. LEE: For the interior studios there
23 is 1,500 square feet, approximately 1,500 square
24 feet. For the alley studios it's approximately 800
25 square feet. But then again, as I mentioned, all of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 those areas adjoin to more open common areas which
2 can all be --

3 MR. OTTEN: The exhibition type --

4 MR. D. LEE: -- shared. So you're not
5 restricted to just that small space.

6 MR. OTTEN: But in terms of working, creative
7 residents working, we're talking about 2,300 square
8 feet. And are you aware of how much creative working
9 space there exists right now as an incubator space
10 and a vital hub, right now?

11 MR. D. LEE: Are you talking in this building
12 or in the --

13 MR. OTTEN: In this building. In the current
14 building that's being displaced.

15 MR. D. LEE: I mean, we quoted a number
16 earlier of approximately I think 30 -- 30,000 --

17 MR. TURNBULL: Thirty-five thousand.

18 MR. D. LEE: -- square feet. But we can't
19 really attest that that's actually space that's being
20 used. That's what we know is blocked out.

21 MR. OTTEN: Okay. So but it's fair to say
22 that 30,000 square feet right now, or more, is being
23 used as active creative working space. Right now at
24 the site.

25 MR. D. LEE: I really can't confirm that.

1 MR. OTTEN: Okay. Okay. That's part of
2 getting to know the space and the artists there, I
3 guess.

4 You talked about, tonight --

5 CHAIRPERSON HOOD: Mr. Otten, Mr. Otten, all
6 I want you to do is ask a question.

7 MR. OTTEN: Yes.

8 CHAIRPERSON HOOD: The side commentary is not
9 needed.

10 MR. OTTEN: I'm just trying to understand
11 this --

12 CHAIRPERSON HOOD: Okay. But the side
13 commentary is not needed in this hearing.

14 MR. OTTEN: This is direct commentary.

15 CHAIRPERSON HOOD: Hold on. No, no, that
16 side --

17 MR. OTTEN: Not side.

18 CHAIRPERSON HOOD: -- commentary is not
19 needed. Just ask the question and then move to your
20 next question.

21 MR. OTTEN: You got it, Chair.

22 CHAIRPERSON HOOD: We're going to do it D.C.
23 and in order down here. Okay? As long as I'm the
24 Chair, it's going to be --

25 MR. OTTEN: Everything is quite orderly.

1 CHAIRPERSON HOOD: No, we're going to be in
2 order. The side comments, we can just cut.

3 MR. OTTEN: Are things not in order right
4 now?

5 CHAIRPERSON HOOD: You can just cut those
6 side comments.

7 MR. OTTEN: Okay. I'm just trying to --

8 CHAIRPERSON HOOD: So I'm just asking --

9 MR. OTTEN: I'm trying to understand our
10 rights.

11 CHAIRPERSON HOOD: I'm asking you. I'm
12 asking you to cut the side comments.

13 MR. OTTEN: I don't know what that means,
14 Chair.

15 CHAIRPERSON HOOD: You asked a question, he
16 made a statement, and then you came back with some
17 rebuttal saying, whatever you said. I'm not going to
18 even repeat it because it's not germane to these
19 proceedings.

20 MR. OTTEN: I'm asking him about the artists
21 and the space. That's what I'm asking.

22 CHAIRPERSON HOOD: Okay. Keep asking.

23 MR. OTTEN: So not that it matters to you and
24 this Commission. We already heard tonight, Chair,
25 Commission Miller, saying get that stuff together for

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 an order as if this is already fait accompli. So --

2 CHAIRPERSON HOOD: Again --

3 MR. OTTEN: This is --

4 CHAIRPERSON HOOD: -- this is cross-
5 examination.

6 MR. OTTEN: Right.

7 CHAIRPERSON HOOD: We've been doing -- we
8 know what we're doing. You just ask your questions.

9 MR. OTTEN: I know.

10 CHAIRPERSON HOOD: Okay.

11 MR. OTTEN: Rubber stamp champs. Okay. Pure
12 economics. We heard the testimony tonight that this
13 is -- this proposal --

14 CHAIRPERSON HOOD: Another comment on the
15 side. I'm going to interrupt you now. I'm getting
16 ready to get like you. I can do that too. Last name
17 is Hood.

18 MR. OTTEN: You do it all the time.

19 CHAIRPERSON HOOD: I'm from the hood too,
20 man. Okay? I can go there too.

21 MR. OTTEN: I don't know what that means.

22 CHAIRPERSON HOOD: Anyway, all I'm asking you
23 to do is all I'm asking you to do is just ask the
24 question and then after you get the answer, if you
25 have a problem with the answer, then in your

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 testimony, your direct testimony, then you can come
2 back and rebut it.

3 MR. OTTEN: Okay.

4 CHAIRPERSON HOOD: That's all I'm asking.

5 MR. OTTEN: You hear that everybody? For
6 your testimony? Okay.

7 Tonight we heard the developer say, this is
8 about pure economics, quote/unquote. Do you remember
9 saying that?

10 MR. D. LEE: I'm not sure the context of
11 that.

12 MR. OTTEN: Would you say that artists and
13 creative spaces like this bring an economics of a
14 different sort than pure profit?

15 MR. D. LEE: I can't answer that either.

16 MR. OTTEN: Oh boy. All right. I'm going to
17 go to just the record, the information we read on the
18 record and we saw on the record by the applicant, and
19 to Cultural D.C.'s exhibit. If I could ask you all
20 some questions.

21 Quote/unquote, in this exhibit it says, "The
22 hotel will maximize opportunities for artists to
23 work, present, and collaborate and will serve as a
24 gateway to the surrounding creative community."

25 How does it maximize the opportunities for

1 residents that currently exist at the site, the
2 creative residents currently at the site?

3 MS. HILTON: By giving them an opportunity to
4 -- an invitation to be included in the opportunities
5 available through the programming that we will be
6 working to develop.

7 MR. OTTEN: Okay. And --

8 MS. HILTON: As I mentioned before, advisory
9 groups and expert panels will be engaged. There's an
10 invitation to be represented on that that I think was
11 presented and discussed in the last meeting that you
12 had. And an opportunity to participate in those
13 programs throughout the hotel.

14 MR. OTTEN: And this is the program that's
15 been introduced at the last meeting by -- you're
16 saying the last meeting being January 18th of this
17 year?

18 MS. HILTON: Yes.

19 MR. OTTEN: And January 18th was a National
20 Federal Holiday, right? Martin Luther King Day?

21 MS. HILTON: Yes.

22 MR. OTTEN: Okay. Did you expect a lot of
23 people to show up on a national holiday for a
24 meeting, such as important as this?

25 MR. D. LEE: We had nobody say that they had

1 any problem with that. And we gave sufficient
2 announcement. There was no complaints about that
3 date.

4 MR. OTTEN: And at that meeting did you get a
5 question from an audience member regarding
6 displacement and that you responded, "We don't know
7 what displacement is in this case?" What you mean by
8 displacement.

9 MR. D. LEE: That was actually Brook Rose who
10 commented on that.

11 MR. OTTEN: Okay.

12 MR. D. LEE: And he wasn't referring
13 specifically to displacement. He didn't understand
14 how that was being used in this context because we're
15 creating a program for artists.

16 MS. TOBAK: I think also that referred to
17 residential versus commercial. It was simply that,
18 nothing philosophical beyond that, that there was
19 nobody living there that, that there were people
20 working there. So I believe you're talking about
21 when the community to the ANC?

22 MR. OTTEN: Oh, yeah. Tell us about that.
23 What was that community to the ANC?

24 MS. TOBAK: The question posed the night of
25 the 18th was, "Have you talked about displacement?"

1 And it was clarified, residential versus commercial.

2 MR. OTTEN: So the ANC was told there would
3 be no displacement of residents. Is that what you're
4 saying?

5 MS. MOLDENHAUR: I believe she's just stated
6 that and it's already been asked and answered.

7 MR. OTTEN: I'm sorry, to the ANC. That was
8 stated to the ANC?

9 MS. MOLDENHAUR: I think that's been asked
10 and answered.

11 CHAIRPERSON HOOD: Yes, and no. Was it
12 stated to the ANC?

13 MS. MOLDENHAUR: Yes.

14 CHAIRPERSON HOOD: Okay.

15 MS. MOLDENHAUR: That no residential
16 displacement would occur.

17 CHAIRPERSON HOOD: Yes and no.

18 MS. MOLDENHAUR: It's a commercial building.

19 CHAIRPERSON HOOD: Yes. Yes.

20 MR. OTTEN: And so it was a simple -- that
21 statement is true in your minds because of a
22 technical language thing where it's residents versus
23 commercial. So there's no residential displacement
24 versus commercial displacement?

25 MS. MOLDENHAUR: Clarification on the

1 question. I'm confused as to what the question is.

2 MR. OTTEN: Question is about displacement.
3 And understanding what was told to the local elected
4 Advisory Neighborhood Commission.

5 MS. MOLDENHAUR: And I believe we answered
6 that.

7 MR. D. LEE: If you want clarification on it,
8 during the ANC meeting the chair of the ANC
9 specifically asked if there was residential
10 displacement, and we said no. In the context of the
11 18th meeting the displacement was unclear because we
12 don't feel we're displacing. We're creating arts.
13 So you're talking about two different things.

14 MR. OTTEN: Was the ANC informed that there
15 would be approximately 100 artists displaced from
16 this site because of this project?

17 MR. D. LEE: First of all, that's an
18 incorrect statement because there's not 100 artists
19 being displaced from the property. And any of those
20 people could have been welcome to come to the ANC
21 meetings. We had unanimous --

22 CHAIRPERSON HOOD: Simply, the answer to that
23 question was no.

24 MR. D. LEE: No.

25 CHAIRPERSON HOOD: Okay.

1 MR. OTTEN: Okay. This brings us back to the
2 Cultural D.C. involving the current artists. You
3 mentioned a selection process. So a group of people
4 would be selected to use this space that's being
5 created in this proposal, right?

6 MS. HILTON: Yes.

7 MR. OTTEN: And is it the case that the
8 current creative residents that are there right now,
9 they'll have to compete with each other to get space
10 in this new program?

11 MS. HILTON: Possibly.

12 MR. OTTEN: It's either yes or no. I mean,
13 will the artists here have to --

14 MS. HILTON: It's possible. They may not all
15 have to compete with each other. It's possible, but
16 not a yes or no.

17 MR. OTTEN: Okay. But it sounds like
18 Cultural D.C. wants to help these artists that are
19 there right now, right?

20 MS. HILTON: We always like to help artists.
21 The artists that are there right now, of course we'd
22 like to help them if we can.

23 MR. OTTEN: Okay. In your exhibit letter
24 dated January 29th, 2016, from Cultural D.C., you
25 stated that there will be eight below market flexible

1 studios that provide 20 plus artists, makers in arts,
2 entrepreneurs with dedicated space. Correct?

3 MS. HILTON: Yes.

4 MR. OTTEN: Are there going to be guidelines
5 or expectations of these artists in this space to
6 have open hours for hotel guests to visit, to be
7 there at, you know, certain times? Can you --

8 MS. HILTON: Yes.

9 MR. OTTEN: -- go into that a bit?

10 MS. HILTON: Yes, there will.

11 MR. OTTEN: And -- okay. How -- are any of
12 those hours per se, after hours? Let's say after
13 6:00 or after 7:00. Maybe even overnight?

14 MS. HILTON: The hours probably will not be
15 overnight, but the hours will be determined to be
16 within normal operating hours of the hotel and retail
17 spaces there.

18 MR. OTTEN: So the artists that are in the
19 current space right now that may be competing for
20 this space, the ones who work overnight currently,
21 might as well not even apply for this as part of this
22 selection process. Would that be fair to say?

23 MR. D. LEE: No, that's actually incorrect.
24 As we described earlier, the artists in the spaces
25 have the ability to occupy those spaces 24 hours a

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 day. The only requirement is that they're open a
2 certain amount of hours a day so that they can
3 interact with the public of the hotel. They can work
4 all night, and actually that's to their advantage
5 because then they can share the space more and reduce
6 their rent.

7 MR. OTTEN: And you're expecting 20 plus
8 artists to share this -- these eight studios?

9 MR. D. LEE: It could go higher than that or
10 it could less. It's up to the artists.

11 MR. OTTEN: Regarding Cultural D.C. and
12 wanting to help the artists there now, perhaps, can
13 Cultural D.C. place 100 plus artists that right now
14 kind of effectively act as a collective whole into an
15 alternative space of similar size now?

16 MS. HILTON: No.

17 MR. OTTEN: Can the applicant do that?

18 MR. D. LEE: Again, there's 30 artists in the
19 building. If you know of a different number we would
20 appreciate for you to share that number. But there's
21 30 artists that work in that building, plus or minus
22 a few. So if you have a number, please let us know.

23 MR. OTTEN: Okay. Perhaps we can do it this
24 way. The question would then be, the next meeting
25 you have, you invite all the artists, and you get a

1 sign-in sheet, and see how many more than 30 artists
2 are there. Can we do that?

3 MS. MOLDENHAUR: I'm just going to object. I
4 mean, I think that there's obviously an issue in
5 regards to the number of artists and tenants. We've
6 answered the question and we're not going to answer a
7 question as to a hypothetical event in the future.
8 We're obviously going to supplement the record and
9 move forward.

10 MR. OTTEN: But we heard tonight, testimony
11 from you, Meridith Moldenhaur, that you are
12 interested in working with the artists there,
13 correct? Right now, that are there right now?

14 MS. MOLDENHAUR: It would not be testimony.
15 I'm an attorney. I'm not providing testimony on the
16 record.

17 MR. OTTEN: This is what I heard your
18 applicant, the applicant state. Mr. Lee, did you
19 state that?

20 MR. D. LEE: I'm sorry, repeat that please?

21 MR. OTTEN: You're trying -- you want to work
22 with the artists as part of this program. Is this
23 going to happen before the next hearing? Can we have
24 a meeting before the next hearing?

25 MR. D. LEE: Oh, absolutely. We had a

1 meeting on Friday, this past Friday.

2 MR. OTTEN: With one artist. But I'm talking
3 with the building.

4 MR. D. LEE: It was the representative for
5 the entire group from what I understand.

6 MR. OTTEN: Okay. There's disagreement on
7 that so we need to have another meeting if at all
8 possible.

9 MS. MOLDENHAUR: We will proffer that we will
10 coordinate with, I guess Mr. Otten, who is now
11 representing them as of today or I think today it was
12 filed in the record, to coordinate a meeting between
13 now and the next hearing.

14 MR. OTTEN: Okay. Thank you.

15 CHAIRPERSON HOOD: Mr. Otten, also Mr. Boyle,
16 I believe is the name who hasn't -- yeah. They are
17 joint representatives. So.

18 MS. MOLDENHAUR: Yes. Mr. Boyle was the
19 individual that Dennis Lee had e-mailed with, I think
20 about twice or three times after we became aware of
21 the party status application. And that's when he met
22 with another representative on Friday who was -- but
23 we'll meet with them between now, coordinating both
24 with Mr. Otten and Mr. Boyle.

25 CHAIRPERSON HOOD: We need to make sure you

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 all meet with the correct representative. Whoever --

2 MR. OTTEN: It was Mr. Boyle that referred
3 us --

4 CHAIRPERSON HOOD: Mr. Boyle.

5 MR. OTTEN: -- to the gentleman that came on
6 Friday. He said that he would represent him and his
7 ideas.

8 CHAIRPERSON HOOD: Okay. You may want to get
9 that memorialized for our benefit, but yes. I do --

10 MR. D. LEE: It's in an e-mail.

11 CHAIRPERSON HOOD: I do concur with trying to
12 have another meeting. I actually was going to
13 suggest that, even though Mr. Otten mentioned it in
14 his cross-examination. But anyway that's taken care
15 of.

16 MR. OTTEN: Thank you. Thank you. Just to
17 get clarity again, Mr. Lee, before enlisting the help
18 of Cultural D.C. did you petition the help of the
19 current tenants?

20 MR. D. LEE: I'm sorry, can you clarify that?

21 MR. OTTEN: Before enlisting the help of
22 Cultural D.C. did you petition the help of the
23 current creative residents at 411 New York Ave.?

24 MR. D. LEE: No.

25 MR. OTTEN: Do you think it's possible for

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 the current creative tenants to do what they've been
2 doing in the new space you're proposing?

3 MR. D. LEE: Absolutely.

4 MR. OTTEN: But we weren't -- I think we
5 heard testimony earlier, we weren't sure about
6 musicians.

7 MR. D. LEE: I don't remember that at all.
8 We actively would seek to have musicians involved in
9 the program. Not only from recording but actual
10 performing.

11 MR. OTTEN: And is it true that the new
12 individual spaces, these eight studios, will be more
13 expensive than what is present currently? The space
14 right now?

15 MR. D. LEE: That's not entirely true. The
16 current rents in the building range; have an
17 extraordinary range. There are some in there that
18 would be paying the -- that are paying the exact
19 amount of what the subsidy would be. So, and that's
20 one of the things we did when we first came in, we
21 froze them. We could have equalized all those rents,
22 but we did not.

23 MR. OTTEN: What happens after the five years
24 with Cultural D.C.? What do you expect at that point
25 to happen to the program?

1 MR. D. LEE: Well, the program would be --

2 MS. HILTON: We would hope it's renewed.

3 MR. D. LEE: We would hope it's renewed as
4 well. But regardless, the program will continue.

5 MR. OTTEN: Besides Cultural D.C. did you
6 explore any other models for this programming,
7 artistic models of programming the space besides what
8 Cultural D.C. has offered?

9 MR. D. LEE: We did interview I think two
10 other groups that manage art space.

11 MR. OTTEN: How different were their
12 proposals to what is now presented?

13 MR. D. LEE: Identical.

14 MR. OTTEN: And what made you then choose
15 Cultural D.C. as a proffered amenity?

16 MR. D. LEE: Culture D.C., their 18 years of
17 experience, the projects that they could share with
18 us that were successful that were very similar to
19 what we were trying to do. I had actually had some
20 workings with them several years prior to that, so we
21 were very happy with their organization. They're
22 solid. They can stand up and run a viable program.
23 They have a history of it.

24 MR. OTTEN: Just a couple more questions.
25 Right now we understand that you've given a September

1 1st, 2016 absolute, you have to move out date. Is
2 that the case?

3 MR. D. LEE: That's correct.

4 MR. OTTEN: Why this date?

5 MR. D. LEE: That's the date that we
6 anticipate that we'll be moving forward with the
7 project.

8 MR. OTTEN: In terms of shovels in the ground
9 sort of thing?

10 MR. D. LEE: Correct.

11 MR. OTTEN: Are you worried about any legal
12 appeals slowing down the project?

13 MR. D. LEE: I mean, obviously there's a
14 concern there but that's something that we can't
15 really, you know, speculate on. I mean, we would
16 hope not to. We feel as though we've put together a
17 very powerful program that benefits a lot of people.
18 So we're hoping that we can not have that.

19 MR. OTTEN: And are you aware, or have you
20 been made aware of -- Mr. Lee, have you been made
21 appraised of the fact that the current creative
22 residents would like more time in that space to get
23 their stuff together, to work out a potential plan
24 alternative space, this sort of thing so that it's
25 not unmitigated displacement?

1 MR. D. LEE: That was brought up in the
2 meeting on Friday. The amount of time that they were
3 talking about was something that's not realistic at
4 all, and I don't see -- and I personally don't think
5 it was going to be beneficial to the artists to
6 pursue what they were talking about.

7 MR. OTTEN: What was that? Can you put that
8 on the record?

9 MR. D. LEE: No, actually I can't because we
10 had to sign a nondisclosure agreement to the details
11 of what was being presented.

12 MR. OTTEN: Okay. Well, what is a realistic
13 possibility in terms of making sure that everybody
14 can get on the same page on this in terms of vacate?

15 MR. D. LEE: Well, you know, again, we gave a
16 year's notice to everybody from the beginning. And
17 then in the last meeting we extended that out another
18 three months. So we've already given an extension to
19 that. And perhaps, you know, if we can extend it
20 another month for a variety of reasons we would be
21 more than happy to do that. But we need to get
22 people to understand that this is moving forward and
23 that they need to start making preparation. And
24 we're willing to help them with that preparation and
25 move forward. But everybody has got to start moving

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 forward.

2 MR. OTTEN: Okay. We could discuss that at
3 the meeting. But to that, to the moving forward
4 part, in coordination with the Office of Planning,
5 let's say, or other city agencies, did any of them
6 offer any tools, potential tax rebates, any financial
7 incentives or any opportunities to align into this
8 project that the city resources may have to help
9 mitigate the commercial displacement?

10 MR. D. LEE: The answer that I'm aware of is
11 that no, we have not had those discussions. That the
12 benefits that we're offering are what we'll proffer
13 from the program that we're putting together.

14 Now I have heard, and I even heard it on
15 Friday from the meeting that we had with the tenants,
16 that they have grants that they can apply for, which
17 would then also help them to relocated. So I do
18 understand there are individual grant programs.
19 Cultural D.C. spoke to that.

20 But as far as for --

21 MR. OTTEN: City. City resources.

22 MR. D. LEE: -- directed to us, we're not
23 aware of any.

24 MR. OTTEN: Okay. Given that there is this
25 displacement, you do understand small businesses will

1 be impacted by this, right? There is unemployment
2 issues, there's a disruption in these folk's lives.
3 You do understand that?

4 MR. D. LEE: No, actually I don't.

5 MR. OTTEN: Okay. Well, I guess we're about
6 to hear that. Thank you. That's all my questions.

7 MS. COHEN: Thank you. Let's see, we have to
8 have -- anybody up here have any questions for the
9 party in opposition? Isn't that --

10 MS. SCHELLIN: That was cross. We're not
11 ready for questions.

12 MS. COHEN: That was cross. I'm sorry. So
13 now we go on to the Office of Planning? Oh, okay.
14 Okay. Chairman Hood wants to hear from our
15 witnesses, so I think we should call up the first
16 list. Christine, I apologize ahead --

17 MS. MOLDENHAUR: A point of -- are we going
18 in to the opposition's testimony, or just
19 individuals?

20 MS. COHEN: Individuals.

21 MS. SCHELLIN: He wants to go to the public
22 testimony. He wants to go out of order to try to
23 have the public go.

24 MS. COHEN: All right. So if you can all
25 take a back seat? You want me to call up --

1 [Discussion off the record.]

2 CHAIRPERSON HOOD: Where is the
3 representative to the 411 Union? Artist. Mr. Otten?

4 MS. SCHELLIN: Mr. Otten, can you come back
5 in the room please?

6 [Pause.]

7 CHAIRPERSON HOOD: Mr. Otten, for the sake of
8 efficiency, and you all having a meeting, I was going
9 to go ahead and do you all next. But I know you all
10 have talked about a meeting that you may have. So
11 why don't we wait to hear your presentation after you
12 all have that meeting at a next hearing? Can we
13 agree on that?

14 MR. OTTEN: Yes.

15 CHAIRPERSON HOOD: It's been said, you and I
16 finally agreed on something. Okay. So I think for
17 the sake of efficiency I think that's the best way to
18 do it. We agree?

19 MR. OTTEN: Yes.

20 CHAIRPERSON HOOD: We need to memorialize
21 that. Okay. Let's go to Office of Planning. Office
22 of Planning and DDOT. You want to have --

23 MR. OTTEN: Wait, I thought we were -- oh, so
24 in terms of public witnesses? I mean, these folks, I
25 thought we were going to go to them next.

1 CHAIRPERSON HOOD: But I thought the
2 agreement -- I thought when you asked earlier they
3 agreed to --

4 MR. OTTEN: Yeah.

5 CHAIRPERSON HOOD: Now, let's not mess up a
6 good thing.

7 MR. OTTEN: I thought presentation is
8 different than public testimony. So let me --

9 CHAIRPERSON HOOD: Yeah. That was cross-
10 examination. And here's the thing, some things may
11 get fixed, possibly, in that meeting that you're
12 going to have.

13 MR. OTTEN: Yeah.

14 CHAIRPERSON HOOD: So, you know, your group
15 may have different things that they may want to say,
16 so I'm allowing for that time instead of doing it
17 tonight, and then they'll be done. Why don't we go
18 to Office of Planning? We go to Office of Planning
19 and DDOT and then if you all --

20 MR. OTTEN: Chair, if I could?

21 CHAIRPERSON HOOD: Let me just finish.

22 MR. OTTEN: Okay.

23 CHAIRPERSON HOOD: Just, and then I'll hear
24 from you.

25 MR. OTTEN: Yep.

1 CHAIRPERSON HOOD: You all can have your
2 meeting and then the real relevant issues, because
3 you all may make some headway. I don't know. I'm
4 not going to be in that meeting so I don't know.
5 I'll be waiting to hear your testimony or your
6 presentation, as well as from the applicant.

7 MR. OTTEN: Sure. I understand that. We
8 heard tonight from the applicant that they're not
9 aware of artists, more than 30 artists in the
10 building. There are artists, residents, here now to
11 testify to make it clear for him. Also, the Office
12 of Planning we would hope, is also involved in this
13 meeting. I mean, you know, we asked tonight whether
14 or not they have offered any tools from the
15 Comprehensive Plan, for example, to mitigate the
16 commercial displacement. We heard nothing tonight to
17 that case, you know, from OP.

18 We'd love for them to be part of this meeting
19 as well. And, you know, that could assuage some of
20 the cross-examine that we have for them. But I
21 certainly think -- I mean, these people came down
22 here tonight. I'd like the original plan to get
23 their voices on the record.

24 CHAIRPERSON HOOD: The original plan was that
25 before you did the cross I wanted to hear from them.

1 That was the plan. But they all agreed to let you go
2 first.

3 MR. OTTEN: And then they were supposed to
4 go.

5 CHAIRPERSON HOOD: I don't know colleagues.

6 MR. OTTEN: My understanding from here --

7 CHAIRPERSON HOOD: Hold on. No, hold on the
8 question. I'm trying to get the process first. But
9 I really think that it's advantageous for us to hold
10 off on your presentation, as well as them, once you
11 all have this meeting. So first we can find out who
12 all needs to be involved, who all is actually in the
13 building, and then work from there. That's what I'm
14 trying to do. I'm trying to help undo some duplicate
15 efforts here and save all of us some time.

16 MR. BOYLE: I just want to say through the
17 presentation that we -- my name is Graham Boyle. I'm
18 an artist at 411 Union Arts and I think that the
19 testimony that we've prepared will help educate the
20 audience and the developers about the true nature of
21 what goes on at Union Arts. And so I think that's
22 critical that since we have this gathering of
23 everybody here, that we go forward with the
24 presentations that me and my associates have come up
25 with.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 CHAIRPERSON HOOD: That's actually opposite
2 of what Mr. Otten and I was just talking about.

3 MR. OTTEN: Yeah. But we want the public to
4 testify so they can get their voices on the record.
5 I doubt they're going to come back out. You know,
6 entirely. Certainly not to this extent. This is
7 amazing.

8 CHAIRPERSON HOOD: Well, the ones who are
9 outside will definitely be back. Whoever was outside
10 will definitely -- we have a list.

11 So let me talk to my colleagues. Colleagues,
12 which way do you all want to proceed? Let me hear
13 from my colleagues.

14 Commissioner Miller.

15 MR. MILLER: Mr. Chairman, I have no problem
16 with the public witnesses going forward and putting
17 off the Office of Planning and DDOT.

18 CHAIRPERSON HOOD: And the party in
19 opposition.

20 MR. MILLER: And the party in opposition.

21 CHAIRPERSON HOOD: Because once we hear from
22 everybody, I don't know. We'll see how that goes.
23 Vice Chair Cohen.

24 MS. COHEN: I just have a question. I think
25 I know what the problem is.

1 CHAIRPERSON HOOD: Any other commissioners
2 have anything else you want to talk to?

3 [Discussion off the record.]

4 CHAIRPERSON HOOD: Yeah. We have a question.
5 Vice Chair is going to solve everything for me.
6 Thank you.

7 MS. COHEN: No, there are so many people that
8 are concerned about this. My belief is, and please
9 correct me if I'm wrong, Ms. Moldhauser (sic). But
10 you're talking about artists on leases as opposed to
11 artists working in the space, whether they're on the
12 lease or not. The subleasees possibly. Is that
13 correct?

14 MS. MOLDENHAUR: I think that there is a
15 broader question even than that. I think that -- I
16 mean, there's obviously so many people in this room.
17 I don't know if they come to one of the jam sessions
18 that is held at the building and then thus they're
19 deeming that to qualify them. I don't know. I mean,
20 there's a lot of lack of clarification here and I
21 think that if you open it up to the public I would
22 say that those public members then are people that
23 would not then qualify as people who are then going
24 to be at this private meeting with people who are
25 actually tenants or subtenants of the 411 Artist's

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Union that we would then be meeting with because I do
2 think that there is -- this went out virally on a
3 Facebook account where there was not as much
4 information and it was talking generally about a
5 displacement of artists. And I think that's where,
6 from what we've followed, a lot of additional
7 information.

8 So if we can bifurcate the groups between who
9 is an artist that wants to talk generally about their
10 concerns about the arts in the city, which I think
11 our applicant -- or my applicant shares with them, or
12 then the individuals that actually qualify themselves
13 as members, which we are not sure how many that is,
14 of actually the group that was represented by Mr.
15 Otten and Mr. Garber. And so -- Boyle. So there's
16 also Gabriel as well in the group. And those
17 individuals who then I guess personally put
18 themselves in the camp of, I am part of 411, you
19 know, Union. Even though there was only five
20 individuals that actually signed the authorization of
21 Mr. Otten. So there is some confusion. I don't know
22 if that clarifies anything for Commissioner Cohen,
23 but I'm trying to provide --

24 MS. COHEN: Thank you. Thank you, no, that
25 was helpful and I will go along with whatever you

1 want, Chair.

2 CHAIRPERSON HOOD: Okay. Colleagues, let me
3 ask, Commissioner May and Commissioner Turnbull, why
4 don't we just go ahead and hear from the public? Is
5 that okay?

6 MR. TURNBULL: That's fine. That's fine.

7 CHAIRPERSON HOOD: Okay. Let's go ahead and
8 hear from the public. I'm going to call some names,
9 Ms. Schellin, and I'm going to ask that you help me
10 with the list. And we're going to hear from those.

11 And first of all, do we have any public
12 members who are here in support who would like to
13 testify?

14 Okay, if you -- in support of the
15 application. Not -- you have support. Those who are
16 in support of what you've heard tonight, in support
17 of this moving forward as it is, as stated, as has
18 already been presented, then you come forward at this
19 time. Anyone who's in support tonight, if you're
20 here. If you'd like to testify.

21 Now, we're going to keep the list, and on the
22 23rd, because we have a lot of other people who want
23 to testify. So remember, if you testify tonight, you
24 call tonight, you testify, then on the 23rd we're
25 going to have to go to our other lists and allow

1 ample time for others to testify. Okay?

2 Those in opposition, I'm going to start from
3 number one. Ms. Schellin, if you can help me for
4 those who testify. And then we'll cross their name
5 out. Ms. Moldenhaur. I'm going to pronounce your
6 name right. Ms. Moldenhaur.

7 MS. MOLDENHAUR: Moldenhaur. Question, if
8 someone is coming up forward today as a public
9 individual witness, they are not then going to be
10 part -- because we haven't had typically -- we'd have
11 the case in opposition with their witnesses. I'm
12 assuming that these individuals are not going to come
13 back under Mr. Otten and be witnesses again under
14 their case-in-chief.

15 CHAIRPERSON HOOD: I would ask though, that
16 if they're part of -- Mr. Otten. Has Mr. Otten left
17 the room again? Well, I would ask that, Mr. Otten,
18 the folks who are going to be directly in your
19 presentation, that they not testify tonight until you
20 get ready to do your presentation.

21 MR. OTTEN: Yes. So we have three people
22 that we had presented -- that we would like to
23 present as a panel during our presentation.

24 CHAIRPERSON HOOD: Okay. So --

25 MR. OTTEN: Those three --

1 CHAIRPERSON HOOD: -- if they can hold off?

2 MR. OTTEN: -- won't have to testify tonight.

3 CHAIRPERSON HOOD: They will come back when
4 you do your presentation. Okay. Great. Okay.
5 Okay. And if I mess up the name, Ms. Schellin is
6 going to help me. But if it sounds close, just come
7 forward.

8 Christine --

9 MS. SCHELLIN: Christian.

10 CHAIRPERSON HOOD: Oh, I'm sorry. Must be
11 getting late. Christian Dutilh. Dultlif (sic).
12 Okay. Now I need one person to help me out. I just
13 need one person.

14 MS. SCHELLIN: Yeah. D-U-T-I-L-H.
15 Christian.

16 CHAIRPERSON HOOD: Amanda Huron. Micheline
17 Klagsburn. Klagsburn. Jacob Weizettel. Okay.
18 Well, come on. When you're called, come on.

19 MS. SCHELLIN: If you're here, come take a
20 seat. Ms. Moldenhaur can you -- yeah, we need all
21 eight chairs, please. Yeah. We try to fill the
22 table.

23 CHAIRPERSON HOOD: Joshua -- Jacob Weizettel.
24 Joshua Levi. Now I can't make out this --

25 MS. SCHELLIN: Aaron Martin, maybe?

1 CHAIRPERSON HOOD: Martin.

2 MR. MARTIN: Aaron Martin maybe. Do I look
3 familiar?

4 CHAIRPERSON HOOD: Koleco Elizaire.

5 MS. SCHELLIN: From Last Night, is what it
6 says, the organization name. Just have a seat at the
7 table.

8 Jenna Camille. Matthew Mann. I'm going to
9 go right on through these names.

10 Mathew Mann. McGraw is the last name.
11 Mykelee. Fritz Hurbig.

12 MS. SCHELLIN: Hurbig, maybe?

13 CHAIRPERSON HOOD: Okay. Franklin Robinson.
14 Roberson. Chris Naom. Listen Local First. Is that
15 Raye Keith or Leith?

16 MS. SCHELLIN: Uh-huh.

17 CHAIRPERSON HOOD: Okay. Claire Jattle.
18 Jaffe. Okay. Do we have eight yet? Okay.

19 Ms. Schellin, are you marking these off,
20 because I'm not marking them off.

21 MS. SCHELLIN: Yes. Some of them --

22 CHAIRPERSON HOOD: Susan Hostetler.

23 MS. SCHELLIN: Yeah.

24 CHAIRPERSON HOOD: Theodore Lederer.

25 Come on, let's have a seat so I know how many

1 people are already here so I know how many more not
2 to call. Okay. So I need one more person. Katie
3 Greer. Okay.

4 MS. SCHELLIN: That should be it.

5 CHAIRPERSON HOOD: Okay. And, Ms. Schellin,
6 if you could help me with scratching names off?

7 MS. SCHELLIN: Yes, I will.

8 CHAIRPERSON HOOD: Okay. We're going to
9 start with my left. And you can introduce yourself
10 and you have three minutes. Now let me just explain
11 the rules. Three minutes. Are we going to do a
12 warning? We don't need to do a warning. When you
13 hear the beep, your time is up. If you can just say
14 thank you and we'll move to the next person. Okay?
15 You may begin.

16 MS. SCHELLIN: Turn your --

17 MR. MARTIN: Oh, technology. My name is
18 Aaron Martin. And I'm an artist at Union Arts. I
19 asked when I came up here did you all recognize me
20 because I've been here before. Do you remember Gold
21 Leaf on 4th and I Street? Well, same circumstance.
22 I had to leave there and I, you know, got lucky and
23 ended up at Union Arts.

24 Well, a year later, after we were asked to
25 leave Gold Leaf, my daughter and I were riding our

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 bikes one day and I said, let's go by there. Wow.
2 The place is still empty. They really tried to get
3 us out really fast, so I was just wondering.

4 Cultural D.C. Cultural D.C. is interesting.
5 You know, they probably couldn't name 10 artists in
6 here, I'm thinking. They certainly don't know who I
7 am. They certainly don't. You know, my -- and I'm
8 fairly prominent. I'm a prominent musician that
9 lives here in Washington, D.C. I'm all over the
10 place. You know. But I have a suggestion for the
11 group that wants to build this cute little hotel.

12 There's a couple of places down on 14th
13 Street. One is called Studio Theater. The other is
14 called -- I can't think of the name of the other
15 theater, but they're within reasonable proximity of
16 each other, and that would be a great location for
17 their little cute hotel. You know, you should think
18 about that. They should build there, you know?

19 My other question is, where am I going to
20 practice on September 2nd? Wow. You know, my
21 requirements are pretty interesting. You know, I
22 require 24 hours. I require to be left alone, you
23 know, because I practice a lot.

24 To give you an example, last Wednesday I
25 walked from my house. No buses running. I walked

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 from my house to Brooklyn Subway Station to go to
2 Gold Leaf and I got there about 11:00 that night.
3 And I practiced until what, 9:00 the next night. I
4 practice a lot. That's what is required.

5 Now the interesting thing I want to say about
6 what they call, Cultural D.C., is that I'm sure they
7 don't know who I am but they had Kraft. And Kraft is
8 very important. She would know who I was. She would
9 ask for me. She would look for me. She would ask if
10 I need any assistance; if I need any help. If she
11 had Kraft. Because if I had her job I would know
12 every artist in Washington, D.C. Every one of them.
13 Whatever their discipline is or was, you know.

14 And it sounds like Cultural D.C. excludes
15 certain genres. They just do. You know, I can tell.
16 You know, I was -- when I talk to someone about
17 playing music many times I'm not paying attention.
18 We haven't even gotten into the musical conversation.
19 I'm listening -- I'm watching their body language.
20 I'm looking how they're dressed. I'm checking
21 everything out, you know. And the whole time they're
22 talking to me I'm trying to decide whether I want to
23 play with them or not. Anyway.

24 CHAIRPERSON HOOD: Okay. Thank you. Next.

25 MR. MARTIN: I'm just saying.

1 MS. HENDERSON: My name is Jenna Henderson.
2 My artist name is Jenna Camille. I've been going to
3 Union Arts for about three years as an artist and I
4 started teaching songwriting with Mousai which is an
5 organization that is housed in Union Arts. And I
6 just wanted to say, I feel like if there was any real
7 concern for any of the artists here, we wouldn't be
8 here because there is -- this place has become a home
9 for a lot of people. A lot of artists in the city.

10 For me, especially, it's given me the
11 opportunity to have a place to grow within a
12 community because there aren't a lot of affordable
13 places to go in the city where you can be in a
14 noncompetitive environment because everybody is
15 supporting each other. We're all working together.
16 We are teaching each other. We hold classes there.
17 So if there is anybody interested in learning any new
18 skills, or perfecting their skills, it's their peers
19 that are teaching them. It's their friends that are
20 teaching them.

21 If anybody is in need of any recording
22 assistance and any production assistance or whatever
23 they need, it is our peers that provide that for
24 them. So to say that you're going to provide a space
25 for us in which we may have to compete, I don't see

1 how that's a benefit when we're in a space right now
2 where we're not competing but we're assisting. And
3 with that assistance we're allowing each other to
4 grow and to be able to perfect our crafts together
5 and not in an environment where we have to push each
6 other out of the way because we need this little bit
7 of space.

8 Secondly, I noticed that during the cross-
9 examination, I believe, one of the people on the
10 Board or whatever, he kept saying the gentleman and
11 not stating the artist that he spoke to, and not
12 stating his name. I feel like if you are in any way
13 concerned or you in any way want to help the people
14 in this building, there is no reason whatsoever why
15 you should not be knowing these people's names.

16 Like I just, I don't see how that represents
17 that you are concerned, that you care, and that you
18 are really interested and really benefiting the
19 artistic community here. And that's all I have to
20 say.

21 CHAIRPERSON HOOD: Okay. Next. Again, I'm
22 going to ask us not to demonstrate. Thank you.
23 Next.

24 MS. HOSTETLER: Hi. My name is Susan
25 Hostetler. I'm also an artist at 411 New York Avenue

1 and I've been there for about 10 years. And many of
2 the other artists in the building have been there up
3 to over 30 years. So it's, as was mentioned, it's a
4 dynamic community that has built in layers over
5 years. And even though, you know, we might not know
6 each other except to say hi in the hallway or
7 something, we are all together in this building. We
8 are all working together and creating our artwork.

9 And even if this hotel idea, boutique hotel
10 art idea is a great idea, which I actually think it
11 is a really great idea. But they can do that
12 anywhere. Do it someplace where you're displacing
13 this wonderful authentic mixture, you know, that I
14 heard talk about we want this authenticity of artists
15 and all the different disciplines that we represent.
16 And we have that. We have that right now at 411.

17 And, you know, it might be an old building
18 and cold building, but we love it. And we want to
19 keep it for us.

20 So I think that if we are displaced, which
21 you know, just do the numbers. So there's going to
22 be seven studios. There's, I don't know, 40 visual
23 artists, and then there are all the musicians and
24 dancers and poets, and there are a lot of artists in
25 the building. So if there's only going to be eight,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 whatever, seven or eight or nine studio spaces, just
2 do the math. There's a lot of displacement. Even if
3 one of the artists gets into this boutique hotel,
4 what happens to the rest? We're displaced.

5 And we're a community. And you know, maybe
6 two or three or four of us can go find something
7 somewhere, you know, in Maryland or Virginia or
8 somewhere. But maybe not D.C. because it's
9 expensive. So you've broken up this community and
10 we're a diverse community. And okay. That's all I
11 want to say.

12 MS. LEITH: My name is Raye Leith. I have
13 been an educator, an art educator in Washington for
14 over 35 years. And I probably have made as much
15 money in those 35 years as some people in this room
16 make in maybe less than a year. And that supplements
17 my studio, it pays for my rent so that I can make my
18 art, which doesn't sell because it's provocative. It
19 changes people. People love to look at it, but they
20 don't buy it. It's the work that I hope some day
21 reaches venues that aren't Etsy. I'm not interested
22 in Etsy. And I'm not interested in selling out of a
23 little shop, which I believe these little 200 to 350
24 square foot spaces that are like zoo cages where
25 people can come in and out while we are trying to

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 create something that's maybe a little bit heavy or
2 whatever.

3 So nothing about those spaces sounds like
4 it's going to fulfil the needs of all the people that
5 have been in the space so far. We're private people.
6 We have exhibitions, but that's when we put ourselves
7 out. And the rest of the time we are private people.
8 And I don't think that any of you want us hopping on
9 your -- on the backs of your seats, anyone in here,
10 and saying, hey, how did you do that? I want to know
11 about that technique. That's really cool. What's
12 making you put those weird shapes in there? We need
13 our privacy day and night. And a couple of hours a
14 month to have open studios, fine.

15 And also, I do very long scroll work that
16 cover -- maybe extend the length of this. I hope to
17 exhibit them at some point. I need a lot of wall
18 space, and 200 square feet, 350 square feet, is about
19 enough for one out of 20 panels.

20 I might be done. Thank you.

21 MS. GREER: My name is Katie Greer. I sing
22 in a band from D.C. called Priests. And I run a
23 record label, small record label called Sister
24 Polygon Records with my bandmates.

25 I don't live or work in Union Arts. I have

1 released music from a number of artists who practice
2 there. I've booked shows there for other bands, both
3 local and touring through the area. And again, a lot
4 of the artists that I release practice, play shows
5 there.

6 I don't understand the developer's
7 insinuation that this is only affecting 30 artists
8 who are being displaced because just speaking as a
9 musician alone and on behalf of other musicians who
10 are here, there aren't a lot of other places where we
11 can host these kinds of shows. There really aren't
12 any other places like this. We have a small house
13 show circuit. Those are often really disruptive to
14 neighbors. Union Arts has been a great place for
15 people to come together and foment a lot of
16 interesting political and artistic ideas.

17 I don't see this hotel as a place that's
18 going to encourage creative growth in the District.
19 It's definitely going to stifle it. Yeah, I just
20 want to reiterate that nothing about that plan that
21 we heard tonight seems to accommodate musicians. I
22 don't know if there's any plan to soundproof walls.
23 But playing music is very loud and it's going to be
24 very disruptive to hotel guests. So musicians will
25 definitely be pushed out of this.

1 And also, just that idea earlier that there
2 are less than 850 artists in Washington, D.C., that's
3 absurd. That's insane. And there are so many people
4 who are deeply affected by the creative community
5 that's already quickly being pushed out here. So
6 that's why I'm here tonight.

7 MR. NAOM: Hi, my name is Chris Naom. I'm a
8 founder of an organization called Listen Local First.
9 And Listen Local First is a local music initiative.
10 It's been around since 2011. This is devoted to
11 creating alternate avenues for local music
12 exploration, and has created opportunities for some
13 of the city's most talented and diverse local
14 musicians.

15 Listen Local First also produces two of
16 D.C.'s largest all local music festivals. That being
17 the Kingman Island Bluegrass Festival, and the D.C.
18 Funk Parade. Both these festivals are enormous
19 economic drivers. The Funk Parade last year raised a
20 net of \$1 million for the local businesses in the U
21 Street neighborhood.

22 During these events we pay over 200 local
23 artists. Many of these musicians come from --
24 especially the Funk Parade, do perform at Union Arts.
25 This is where they perform. This is where they work.

1 This is where they practice. This is where they
2 live. This is where they create. These are the
3 artists that are the sole of D.C.'s creative economy.

4 The city says, the importance of building
5 creative economy. But the creative economy already
6 exists. It exists in Union Arts. It needs to be
7 supported. Not removed and displaced. If the city
8 wants a creative economy, if D.C. wants to support
9 creative culture, the government should quite
10 standing idly while creators get pushed out of the
11 city.

12 If D.C. wants D.C. cool, keep the cool
13 factory right there. This is what we should be
14 focusing on. Come to the tables and find ways to
15 work with all these creatives.

16 I think the gentleman earlier on the panel
17 said, you know, there's not that many creatives.
18 There's not that many artists. You're not doing a
19 good job of being a part of your creative economy if
20 you're saying that. This is like where the art and
21 the creativity starts in this space. And the artists
22 that are coming out of this space are some of the
23 most innovative artists in the D.C. community. This
24 is not commercial art. You know, these are not the
25 artists that are going to find the space in the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 little places that Cultural D.C. has in Monroe
2 Market.

3 And by the way, things that have been said
4 about Monroe Market include, you know, artists in
5 complaining that no one knows they're there. It's
6 not a heavy trafficked area. Artists can't make
7 their own signs. The, and quote, "The spaces are
8 sterile concrete settings." This is not a creative
9 space that we want; that these artists that are some
10 of the most creative in our city will find as a home
11 in a new space in a hotel like this. Thank you.

12 MR. LEVI: All right. Good evening. My name
13 is Josh Levi and I am a musician and one half of
14 Select D.C., a curatorial organization specializing
15 in programming of avant-garde music in D.C.

16 I first encountered Luke Stewart and Union
17 Arts when I moved to Washington, D.C. from St. Louis,
18 Missouri nearly three and a half years ago. And in a
19 city that is so fiercely competitive, Union Arts
20 welcomed me with open arms and provided both freedom
21 and space when so many others had turned me away.

22 Over my short time being involved I've seen a
23 wealth of creative work from a widely diverse array
24 of makers, video artists, musicians, carpenters, and
25 artists of color. These artists not only have

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 created compelling and interesting work but have
2 established a cultural commodity which strengthens
3 the city as a whole. And what this development is
4 doing is destroying a whole ecosystem of artists.

5 This development is destroying the momentum
6 of a community, displacing artists, inhibiting
7 entrepreneurs and eradicating affordable artist run
8 space. And I don't want to see D.C. artists move to
9 New York or Philly or Baltimore when they can thrive
10 in the Capitol.

11 And I firmly believe that this boutique hotel
12 will not be a haven for artists and creativity, but
13 rather a sterile cultural graveyard. Thank you.

14 MS. KLAGSBURN: Good evening. I am Micheline
15 Klagsburn and I had prepared a statement which I gave
16 to the Commission earlier today. But I'm also part
17 of the panel of the Union Arts, so I don't think I
18 should say any more at this point. Is that correct?
19 I won't give my statement if I'm part of that?

20 CHAIRPERSON HOOD: Are you part of Mr.
21 Otten's --

22 MS. KLAGSBURN: Yes.

23 CHAIRPERSON HOOD: Okay. Yeah, we said
24 earlier that his --

25 MS. KLAGSBURN: Yeah. Right.

1 CHAIRPERSON HOOD: -- they would not testify.
2 Okay. Let's see, colleagues. Any questions or
3 comments of this panel? Anybody? Okay.

4 Do you have any cross, Ms. Moldenhaur?

5 MS. COHEN: I'm sorry. I just -- it's really
6 an urban dynamic. And my question to you would be, I
7 don't know who owned the building prior to while you
8 were in occupancy, quite a few of you were. You're
9 in a neighborhood, of course, of change, and even if
10 we didn't approve this particular project what do you
11 think would happen? I mean, I don't think the status
12 quo is -- unless somebody stepped in and said, I'm
13 going to keep it as it is. And that's often not
14 likely. I would like to just get a -- one
15 spokesperson just tell me what would you expect to
16 happen because it's in a very high demand, high
17 market, and it was you know, property that was for
18 sale and somebody purchased it, came up with an idea.

19 Just one person.

20 MS. LEITH: This is my fourth displacement
21 and I think that what you're asking is absolutely
22 apt. It's because we are here that the area has
23 become so -- that's the dynamic that we're -- we've
24 revisited. It's a bohemian process.

25 And something has to change in the government

1 that forces artists -- forces the, you know, the
2 planning commissions or whatever, to allow for
3 artists to have space that stays put so that we don't
4 have to continually uproot and move again. Did I --

5 MS. GREER: Yeah, and I think that we should
6 -- maybe we should be offered a space, if that's just
7 going to be developed by Eden and everybody else, and
8 that there's no turning back on that, then the
9 artists should be offered a space. We really haven't
10 been -- in spite of the talk that was going on up
11 here, no. I mean, there's not -- I mean, if you look
12 at the list, I mean, I think that's going to be
13 presented later. The list that we were given is not
14 really -- they aren't strong options at all.

15 So how about a building that, you know, can
16 accommodate all of us?

17 MS. COHEN: I think that that's a very good
18 point and I don't think that we're in a position to
19 provide you that. But I just wanted to get some
20 feedback so, thank you very much. I don't need to
21 hear from anybody else. Thank you.

22 CHAIRPERSON HOOD: Okay. Any other questions
23 up here?

24 MR. TURNBULL: I just have a comment.

25 CHAIRPERSON HOOD: Mr. Turnbull?

1 MR. TURNBULL: I really empathize with --

2 CHAIRPERSON HOOD: Mr. Turnbull is asking a
3 question now.

4 MR. TURNBULL: Oh, no -- oh.

5 CHAIRPERSON HOOD: If everybody can stay
6 seated.

7 MR. TURNBULL: I didn't realize -- no, I
8 wanted to empathize. I really -- I know when I was
9 in college and you know, my first building in my
10 freshman year with architects and artists, and we all
11 shared a building in our first year, first two years.
12 And it was an old bra factory. And we called it the
13 Bra House. And it had these great 20 foot floors. I
14 mean, 20 foot. And it's concrete. You could do
15 anything. You could mess it up. You have paint, you
16 could do. I mean, it's a great space. And I know
17 what you're looking for, and it's hard to see that in
18 a hotel to have that, those kind of spaces.

19 So I think you're right. Some of the innate
20 quality that you find in some of these old industrial
21 buildings is not going to be there. I think the
22 musicians, I think you made a point. I'm not sure
23 where musicians go. I don't know how they fit into
24 that kind of a space. I can't see it being that
25 soundproof, especially in a small little studio. You

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 know, unless you're playing a violin or something and
2 that's about it. But so that is a concern. I think
3 you brought up a great concern, that we aren't having
4 the flexibility to leave those industrial spaces that
5 allow for the divisions and the subdivisions of
6 spaces to create that kind of art because art can be
7 dirty. You get down. It's nitty gritty. You don't
8 need these sterile little rooms and cubicles to make
9 art, unless it's boutique art. And I don't -- and I
10 think that's what you're not looking for. I mean,
11 you're not looking for the boutique art. You're
12 looking for that art that comes from the soul and
13 your spirit. You're trying to create it.

14 So I think -- I empathize with you and I see
15 the loss, having gone through it myself.

16 CHAIRPERSON HOOD: Okay. Any other questions
17 up here?

18 Ms. Moldenhaur, do you have any cross? The
19 ANC 5D, again, no one is here. No cross from them.
20 They're not represented tonight. The party in
21 opposition, 411 Artist's Union, you have any cross?

22 They're out of the room. So let the record
23 reflect I've called them for any -- on, no, Mr.
24 Boyle. Do you have any cross?

25 Okay. No cross. Okay. Thank you all very

1 much. We appreciate it.

2 Is Shaquille Sulimon (phonetic) here? That's
3 the first name. Shaquille Sulimon. Okay. We have a
4 very interesting letter from him in Exhibit 113.
5 Comment on that later.

6 Okay. Christopher Smith. Andras Fekete.
7 Robin Diamond. Warren Crudup. Shannon. Shannon?
8 Okay. Is that Stacy or Steely? Steely Girssels
9 (phonetic), the 93 Bandits. Al Hostile, 800. G. L.
10 Jaguar. Ursula Johnson. And I can't make this next
11 one out at all. Butler. Meat -- I better not read
12 everything I have because if I read this letter that
13 was sent to us, no, I won't use that kind of language
14 and --

15 PARTICIPANT: Mr. Council Member, Amanda
16 Huron, who was --

17 CHAIRPERSON HOOD: That's a promotion,
18 Council Member.

19 PARTICIPANT: Sorry. Amanda Huron, who was
20 in the bathroom, who was called earlier is here.

21 CHAIRPERSON HOOD: Okay. Save her a seat.
22 And when she comes in can somebody let her --

23 PARTICIPANT: But she's here right now.

24 CHAIRPERSON HOOD: Okay. Come forward.

25 PARTICIPANT: I think her testimony is

1 important.

2 CHAIRPERSON HOOD: Okay. Where did I
3 leave -- Mr. Butler. Okay. Meet your Brightness
4 group. And I can't -- Bradley Gay. Okay. I'm going
5 to need everybody's help because we'll figure that
6 out. Cameron Hicks. Rafael. It says Rafael.
7 That's all. SMH. Or I'm not sure what that says.
8 Akin El Bass. And Katie McDermott.

9 MS. SCHELLIN: She's here. She's coming.

10 CHAIRPERSON HOOD: Okay.

11 MS. SCHELLIN: And that fills the table.

12 CHAIRPERSON HOOD: Okay. Great. Okay.

13 We're going to start with you.

14 MR. SMITH: Good evening. My name is
15 Christopher Smith. I'm a 10-year resident of
16 Washington, D.C., and a current PhD student at Howard
17 University.

18 I'm sitting here and I'm moving constantly.
19 I'm shaking, not out of nervousness, but out of
20 discontent and anger.

21 As we can tell the plans that were given and
22 that are before us are completely absurd. It makes
23 no sense. Art is not just throwing paint on a
24 canvas. It's not just banging on a drum. It's not
25 strumming a guitar. It's life. It is a

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 representation of what we do in and out every single
2 day. And to say that we only have four rooms, 250
3 feet, maybe if that, square feet, to do something
4 that is life in, is like putting a lion in a cage and
5 telling him to exist. It doesn't make sense. I
6 don't know who Cultural D.C. is. I've never seen
7 them. They've never come to us. I've never seen
8 them in a jam session. I've never seen them
9 entertaining with us. I've never seen them asking
10 about our kids. I've never seen them asking about
11 the future. They don't come and ask about our future
12 plans.

13 In their planning they laid out a possible
14 internship program. I could say by raise of hands
15 how many people have interned at Mousai? How many
16 people interns at Union Arts after work? Learning
17 video and audio art. Learning martial arts. Is
18 there a place for martial arts? They don't get it.
19 At all.

20 We were putting forth and beyond just arts,
21 because you know, everybody likes art. We were
22 putting forth plans for an educational aspect of
23 Union Arts. It was going to be a GED structure that
24 would help prior incarcerated youth as they came out
25 to get them their GEDs within six months to a year so

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 that they can get out of the DCPS system and move
2 towards vocational and other educational
3 opportunities. And this was going to be the house
4 for it. Where is that going to go now? It's not
5 just about art, it's about life. And they don't get
6 that, because for them it's about money.

7 And don't get us wrong. We need money. It's
8 pretty great. But if you want to help artists, help
9 the ones that are already in there, not your pocket
10 first. It's that simple.

11 The one thing I've learned in my life is that
12 when you have the opportunity to keep something
13 sacred, you do not destroy it. You lose the heart of
14 everything when you do that. D.C. is already a dog
15 eat dog place. Let's not destroy something else that
16 gives it its heart.

17 MR. CRUDUP: My name is Warren Crudup. I am
18 a musician in the D.C. area and I would definitely
19 have to say Union Arts has provided a haven, a safe
20 haven for me and a lot of musicians that I know who
21 are not even here today, and even live out of the
22 city. Union Arts and Mousai House has provided me
23 the opportunity to play with various musicians and
24 artists that I would normally, wouldn't get a chance
25 to play with or see face to face in a live situation.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 I was able to meet Lafayette -- I was able to just
2 commune with, especially like my brother, Aaron
3 Martin, who is a strong legend saxophonist in the
4 D.C. area, and just hanging around him has taught me
5 a lot about the music. And if it wasn't for that
6 location I don't think I would have that type of
7 connection with a legend as Aaron Martin.

8 I have also -- Mousai House has given me the
9 opportunity to record video with another musician
10 that was up here, Jenna Camille. We were able to
11 record and do some things over there, and practice
12 and rehears music any time at night, how loud we
13 wanted to play. I was able -- I was also able to
14 practice my drums as loud as I want, as long as I
15 want with Union Arts, and I don't think that this
16 boutique hotel would suit the type of energy and
17 sound that you know, a lot of us are coming with. I
18 think it's very polished and commercial. And a lot
19 of us are grassroots and just from the heart and from
20 the soul.

21 And I think that that boutique is going to be
22 washing a lot of the heart and the soul out of the
23 D.C. arts community that is here right now. And I
24 just think building up this hotel is not a good idea
25 in so many ways. And I'm upset about it. That's all

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 I have to say.

2 MR. FEKETE: I'm Andreas Fekete. I am a
3 musician in D.C. I represent one of the many D.C.
4 musicians who are here tonight, because of Union Arts
5 generously opening its doors and providing a space
6 for us to perform and collaborate and connect.

7 My own ensemble, Boat Burning, would not be
8 where it is today if it wasn't for the vision and
9 generosity of two Union Arts musicians, Aaron Martin
10 and Luke Stewart.

11 In 2014 Union Arts hosted our debut
12 performance. The first conducted mass guitar
13 symphony in D.C. A year later on the strength of
14 that show Boat Burning was able to produce a massive
15 benefit at School Without Walls where we raised
16 several thousand dollars for D.C. Public Schools.

17 I mention this, that this is -- because this
18 is just one tiny example of Union Art's impact in
19 this area. When you support the artists you're
20 supporting an ecosystem and a web of process that
21 enrich the greater community. D.C. is becoming a
22 tale of two cities. And pulling the rug out from
23 underneath these artists and entrepreneurs makes it
24 almost impossible for them to exist elsewhere and to
25 live and thrive.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Right now it seems like D.C. makes no
2 proactive investment in its artist class. We should
3 value D.C. artists as -- and incubators like this as
4 much as we would value and high tech incubators. Too
5 often D.C. recognizes it's indigenous cultural
6 phenomena after the fact. You can look at go-go, you
7 can look at discord. I think what we should do now
8 is recognize the significant investment that has
9 already been made here by these artists. Indigenous
10 D.C. art, jazz, new forms of music. All of this
11 nurtures and furthers D.C.'s international stature as
12 an emerging cultural center. Union Arts should be
13 given, at the very least, compensation for the loss
14 of their investment, and possible relocation.
15 Consider for relocation to other areas on D.C. where
16 they can continue their work. Thanks.

17 MS. LUTHWAITE: Hello. My name is Shannon
18 Luthwaite. I am an arts professional in Washington,
19 D.C. I've owned my own art consulting company, 2000
20 Rivers since 2013, and I serve in a leadership
21 capacity with the Philips Collection, Meridian
22 International on the Council for Women's Leadership,
23 as well as Transform Our D.C.

24 I also work with Nomad Yard, which is an
25 occupant, the ground floor occupant in 411 New York

1 Avenue. I think that if the council had any idea on
2 the type of magic that goes on in that building, you
3 would understand why there's so many people sitting
4 here.

5 I first met Desiree, who owns Nomad Yard,
6 last winter. And we joined forces and actually over
7 that spring we had talked because what I had devoted,
8 maybe the last three years of doing, you know, going
9 to fancy events, rubbing elbows, charming potentially
10 generous benefactors. No, I'm just kidding.

11 But I did all of that with the idea that I
12 could bring business knowhow, bring funding, bring
13 expertise to the artistic community. And through
14 this process I've had the privilege to meet with a
15 number of folks in that building. We had local D.C.
16 developers interested in investing, in forming joint
17 partnerships. We have engaged all different levels
18 of the D.C. government, whether it's applying for
19 grants, reaching out to the ANC, reaching out to the
20 Office of Planning, attending city meetings.

21 We have done all of these steps, and what I
22 feel like is happening is our -- we have a
23 comprehensive plan for the building. You know,
24 everyone's ideas included. And what I feel like
25 happened is all of a sudden this happened and then we

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 were to be out. You know, it's -- it's a bit of a
2 shocking experience and I think at first I thought
3 well, just give up. You know, there's no point in
4 fighting. This happens all the time. But the more
5 that I sat down -- and I highly respect Cultural D.C.
6 I believe in their programming. I've attended their
7 shows. I like what they do. But we had this in-
8 house, and I feel like we go from being agents, from
9 being creative entrepreneurs, from being
10 entrepreneurs in general, to being employees. And
11 we're now auditioning for our vision. You know?

12 And I feel like -- and I feel like what we as
13 creatives bring to this process is visionary
14 attributes to know what's going to be cool in four
15 years. And honestly, we're not even doing this to be
16 malicious to the developers. We want to sit down
17 because we know what's cool and what isn't, and this
18 isn't cool. It's not. It's not going to be cool.
19 No one is going to go for it. I mean, it's going to
20 fall flat.

21 And in fact, working in D.C. and trying to
22 cultivate a -- sorry -- a group of people to come out
23 to these things, you have to take special precautions
24 so that it doesn't just feel like another, you know,
25 networking event. You have to --

1 CHAIRPERSON HOOD: Thank you.

2 MS. LUTHWAITE: You have to really --

3 CHAIRPERSON HOOD: Thank you.

4 MS. LUTHWAITE: -- think about it. Thank
5 you.

6 CHAIRPERSON HOOD: Thank you. Thank you.
7 Next.

8 MR. JAGUAR: Hello. My name is G. L. Jaguar.
9 I am a lifelong D.C. resident native. I was born
10 here. I play music professionally in the band
11 Priest, and co-run Sister Polygon Records with my
12 bandmate.

13 What does it mean to be a professional
14 musician in 2016? I can go on tour. I can pay my
15 rent. And I come back, you know, like with enough
16 money to survive. However, I still have to work
17 three jobs.

18 So you know, having a space to cultivate your
19 art, having a space to practice, perform, is
20 extremely important. And this hotel is going to
21 happen. This same thing has happened time and time
22 again. I've seen this happen in D.C. We go on tour
23 for two months, we come back, I hardly recognize the
24 neighborhood.

25 And it blows my mind. Growing up here, you

1 know, like seeing my neighbors have to move to P.G.
2 County. Like you know, it's -- or Wheaton, or
3 wherever. What's upsetting to me is that there is no
4 like infrastructure for artists in the city. Like,
5 for the amount that I'm paying here in D.C., or my
6 friends are paying and getting by and having the
7 freedom to, you know, pick up and leave on tour, or
8 be able to afford a studio, a practice space, a
9 recording studio, a place where they can edit movies
10 or film, that just doesn't exist. There's no
11 infrastructure. We are losing our best and brightest
12 to cities like Baltimore, Richmond, and even New
13 York, which is more expensive than here, but at least
14 there's infrastructure.

15 What I'd like to see from the city is
16 infrastructure that supports the artistic community.
17 I have applied for art subsidized housing. I've
18 applied for grants and been flat out turned down
19 because I am not a visual artist. Something needs to
20 give because like I understand, like you know, this
21 neighborhood is up and coming. You know, like my
22 parents are so stoked that there's good places to eat
23 here after 40 years of being D.C. residents. You
24 know? I understand. Change is a good thing.

25 But if you want to maintain positive change

1 you don't need more jacudaries (phonetic), or bars
2 with flat screen TVs. We need community, not condos.
3 And I'd really like to see the city provide some kind
4 of infrastructure or just anything that would support
5 not just low-income residents, but the artistic class
6 because you know, even with low-income housing that's
7 like, it's so difficult to find just a place to live
8 in this city that's affordable. You know, without
9 having to work two jobs, you know. Like, it just
10 blows my mind that there's no infrastructure for
11 this. Especially in a city that wants to -- that is
12 one of the greatest metropolitan cities in the world.
13 This is my home and I want to be able to stay here.
14 Thank you.

15 MS. HURON: Good evening. My name is Amanda
16 Huron. I was born and raised in D.C. I've played
17 music in punk and experimental bands in this city for
18 the past 20 years. I've performed several times at
19 Union Arts and I have attended many musical
20 performances there. And also an assistant professor
21 at the University at the District of Columbia where I
22 teach courses on mapping, cultural geography, and
23 D.C. History.

24 I'm here tonight because I think the proposed
25 project is predicated on the erasure of this city's

1 cultural history and I think it's important to
2 contest that erasure. If you look at page 7 of the
3 project application, the developers have written,
4 quote, "A creative movement has continued to emerge
5 in Washington, D.C. over the past decade. A city
6 once defined by bureaucrats has blossomed into a city
7 with a deeper artistic culture." Their argument --
8 end quote. Their argument is that their boutique
9 hotel project, because it includes a few art studios
10 and some gallery space, supports this new deeper
11 artistic culture.

12 The idea that up until about 10 years ago
13 this city was a cultural wasteland, as the developers
14 put it, defined by bureaucrats, and it's only
15 recently that a deeper artistic culture has blossomed
16 here, displays embarrassing, seemingly willful
17 ignorance of this city's rich cultural history.

18 This a-historical perspective is increasingly
19 common in D.C. And we've got to contest this
20 narrative that little of cultural value existed here
21 until people with money discovered this city, because
22 when this narrative becomes the common understanding
23 our city's past it becomes much easier to not worry
24 about displacing people and activities that are not
25 seen as having contributed anything of value to this

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 City's life. And though this may all seem abstract,
2 cultural displacement comes about through concrete-
3 specific things like zoning decisions, which is why
4 we're here.

5 I'm opposed to granting the developers the
6 zoning change they need from C-M-1 to C-3-C in order
7 to build their boutique hotel project. I do, like my
8 friend here, I do kind of think this is a done deal.
9 I do worry that this is going to happen despite this
10 incredible amount of these beautiful people here
11 tonight. And I guess I do have a couple of concerns
12 if this project moves forward.

13 Clearly there's a huge concern about what's
14 going to happen to the artists and musicians. The
15 musicians clearly are all going to be displaced under
16 the way the project is set up now. There is a claim
17 on the part of the developers that the project will
18 create up to 100 jobs. I do think this is important.
19 I'm very concerned about job creation in the city. I
20 spend all day working with students at UDC, most of
21 whom are low income D.C. natives who very much need
22 good jobs so they can afford to continue to live in
23 this city as rents go ever upward.

24 But what kinds of jobs are going to be
25 created at this hotel? Is it going to be unionized

1 jobs, because that's a very different matter from
2 nonunionized jobs. Is there a way to require that in
3 this process?

4 There's also the point that's been made by
5 people as I've listened tonight that, you know, they
6 already are working. I mean, they're employed in
7 their jobs right now, so there's a certain amount of
8 job loss that's going to happen when this happens.

9 I think many of us are going to mourn the
10 loss of Union Arts, but we're upset not just about
11 this particular space --

12 CHAIRPERSON HOOD: Thank you. Thank you.
13 Thank you.

14 MS. LUTHWAITE: -- but about the larger loss.

15 CHAIRPERSON HOOD: Let's remember what I said
16 early on, when you hear the buzzer I ask you to stop.
17 Okay?

18 MS. LUTHWAITE: Thank you.

19 CHAIRPERSON HOOD: Thank you. Next.

20 MR. BASS: Good evening Commissioners, and
21 everybody else that came out tonight. My name is
22 Akin El Bass. Just hearing the plan from the
23 proponent, I think is the correct term, you can see
24 the displacement. They say the square footage that
25 we use now as creative space is over 30,000. And

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 we're minimizing down to -- what was it? 2,300? If
2 that. That's not even 10 percent. So we're talking
3 about a 90 percent, 85 to a 90 percent displacement.
4 I don't understand why you don't see the
5 displacement. That is difficult for me to understand
6 in this presentation that they keep saying that
7 there's no displacement. There's no displacement, or
8 it's resident -- there is no residential
9 displacement.

10 We're not talking about residents here.
11 We're talking about a community, we're talking about
12 a family, we're talking about a group of artists that
13 use this place as a haven. Yeah, I really don't
14 understand where you don't see the displacement.

15 In addition to that we -- the term keeps
16 being thrown around that we -- the term keeps being
17 thrown around that we want to find this authenticity
18 to build this hotel, or boutique hotel. A boutique
19 hotel. Where is the authentic -- the words won't
20 even come out. But we already have that
21 authenticity. We have it. And you want to erase it
22 to remimic it, or to recreate it? That doesn't make
23 any sense. Why do you want to delete that which you
24 are seeking?

25 I don't know who this other group is that is

1 in partnership with the proponent. I haven't heard
2 the name before. Nobody ever said, hey, I need a
3 drummer and I went to this other group to get a
4 drummer. I haven't heard that. At Mousai, at Union
5 Arts, there's plenty of drummers, there's plenty of
6 pianists, there's plenty of saxophonists. If any
7 band that I know of needed any of these different
8 positions, they can go to Mousai or Union Arts and
9 network there to gain these different skills. Or
10 even if I didn't know how to play the piano, that's
11 something I wanted to learn how to do, I can go there
12 for an affordable price and learn how to play the
13 piano.

14 This necklace I'm wearing, I bought this.
15 And we do practice entrepreneurship at Mousai during
16 our different BYOB jams. We have different artists
17 there that create different shades, that create
18 different -- anything and everything. I mean, from
19 lotion to soap to tea. It is literally entrepreneurs
20 here at this place. And you're not displacing
21 residents, no. I wish that was all you was
22 displacing. But thank you.

23 MS. McDERMOTT: Hi. I'm Katie McDermott and
24 I'm from Silver Spring but I've been living in D.C.
25 for a year, and I'm here as a musician, but also as a

1 resident of Ward 6. I live a few blocks south of the
2 proposed development and -- oh. I didn't have it on.
3 Sorry.

4 I agree with all of the reasons that have
5 already been stated, all of the emotional appeals and
6 you know, you're displacing us. But also I think
7 that it would be a wasteful use of the property and a
8 detriment to the sustainable economic growth in Ward
9 5 and in Northeast D.C.

10 I'd like to present a statistic from the
11 commercial real estate consultant, Jones, Lange,
12 LaSalle. According to JLL's quarter three 2015
13 report on the hospitality industry, U.S. hotel cap
14 rates have reached historic lows. JLL's recent hotel
15 investment survey reported a medium term investment
16 outlook of 33 percent positive outlook reading. And
17 this is a shocking decline from its 58.9 percent
18 rating from a year ago. And that information can be
19 found online on their website.

20 I believe that these types of factors coupled
21 with global economic concerns and financial market
22 volatility raise the question of whether a new hotel
23 development will be able to stand up against market
24 headwinds in the coming years.

25 Additionally, developments like this reduce

1 urban porosity and create a homogenized city scape
2 which myself, and everyone here, considers
3 aesthetically offensive and ethically questionable.
4 A point that was brought up before, I don't want my
5 tax money supporting the creation of hotel and retail
6 spaces that cater singly to those with fatter wallets
7 and in return provide low paying hourly jobs, non-
8 unionized jobs, to the residents of Northeast D.C.
9 Not to mention completely displacing and shutting out
10 the artists who already work there.

11 I don't think that this is an intelligent
12 investment for the future. It doesn't promote
13 economic growth for artists or for locals who are
14 seeking jobs, or for the city as a whole. Thank you.

15 CHAIRPERSON HOOD: Okay. Let's see. We have
16 any questions up here? I do want to ask very
17 quickly, young lady that teaches at UDC. Not
18 Shannon. I did want to ask Shannon something, but
19 yeah, Ms. Huron.

20 You kind of went to the point of what this
21 body is for, and I understand about the displacement,
22 about the changes and the -- I understand all that.
23 But this body here is about land use. And I want to
24 say that for everybody. I know that's probably an
25 unpopular subject tonight because everybody is

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 talking about displacement. But we basically deal
2 with land use.

3 You kind of alluded to the -- you said,
4 changing it from C-M-1. Explain to me, why would you
5 say -- why would you be against the project. I'm
6 trying to focus us where we should be. Why would you
7 say about C-M-1 and changing C-3-C? Why would you
8 say that? I mean, is it too dense? Is it traffic
9 mitigation issues? What would make you say that?

10 MS. HURON: Well, C-M-1 is a limit of 40
11 feet. You can build under C-M-1, right? And that's
12 about four stories. And under C-3-C, which is what -
13 - so the developers right now, the way the land is
14 zoned, can't build what they want to build. That's
15 why we're having this hearing, right? You all are
16 going to decide whether you're going to change the
17 zoning to C-3-C? Right?

18 CHAIRPERSON HOOD: That's part of -- that's
19 part of PUD.

20 MS. HURON: Which would allow -- okay. So
21 that's part of it.

22 CHAIRPERSON HOOD: And we're aware what C-M-1
23 does allow for, right.

24 MS. HURON: Right. I mean, but it's a height
25 limit of 40 feet.

1 CHAIRPERSON HOOD: But some of the uses that
2 go in C-M-1 -- I'm just trying to figure out --

3 MS. HURON: Yeah.

4 CHAIRPERSON HOOD: -- because you actually
5 alluded to --

6 MS. HURON: Yeah, well, I think --

7 CHAIRPERSON HOOD: -- the land use issue.

8 MS. HURON: I mean, I think that -- I think
9 that the, you know, C-3-C is what the developers
10 want, which would take the building up to 11 stories.
11 I think the reason that I am opposed to changing the
12 zoning for them is because I want to see -- I don't
13 want to see a hotel. I don't want to see the hotel
14 project happen there. I mean, I want to see -- I
15 think what's happened here in terms of the warehouse
16 space and the way it's been used is really beneficial
17 for the city culturally and economically, and in
18 terms of community.

19 And so I don't think we should just give the
20 developers what they're asking for. What's
21 interesting is that right now as it's zoned, they
22 can't build a hotel. You know, so that's the status
23 quo is no hotel. They have to get this thing changed
24 in order to make the hotel, in order to build the
25 hotel. And we're saying, we don't want this thing to

1 change because we are opposed to the project.

2 CHAIRPERSON HOOD: Do me a favor.

3 MS. HURON: Yeah.

4 CHAIRPERSON HOOD: And I'm not going to quiz
5 you tonight.

6 MS. HURON: Yeah, yeah, yeah.

7 CHAIRPERSON HOOD: But I want you to look up
8 what can go in a C-M-1.

9 MS. HURON: No, I did. I looked it up. I
10 actually, I actually, I actually did --

11 CHAIRPERSON HOOD: Okay.

12 MS. HURON: When I was doing research to
13 write my testimony --

14 CHAIRPERSON HOOD: What can go in C-M-1? Be
15 very careful.

16 MS. HURON: It's industrial, right? Well,
17 you know what was interesting about it, actually, is
18 there's two different -- so there's two different
19 definitions. I found one definition of what can go
20 in a C-M-1 on your website, the Office of Zoning
21 website, and then I saw a different definition of
22 what can go, I guess in C-3-C, there are two
23 different definitions. That's what it was. There
24 was one on your website and there's another one on
25 the notice of public hearing for tonight's meeting.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 And I thought, that's strange that there's these two
2 different definitions of what the C-3-C is. So
3 actually that's a question I had for you all is, why
4 is there a discrepancy in terms of what's listing on
5 the zoning website and what was listed in the notice
6 of public hearing because that's a little confusing
7 for the public.

8 CHAIRPERSON HOOD: Let me just say this, I'm
9 not sure what that -- we will check that. I'll have
10 Ms. Schellin check that.

11 MS. HURON: Yeah.

12 CHAIRPERSON HOOD: But I just want you to be
13 very careful about the C-M-1 zone. That's what
14 landed me on the Zoning Commission. I live in Ward
15 5.

16 MS. HURON: What do you mean?

17 CHAIRPERSON HOOD: So be very careful about
18 advocating for C-M-1, and I'm going to leave it at
19 that for now because we're germane to a case.

20 MS. HURON: I'm not advocating for C-M-1.
21 I'm advocating for keeping things as they are.

22 CHAIRPERSON HOOD: And what is it zoned now?

23 MS. HURON: It's -- yes, it's C-M-1. Okay.

24 CHAIRPERSON HOOD: Okay.

25 MS. HURON: We could get into technicalities.

1 CHAIRPERSON HOOD: Well, no, I just want to
2 make sure, and that's why I always say we are -- and
3 I think you -- and the reason I chose you, because
4 you started talking about the land use.

5 MS. HURON: Yeah.

6 CHAIRPERSON HOOD: Everyone else is talking -
7 - and I understand about the artist issue, and I
8 think that's an issue that is bigger than just this
9 site, for me.

10 Shannon, you mentioned -- I'm sorry. Let me
11 call you by your last name. I just remember the
12 first name. What's your last name?

13 MS. LUTHWAITE: Luthwaite.

14 CHAIRPERSON HOOD: Luthwaite. Ms. Luthwaite,
15 you mentioned about all these other things that were
16 in progress. What happened to them?

17 MS. LUTHWAITE: Nothing, necessarily. I
18 think that our hope from this, and we're not sitting
19 here trying to vilify the developers. I think that a
20 lot could be possible with additional meetings. I
21 think that it is possible to still have interested
22 parties in this space who see its value and its use
23 for the community. And I think there is a way to
24 merge visions that nobody would come out looking like
25 a fool. You know?

1 The one thing I will say is when you say that
2 you'll collaborate with someone --

3 CHAIRPERSON HOOD: Right.

4 MS. LUTHWAITE: -- you know, two parties or
5 all parties are there from the conception of that
6 idea. You know. And what it seems like here is we
7 have a lot of things that kind -- they do, on the
8 surface, look like what we were talking about. But
9 they're hollow. And I think the more I thought about
10 the proposal, and this is not to Cultural D.C.'s
11 deficit, they were -- when they joined this project
12 they said, you have this much square feet, figure out
13 how to make it as beneficial for this many artists as
14 possible. And they did a tremendous job in doing
15 that. With that tremendous decrease in square
16 footage.

17 Imagine if we could reimagine that space with
18 artists in mind. We could still have lodging. It
19 could still be an art hotel where artists come from -
20 - to have residencies or visit from other cities.
21 Museums in the area would be interested to have them
22 stay here. Works of collaboration with D.C. artists
23 and artists from internationally and from other
24 cities could be made onsite in that location. You
25 know, there could be an art sales component. There

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 could be training programs. It's something that's --

2 CHAIRPERSON HOOD: Okay.

3 MS. LUTHWAITE: -- already in place.

4 CHAIRPERSON HOOD: Okay. Obviously --

5 MS. LUTHWAITE: Sorry.

6 CHAIRPERSON HOOD: Let me just cut you off.

7 But you're going to obviously be part of that

8 meeting, I see. Right?

9 MS. LUTHWAITE: Oh, yeah. I'll be there.

10 CHAIRPERSON HOOD: All right. I guess.

11 Okay. All right.

12 MS. LUTHWAITE: And so --

13 CHAIRPERSON HOOD: So why don't you save the

14 rest of it for that because I want to --

15 MS. LUTHWAITE: I will, I will, I will, I

16 will, I will. Thank you for asking.

17 CHAIRPERSON HOOD: You all work it out and

18 let's go from there.

19 MS. LUTHWAITE: Okay. Thank you.

20 CHAIRPERSON HOOD: Let's see. Any other

21 questions up here?

22 Okay. Does the applicant have any cross?

23 Okay. Again, no one is here from ANC 5D. Mr. Otten,

24 you all have any cross?

25 MR. OTTEN: Yes.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 CHAIRPERSON HOOD: Okay. Is there anyone in
2 particular that you're not going to ask a question?
3 Maybe they can hop up?

4 MR. OTTEN: Yeah, I just wanted to ask --

5 CHAIRPERSON HOOD: Can you get on the mic? I
6 just need somebody to hop up if --

7 MR. OTTEN: Okay. I wish I could ask
8 everybody questions. But I particularly, Ms.
9 McDowell, I wanted to ask you --

10 MS. McDERMOTT: McDermott.

11 MR. OTTEN: McDermott. Excuse me. Just in
12 terms of your testimony, are you going to be able to
13 put that on the record, the studies, the hotel study
14 you were mentioning where the market studies for
15 hotels --

16 MS. McDERMOTT: Yes, I can send that. I can
17 send that with a citation.

18 MR. OTTEN: Okay. Good. Great. And are you
19 aware that there's a PUD case that was passed a
20 couple years ago for another giant hotel just next
21 door to this lot?

22 MS. McDERMOTT: No, I'm not aware of that.

23 MR. OTTEN: Okay. So perhaps you can
24 consider bringing that into this. Maybe this
25 oversaturation of a hotel sort of economy in this one

1 area. Would you consider doing that?

2 MS. McDERMOTT: Absolutely. I will come to
3 the meeting and I will be back again for sure.

4 MR. OTTEN: Okay. Great. And just, thank
5 you. Yeah. I guess here's your testimony. Thank
6 you.

7 And to Ms. Huron. You were saying C-M-1 to
8 C-3-C in terms of zoning. Just, you were saying C-M-
9 1 is 40 feet max? And the C-3-C is -- do you know
10 how much -- how high you can go with that?

11 MS. HURON: I should preface this by saying
12 that I am not a zoning professional, and it's funny
13 that I'm answering all these questions about zoning
14 because I know extremely little about zoning. But I
15 did do some research on Friday night on the internet
16 about zoning.

17 My understanding is that C-M-1 is, there's a
18 -- I mean, there's a lot that goes into it. It's,
19 there's a whole paragraph. It's like several
20 sentences that describe what C-M-1 is. But part of
21 it that's interesting, and I think important in terms
22 of this project is the height limitation of 40 feet.
23 There's also the floor area ratio, I think, in C-M-1,
24 is three. Help me out. It's three, right? And I
25 think the floor area ratio in C-3-C, when it's also

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 got a PUD designation is eight. And the height is
2 130, which allows them to go up to 11 stories.

3 So, but beyond that this is, you know, this
4 is what I learned Friday night. So I'm not like --

5 MR. OTTEN: Okay.

6 MS. HURON: -- a zoning professional. But
7 those are the two differences. Yeah.

8 MR. OTTEN: So essentially -- to your
9 understanding the applicant here tonight is asking
10 the city to entitle it with density and height double
11 than what currently is allowed by law?

12 MS. HURON: Yeah. Yeah, yeah. Well, I mean,
13 it's asking for a change in the zoning to this
14 different zoning that would allow that. Yeah.

15 MR. OTTEN: Okay.

16 MS. HURON: But the way it's zoned right now
17 is a height limit of 40 feet. Yeah.

18 MR. OTTEN: And you said you studied
19 displacement --

20 MS. HURON: Uh-huh.

21 MR. OTTEN: -- and do reporting on
22 displacement in the city?

23 MS. HURON: My research interests are mostly
24 in affordable housing and I've done a lot of research
25 on affordable housing in the city, yeah.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 MR. OTTEN: Have you looked at artists,
2 artist spaces and displacement?

3 MS. HURON: I actually haven't. I've mostly
4 been interested in residential displacement and
5 problems of affordable housing. But I am very much
6 concerned with the work and the space for artists
7 here too, since I am a musician as well.

8 MR. OTTEN: And let me ask you this, did you
9 happen to read the Office of Planning reports on the
10 record.

11 MS. HURON: Which ones?

12 MR. OTTEN: For this case.

13 MS. HURON: For tonight? No.

14 MR. OTTEN: Okay. Would you be surprised
15 that the Office of Planning reports mention no
16 displacement or issues to the current artists right
17 now? The city agency Office of Planning --

18 MS. HURON: Uh-huh.

19 MR. OTTEN: -- doesn't even mention in their
20 reports --

21 CHAIRPERSON HOOD: That actually -- she said
22 she hasn't read it so her answer was no. Next
23 question.

24 MR. OTTEN: In terms of this project right
25 now, you said you'd be opposed to it as it exists.

1 If this 11 stories here, or 10 stories, let's say
2 30,000 square feet of this building was dedicated to
3 the exact same space we have now in terms of the
4 maker space, the creative space, the ability to do
5 music, all that sort of thing, would you be okay with
6 that as a project?

7 MS. HURON: I would defer that to the other
8 people who are more heavily involved with Union Arts
9 and are actually working there as artist studios.

10 MR. OTTEN: Okay. Thank you. So to the
11 gentleman --

12 MR. SMITH: The answer to that is yes.

13 CHAIRPERSON HOOD: All right.

14 MR. SMITH: Unequivocally, yes.

15 MR. OTTEN: Primarily an art space with a
16 hotel secondary --

17 MR. SMITH: Right.

18 MR. OTTEN: -- as a residency, if you will.
19 Okay. All right. Thank you.

20 CHAIRPERSON HOOD: Okay. I think, it's
21 10:45. We're going to cut it here. I was going to
22 go to 11:30, but some of my colleagues, including
23 myself, have early apartments like I'm sure someone
24 in the public has also tomorrow.

25 So what we're going to do is we're going to

1 start from the list. I hope somebody has been
2 keeping a better list than what I have. And we're
3 going to start from the list that we have here, and
4 hopefully -- I don't want to say don't come back, but
5 there are some people who were not able to get in.
6 And for those who may have already testified, you
7 will be able to watch us. We stream. So if you go
8 to the website or if you have any questions you can
9 call the office. You can watch or stream it. That
10 would allow for others, other artists, or other
11 people who have interest in this, to be able to get
12 in the building and we won't get shut down.

13 I want to thank everybody because we
14 almost -- that almost happened this evening. So if
15 we work it like that and we kind of rotate, then it
16 will work, because we have quite a few that wanted to
17 get in tonight that couldn't and we're looking
18 forward to seeing them on the 20 -- what is the date,
19 Ms. Schellin?

20 MS. SCHELLIN: Twenty-third.

21 CHAIRPERSON HOOD: Twenty-third, at 6:30.
22 Ms. Moldenhaur, you have something?

23 MS. MOLDENHAUR: Yes. Good evening,
24 Commissioner Hood. So if we have the hearing on the
25 23rd, and obviously we're going to try to coordinate

1 to get together with the opposition and some of the
2 representatives, we want to just have an
3 identification of a deadline for filing some -- a
4 supplemental, and also trying to answer some of the
5 questions that some of the Commissioners had at the
6 beginning portion of this hearing.

7 We believe that we can probably get something
8 on the record by Friday the 12th, but we wanted to
9 have a date so that it was clear and we weren't
10 providing something too late. And then also find out
11 the status of the record, if the record is going to
12 be closed at this point or if it's going to remain
13 open.

14 CHAIRPERSON HOOD: Well, it's going to be
15 hard to close the record.

16 MS. SCHELLIN: The record is open as long as
17 there's still --

18 CHAIRPERSON HOOD: We have other people that
19 need to testify.

20 MS. SCHELLIN: -- a hearing.

21 CHAIRPERSON HOOD: But why don't we come up
22 with some dates and I'll ask the party to stay in
23 tune to make sure we notify the ANC of the dates that
24 we come up with, Ms. Schellin.

25 So you're going to have the meeting between

1 now and the 23rd.

2 MS. MOLDENHAUR: Yes.

3 CHAIRPERSON HOOD: Okay. Mr. Otten, between
4 now and the 23rd you're all going to have a meeting.

5 MS. MOLDENHAUR: Preferably before we have a
6 filing deadline as well.

7 CHAIRPERSON HOOD: Okay.

8 MR. OTTEN: Right.

9 MS. SCHELLIN: Are you --

10 CHAIRPERSON HOOD: Let's make sure the
11 parties that really are germane are in that meeting.

12 MR. OTTEN: Right.

13 CHAIRPERSON HOOD: Okay.

14 MR. OTTEN: So that I would say the 12th is
15 pretty soon. It's 12 days from now.

16 MS. MOLDENHAUR: And we can meet on the
17 weekends. I mean, we would make ourselves available
18 to try to meet. I think that with everybody's
19 emotions and everyone's thoughts and provoked ideas
20 that are raw right now, I think it's better to meet
21 to sooner rather than trying to postpone. So I know
22 my clients and our team would make ourselves
23 available to try to have a meeting at the end of this
24 week or over weekend or early next week. And then we
25 would look to file something by the 12th, prior to

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 the 23rd hearing.

2 [Discussion off the record.]

3 MR. OTTEN: So we're just making sure this
4 works out.

5 [Discussion off the record.]

6 MR. OTTEN: So it sounds like, Ms.
7 Moldenhaur, I think we have dates the 16th, 17th, and
8 18th to meet. One of those dates.

9 MS. MOLDENHAUR: Then I would just -- I know
10 that's really --

11 CHAIRPERSON HOOD: Excuse me, we have not
12 adjourned yet. Unless you're ready to -- if you're
13 standing up you can go ahead and exit. If you want
14 to come back in, take a seat so we can go ahead and
15 get through this. This is very important so we all
16 come back down here or those who have to come back
17 are on the same page. This is how we miss the point.

18 MS. SCHELLIN: And if you exit you need to go
19 downstairs because if you're talking in the hallway
20 it's still very loud in the hearing room. So if you
21 exit, please go all the way down.

22 MS. MOLDENHAUR: I would just ask the
23 Commission that if it sounds like if the parties in
24 opposition are not available to meet until the 16th
25 or 17th, I don't want to file something on the 19th

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 and then not have the Commission -- give the
2 Commission enough time to review it. But it looks
3 like that's what we're doing and I want to make sure
4 that's okay with the Commission.

5 CHAIRPERSON HOOD: That's fine. At this
6 point just have the meeting. Don't worry about us.
7 We will --

8 MS. MOLDENHAUR: So we will probably file
9 then, something on the 19th, then.

10 CHAIRPERSON HOOD: We're not going to be -- I
11 don't think we necessarily be date specific. We just
12 waiting to come back and have the hearing. If you
13 all have the meeting, we will attune to what you all
14 do. Okay?

15 MS. MOLDENHAUR: But we'd also -- I just want
16 to make sure that we want to put something on the
17 record that respond to some of the questions that
18 were provided here, as well as update the Commission
19 on our meeting.

20 CHAIRPERSON HOOD: Well, some of our
21 questions, you have time to respond to that. The
22 issue is just, make sure you have the meeting. If
23 they can meet earlier, that's fine, Mr. Otten.

24 MS. MOLDENHAUR: It might be beneficial if
25 multiple meetings, so any encouragement to meet

1 earlier would be appreciated on our end.

2 CHAIRPERSON HOOD: Yeah, I think that would
3 be advantageous if you can meet earlier because you
4 may have to have a subsequent, another meeting. So
5 it won't just be one meeting. It may be two or
6 three.

7 MS. MOLDENHAUR: Thank you very much,
8 Commissioner Hood and Members of the Board.

9 CHAIRPERSON HOOD: Okay. Let's see. Do we
10 have a date? You all are going to work that out.
11 You all are going to work that out.

12 MS. MOLDENHAUR: They had indicated the 16th
13 or the 17th, but we would prefer to have an earlier
14 date, that way we can also then meet subsequently on
15 the 16th or 17th. But we can work that out --

16 CHAIRPERSON HOOD: Yeah. You all --

17 MS. MOLDENHAUR: -- on our own.

18 CHAIRPERSON HOOD: Yeah, you all can work
19 that out. We'll be back on what date, Ms. Schellin?

20 MS. SCHELLIN: The 23rd.

21 CHAIRPERSON HOOD: The 23rd, at 6:30.

22 Anything else?

23 So with that I want to thank everyone and
24 this hearing is adjourned.

25 [Hearing adjourned at 10:51 p.m.]