

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 11-03E [Wharf District Master Developer, LLC
- Second Stage PUD for Southwest Waterfront
Redevelopment, 7th Street Recreation Pier.]

6:34 p.m. to 8:48 p.m.

Thursday, June 2, 2016

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

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5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

13 MATTHEW JESICK

14

15 Other:

16 COMMODOR FREDDI LIPSTEIN

17 MATTHEW STEENHOEK

18 NORMAN M. GLASGOW

19 SHAWN SEAMAN

20 MICHAEL VERGASON

21 ANDY LITSKY

22 ANDREW LIGHTMAN

23 KELLY SIMON

24 JASON KOPP

25 PHIL JOHNSON

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

2 CHAIRPERSON HOOD: Okay. Good evening,
3 ladies and gentlemen. We're ready to get started.

4 [Discussion off the record.]

5 CHAIRPERSON HOOD: Good evening, ladies and
6 gentlemen. This is a public hearing of the Zoning
7 Commission for the District of Columbia. Today's
8 date is June 2nd, 2016. My name is Anthony Hood.
9 Joining me are Vice Chair Cohen, and Commissioner
10 Miller, Commissioner May, and Commissioner Turnbull.
11 We're also joined by the Office of Zoning staff, Ms.
12 Sharon Schellin, Office of Planning staff, Mr. Lawson
13 and Mr. Jesick.

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

21 The hearing will be conducted in accordance
22 with provisions of 11 DCMR 3022 as follows,
23 preliminary matters, applicant's case, report of the
24 Office of Planning, report of other government
25 agencies, report of the ANC, organizations and

1 persons in support, organizations and persons in
2 opposition, rebuttal and closing by the applicant.

3 The following time constraints will be
4 maintained in this meeting. The applicant has up to
5 60 minutes and we can talk about that at the end of
6 this dissertation I'm giving. Organizations five
7 minutes, individuals three minutes.

8 The Commission intends to adhere to the time
9 limits as strictly as possible in order to hear the
10 case in a reasonable period of time. All persons
11 appearing before the Commission are to fill out two
12 witness cards. These cards are located on the left
13 on the table near the door.

14 Upon coming forward to speak to the
15 Commission please give both cards to the reporter
16 sitting to my right before taking a seat at the
17 table. When presenting information to the Commission
18 please turn on and speak into the microphone, first
19 stating your name and home address. When you are
20 finished speaking please turn your microphone off so
21 that your microphone is no longer picking up sound or
22 background noise.

23 The staff will be available throughout the
24 hearing to discuss procedural questions. Please turn
25 off all electronic devices so not to disrupt these

1 proceedings. Would all individuals wishing to
2 testify please rise to take the oath? Ms. Schellin,
3 would you please administer the oath?

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

6 [Oath administered to the participants.]

7 MS. SCHELLIN: Thank you.

8 CHAIRPERSON HOOD: Okay. At this time the
9 Commission will consider any preliminary matters.
10 Does the staff have any preliminary matters?

11 MS. SCHELLIN: Yes, sir. There was a party
12 status request filed by the Capitol Yacht Club and it
13 is a party status request in support. It was
14 submitted by Commodore Freddi Lipstein, and I would
15 ask the Commission to consider that request.

16 CHAIRPERSON HOOD: Okay. That's our Exhibit
17 21. Any comments, Vice Chair Cohen?

18 MS. COHEN: Thank you, Mr. Chairman. It
19 appears, and maybe you could ask for clarification,
20 that the Capitol Yacht Club only needs three to five
21 minutes for their testimony, so I'm not sure they are
22 really in need of the party status if they don't
23 intend to cross-examine the applicant, the Office of
24 Planning, and the Office of Planning.

25 So I was wondering if they could clarify, do

1 they really want to be a party or they want to just
2 testify.

3 CHAIRPERSON HOOD: Okay. If you can come
4 forward, introduce yourself and I think you've heard
5 the questions.

6 MS. LIPSTEIN: I am Freddi Lipstein, the
7 Commodore of Capitol Yacht Club. I do want party
8 status because I do want to be able to cross-examine.
9 I have prepared testimony and therefore did not want
10 to take up additional time of the Commission. I can
11 use my prepared testimony. But we do want the
12 ability to cross-examine.

13 MS. COHEN: Then, Mr. Chairman, in light of
14 that clarification I would recommend that they
15 receive party status.

16 CHAIRPERSON HOOD: Okay. Any other comments
17 on this? Okay. So we will give the Capitol Yacht
18 Club party status as a proponent in this case. Mr.
19 Glasgow, did you have any objections to --

20 MR. GLASGOW: No, sir.

21 CHAIRPERSON HOOD: Okay. No objections so we
22 will give them party status of proponent.

23 Anything else, Ms. Schellin?

24 MS. SCHELLIN: The applicant is proffering
25 one expert witness in landscape architecture. He's

1 previously been accepted. Mr. Vergason. And if --
2 they made a note that they have Mr. Patrick Graney
3 with Moffat and Nichol, and Shane Dettman with
4 Holland and Knight. They may be called as witnesses,
5 and if they are then they will have them proffered as
6 experts.

7 CHAIRPERSON HOOD: Okay. I know we've
8 already proffered Mr. Dettman. What about the other,
9 the second -- first name? whatever name. Patrick.

10 MS. SCHELLIN: Patrick Graney.

11 CHAIRPERSON HOOD: Patrick Graney. Okay. He
12 has not been proffered so I guess, Mr. Glasgow, then
13 we will deal with that at that time. Okay.

14 So only person we really have to deal with is
15 the landscape -- well, he's been previously accepted
16 also.

17 MS. SCHELLIN: Right.

18 CHAIRPERSON HOOD: Okay. So we don't have
19 anything to deal with. Anything else, Ms. Schellin?

20 [No audible response.]

21 CHAIRPERSON HOOD: Okay. I would encourage,
22 you Mr. Glasgow, I think that the record is complete.
23 I see it was 10 minutes. I don't even know if we
24 need that much time. Just introduction, maybe hit
25 some of the highlights and we can go from there. I

1 don't think we need 30 -- unless my colleagues
2 differ, I don't think we need a 10 to 30-minute
3 presentation.

4 MR. GLASGOW: All right, we will be very
5 brief, Mr. Chairman. We did want to -- we did see
6 that the Capitol Yacht Club did have a number of
7 questions that they raised and we thought that it may
8 be most expeditious to have Mr. Seaman address those
9 as his testimony, and that way you'll have our
10 response to those comments, and then they can get up
11 and they'll testify and we'll see where we're at from
12 there. I think that would be quickest, and I think
13 that in total, that may be about 10 minutes.

14 CHAIRPERSON HOOD: Okay. That's fine. We
15 can go in that order.

16 MR. GLASGOW: You ready for me to proceed?

17 CHAIRPERSON HOOD: Yes.

18 MR. GLASGOW: Okay. Thank you. Members of
19 the Commission, for the record my name is Norman M.
20 Glasgow, Jr., the law firm of Holland and Knight.
21 Mr. Seaman is here on behalf of PN Hoffman. He will
22 give the presentation. We also have Mr. Michael
23 Vergason, the landscape architect you discussed.
24 He'll be available for questions, as will Mr. Graney
25 and Shane Dettman if needed.

1 With respect to this project we have the 7th
2 Street Pier. It's an important public area and focal
3 point for providing public access to the public
4 resource of the waterway. And you notice I've used
5 the word public many times because that's what this
6 is about, with respect to this case. We believe that
7 we have addressed the design issues with respect to
8 the Pier 7, but it is a public resource to the
9 waterway.

10 It is located just southwest of 7th Street
11 Park and has been designed to accommodate use by the
12 general public, both as a way to access the river for
13 passive recreation use on the pier itself, and for
14 more active use on the adjoining waterway.

15 In proceeding with this application we did
16 file a supplemental prehearing submission. I
17 understand that commission members have that.

18 And unless there are any preliminary
19 questions I'd like to proceed with the testimony of
20 Mr. Seaman on behalf of the applicant.

21 CHAIRPERSON HOOD: Okay. I'm going to
22 actually not go by the clock because I need to do
23 something, a preliminary matter that I did not do.
24 So if you all could just forgive me and just hold
25 tight. Mr. Seaman, if you can get ready, prepare for

1 your prepared remarks.

2 As a preliminary matter we'd like Office of
3 Planning to provide us -- this is to the Office of
4 Planning -- with a worksheet for Zoning Commission
5 Case No. 04-33G, inclusionary zoning for the June
6 13th public meeting. So that's our formal request.
7 And I needed to do that. I wanted to do that before
8 we leave because I would have forgotten and won't
9 remember until I get home.

10 So, Mr. Lawson, any questions on that?

11 MR. LAWSON: No, sir. We'd be happy to
12 provide that.

13 CHAIRPERSON HOOD: Okay. Thank you. All
14 right. Mr. Seaman, I'm sorry about that. So let's
15 get back to this case.

16 MR. SEAMAN: Sure. Thank you, Chairman Hood
17 and Zoning Commission Members. My name is Shawn
18 Seaman. I'm a principal at PN Hoffman, the project
19 director for the Southwest Waterfront, the Wharf
20 development.

21 This evening we'll be presenting the six
22 separate second-stage PUD. This one for the 7th
23 Street recreation pier. This is the fourth of four
24 public piers that are being constructed as part of
25 our first phase of development.

1 Before I go into the presentation in detail I
2 wanted to respond to Chairman Hood's specific request
3 from the last hearing, last Thursday regarding an
4 update on CBE and First Source programs at the Wharf.
5 The following are supplemental to the report that was
6 submitted by Eleanor Bacon on our behalf on February
7 12th of 2016, that updated the programs. But these
8 are current as of April and the end of the first
9 quarter.

10 CBE, at the end of the first quarter, 40.74
11 percent of dollars spent at the Wharf, that's 77.4
12 million that have been paid to CBE firms. That's
13 40.74 percent. Our goal is 35 percent on the
14 project.

15 First Source, at the end of April 2016 we had
16 achieved the following with regard to the First
17 Source goals. D.C. resident hires, we have 182 D.C.
18 resident hires. That's 47.9 percent of a goal of 51
19 percent. So we're a little bit short. We're hoping
20 that because the early trades were a little bit more
21 specific and difficult to get the broader labor pool,
22 that we'll be able to catch up in the later stages of
23 the project.

24 Ward 8 resident hires, we have 45 resident
25 hires from Ward 8, 24.7 percent of the total. The

1 goal is 20 percent. D.C. resident apprenticeships,
2 there's 60, 71.4 percent of the total. The goal is
3 51 percent. And east of the river apprenticeships
4 which were targeting Ward 7 and 8, we have 24
5 apprentices. That's 40 percent of the total and the
6 goal is 30 percent. So I think we're doing quite
7 well on the Wharf and we hope to meet all of the
8 targets by the end of the project.

9 I wanted to note the D.C. Housing Authority
10 Building Futures Collaboration. I had mentioned that
11 last week. We started a collaborative effort with
12 D.C. Housing Authority and Building Futures, which is
13 a training organization with a contract with the D.C.
14 Workforce Investment Council, specifically to train
15 public housing residents to prepare them for jobs in
16 construction.

17 As a result of that collaboration two DCHA
18 residents graduated from a Building Futures class
19 following the first collaboration. One of the public
20 housing residents was hired by Hugee Construction.
21 It's a mechanical contractor. The other one had a
22 medical emergency in their family. And then we're
23 starting a second Building Futures cohort which will
24 have graduates in June of this month, June 20th.

25 And that's created a pipeline for DCHA

1 residents to enter construction careers. DCHA
2 operates in a bridge program to assist the residents
3 to address any pending issues that might prevent
4 their successful employment and to help public
5 housing resident candidates to meet prospective
6 employer's basic requirements. And that's a big part
7 of what Eleanor has been leading for us.

8 And she did want to -- she's not here this
9 evening, but she did want to mention that we've had
10 several meetings with the Anacostia Economic
11 Development Center to explore possible opportunities
12 with AEDC. So we're continuing to pursue that.

13 So with that I'll turn it to the recreation
14 pier, unless you had specific questions there.

15 MS. COHEN: I just want to make sure, are
16 these positions that have been hired construction,
17 are they just laborers or are they more skilled
18 trades as well?

19 MR. SEAMAN: Sure. I can get a further
20 breakdown of them. I know that the -- I brought the
21 report with me and I think we can provide it for you.
22 It had mentioned some of the contractors that hired
23 the employees. I don't believe that they're just
24 laborers. I think they are journeymen and
25 apprentices that are working for the specific

1 companies. But I'll double-check on that.

2 MS. COHEN: Yeah --

3 MR. SEAMAN: I know the cohorts that are
4 going through, they start at a pretty low level. So
5 I think they're just learning the construction for
6 the first time. So the Hugee Construction, the
7 mechanical contractor, I think that was probably a
8 laborer, but --

9 MS. COHEN: Yeah, I just again, it's common
10 to see laborers and then they're on a one-off job.
11 Although your, you know, project is enormous. But I
12 want to -- I would love to see people have employment
13 opportunities that go beyond your project. And a lot
14 of that takes additional education as well.

15 MR. SEAMAN: Sure.

16 MS. COHEN: So thank you.

17 MR. SEAMAN: Okay. Thanks.

18 MS. COHEN: I think you're doing a great job.

19 MR. SEAMAN: Well, thank you. We appreciate
20 that.

21 MS. COHEN: And I'm sure it's thanks to
22 Eleanor Bacon, the female --

23 MR. SEAMAN: Yes.

24 MS. COHEN: -- on the team.

25 MR. SEAMAN: She's doing a great job. I'll

1 pass that on to Eleanor.

2 So I'll move on to 7th Street. The 7th
3 Street Recreation Pier is one of the last significant
4 pieces of public infrastructure construction on the
5 northwest side of the project, within our phase one,
6 and it's immediate adjacent to the new 7th Street
7 Park. And the parcel 5 hotels that are at the
8 terminus at 7th Street Southwest.

9 So you'll remember that as part of the first
10 stage 2 that had gone through, we approved everything
11 but the recreation pier and we had anticipated
12 building the rec pier as part of phase 2. We've
13 decided to advance that work, really to try to
14 complete everything from 7th Street to the fish
15 market and have a complete environment as part of
16 that first phase.

17 The basic program function and orientation to
18 7th Street Pier has remained unchanged since the
19 stage one was approved in 2011. The design and
20 implementation of the pier has evolved to be
21 considered as a singular gesture with the 7th Street
22 park and it received -- the park received second
23 stage approval in 2012.

24 Michael Vergason, who joins me tonight, the
25 landscape architect, developed the concept for the

1 pier while he was developing the design of 7th Street
2 Park, so they're really integral pieces despite the
3 two-stage approval.

4 The pier has received unanimous concept
5 approval from the U.S. Commission of Fine Arts. It's
6 been permitted by the United States Army Corps of
7 Engineers, and gone through all of their permitting
8 process with the Navigation Branch and the Coast
9 Guard.

10 The 7th Street Pier has received consistent
11 enthusiastic community support, including from the
12 Gangplank Slip Holders, also the ANC 6D voted in
13 unanimous support of the project.

14 The primary use of 7th Street is for pass of
15 public enjoyment and increasing public water access.
16 It's a public pier which will be reconveyed to the
17 District and has always been a key component of our
18 project with the District. It's part of the
19 reconveyance property that goes back and will
20 continue to be owned by the District in perpetuity.

21 Mr. Vergason will be available to answer
22 further questions about the plan in specifics.

23 And then I'd like to note, we've also
24 undergone a significant public outreach campaign
25 related to the early delivery of the public project

1 amenity. This is including multiple presentations to
2 ANC 6D, including the ANC negotiating committee.
3 We've presented to the Southwest neighborhood
4 assembly, general membership as well as their more
5 recently created Waterfront Planning Task Force.
6 We've had multiple meetings with the Gangplank Slip
7 Holders, including two meetings with the full general
8 membership and four additional meetings with their
9 leadership group. Part of the plan here requires
10 building a new set of slips for the Gangplank so we
11 can relocate the boats in the Gangplank to the new
12 slips so we can maintain our stage one agreement that
13 the live-aboards would maintain their location in the
14 marina.

15 Additionally, we've gone to meet with the
16 Capitol Yacht Club several times. They've been party
17 to a transaction agreement from 2009. They
18 previously were located further to the north in the
19 waterfront. The transaction agreement caused a new
20 CYC Marina and new CYC Clubhouse to be constructed at
21 the center of the marina. The CYC Clubhouse was
22 designed by Cunningham Quill. That was part of
23 Zoning Case 11-03A that was approved in 2012. It was
24 the little jewel box on Yacht Club Plaza. It's a
25 two-story clubhouse that's at the center of their

1 marina.

2 And most recently we've hosted bi-weekly
3 meetings with the Capitol Yacht Club leadership to
4 discuss the marina closeout and the finalization of
5 the clubhouse design. We're meeting with them every
6 couple weeks now on the design of the clubhouse.
7 While the concerns raised in the Yacht Club's party
8 status request were not raised during the many
9 meetings that have taken place with the leadership
10 since our PUD filings, we are in receipt of the
11 request and prepared to address a number of the
12 items. In addition, we've already met with the Yacht
13 Club leadership since receiving a copy of the request
14 and have provided additional information back in an
15 attempt to be responsive to their newly raised
16 concerns.

17 I just wanted to touch on a few of the
18 points. One, regarding the noise and light of the
19 public recreation pier impacting the Yacht Club, the
20 pier will be managed and maintained in a manner
21 consistent with the other public piers throughout the
22 Wharf development, and is designed primarily for
23 passive recreation use, not actively programmed use.

24 Our on-site security will include 7th Street
25 Rec Pier within its regular patrol will manage any

1 complaints or excessive noise accordingly. The pier
2 is near a small facility that's dedicated for the use
3 and operation by MPD for additional eyes and ears.
4 And the lighting which Michael can describe should he
5 wish, will be soft and welcoming which will still
6 provide appropriate light levels for safety.

7 Regarding security of the Yacht Club from
8 kayakers using the public recreation pier, a rental
9 facility vendor will utilize signage and maps that
10 discourage kayakers from entering the fairways of the
11 club and of the Gangplank Marina. Design of the pier
12 actually evolved from early discussions with CYC
13 leadership in 2009 and 2010 providing for more
14 generous adjacent fairway, limiting pier access from
15 the north side of the pier. That's the side closest
16 to Capitol Yacht Club, and focusing all of the water
17 activity on the southeastern edge of the pier.
18 That's the side facing the Gangplank Marina.

19 And we've informed the Capitol Yacht Club
20 that they can utilize signage and basic security
21 measures such as locking their vessels and posting
22 their own signage if they're concerned about access
23 from the public waterway.

24 Regarding the safety of kayakers in a multi-
25 use waterway, we've provided the CYC example kayak

1 and paddleboard rental rules similar to those used at
2 National Park Service Concessions on the Potomac.
3 These include written and verbal reinforcement of
4 general safety rules by the vendor.

5 We're in talks with a vendor who has put
6 \$250,000 people on the water last year and has a long
7 history of running these sorts of operations in D.C.
8 and Boston areas. They are focused on education and
9 communication as a way to increase public access to
10 the water.

11 And regarding the potential for construction
12 of the public recreation pier to disrupt the Yacht
13 Club, we're working closely with our contractors to
14 ensure that the public pier is constructed in such a
15 way that the safe fairway condition is maintained for
16 all the marinas. We'll continue to hold our monthly
17 community construction committee meetings and
18 maintain an open dialog with the club throughout the
19 process.

20 We'll be staging a lot of the construction
21 from the water side, like the rest of the piers, off
22 of barges, and it will not expand the footprint of
23 the phase one construction fencing that we have right
24 now. It's actually within the limits of the phase
25 one. So we're not expanding that footprint.

1 And one of the advantages of advancing this
2 portion of the PUD, excuse me, now instead of with
3 the phase two is it actually creates a limit of
4 disturbance at the south end of the development and
5 brackets the Capitol Yacht Club between the District
6 Pier and the Recreation Pier.

7 So we hope that that helps preemptively
8 address some of the Commission's questions that may
9 have arisen from the party status request. Michael
10 is here and ready to answer any questions about the
11 design, maintenance, or operation of the Pier and
12 we're happy to answer any other questions. Thank
13 you.

14 MR. MAY: Can you zoom in on that plan and
15 show us the yacht club in relation to the pier that
16 we're seeing tonight?

17 Or another plan that shows it better, just so
18 we understand how their concerns might fit into the
19 context. There we go.

20 MR. STEENHOEK: That's the club. This is
21 their marina that's being constructed. And here is
22 the pier that we are here tonight for. All the piers
23 to the west have already been completed and
24 constructed, as has their marina.

25 MR. MAY: So they have three piers?

1 MR. STEENHOEK: Three floating docks, yes.

2 MR. MAY: Three floating docks. Sorry.

3 Okay.

4 CHAIRPERSON HOOD: So have you finished your
5 presentation or --

6 MR. GLASGOW: Yes, sir. That finishes our
7 direct presentation.

8 CHAIRPERSON HOOD: All right. I know I took
9 a little bit of your time. Ms. Schellin, I think you
10 were out of the room. Ms. Schellin, I think you were
11 out of the room. I did do this.

12 MS. SCHELLIN: You did. Okay.

13 CHAIRPERSON HOOD: Yeah, I went back and did
14 it. Okay.

15 All right. Thank you for your presentation.
16 We appreciate it, and also with the interruption.
17 Let's see if we have any comments or questions up
18 here.

19 So we don't have any, so let's go to -- oh,
20 okay. All right. Commissioner Miller.

21 [Discussion off the record.]

22 MR. MILLER: Okay. Thank you, Mr. Chair and
23 Vice Chair.

24 So I think it's great that you are advancing
25 this project. It's a real public benefit. I just

1 had a -- did you happen to see the submission that
2 came in late today by e-mail, I guess, from Andrew
3 Lightman? It only came in at, I think, late this
4 afternoon. He supports the -- I'll just paraphrase.
5 I'll read from his thing; from his e-mail, which
6 supports the plan but has a few questions and maybe
7 you can address them either now or later.

8 So, reading from Andrew Lightman's e-mail it
9 says, "I support PN Hoffman's plan to bring a major
10 recreational operator to run the pier and the kayaks.
11 I have also examined the plans for the public kayak
12 launch at the new park. I am very happy with the
13 launching facility. However, I have some questions."

14 "First, will there be storage facilities for
15 privately owned kayaks? In other words, will there
16 be a boathouse? Second, will there be a drop-off
17 location and parking for those wishing to bring
18 privately owned kayaks to put in at the Wharf?
19 Three, will the private operator charge a fee for
20 put-ins? And four, how does the Wharf plan to
21 coordinate nonpowered boating with the large tour
22 boats and neighboring marinas? Will there be clearly
23 marked lanes to separate powered from nonpowered
24 boating?"

25 So he concludes by saying while he strongly

1 supports the current physical design of the launch
2 and the park as a whole, as well as the entire wharf
3 project, he hopes that the Zoning Commission can
4 clarify his concerns with you all.

5 So if you are able to clarify now or --

6 MR. SEAMAN: Sure. I'll do my best to hit
7 the four items. I think the first is with -- on the
8 pier itself there's no intent to have a private boat
9 house for private storage of vessels. I think we
10 have discussed advancing a storage program within the
11 garage for the residents and the users at the Wharf.
12 I mean, we have plenty of storage areas on the first
13 level of the garage, so that may be an option for
14 storing private vessels. And there will of course be
15 storage for the public concession that's operated
16 there. But not a private boathouse where you can
17 lock up your private kayak. Not considered right
18 now.

19 Second, I think it was drop-off of kayaks.
20 Yeah, we intend to have a drop zone at the top of the
21 pier or within 7th Street Park that would allow you
22 to park your car, take your kayak off, you know, drop
23 it, secure it, and then be able to park your car
24 within the public parking on the first level of the
25 parking garage.

1 Drop fees. The concession will obviously
2 charge for renting a kayak, but there's not intended
3 to be a drop fee for the general public to just put a
4 kayak in.

5 And fourth, safety in the water. We went
6 through a pretty rigorous process with the corps, the
7 Coast Guard, the Harbor Master. We're actually
8 implementing as part of the development, a robust
9 project association. It has a \$5 million budget that
10 includes a waterside program that will be managed by
11 a new dock master. So it's a new staffed position
12 within the project association. Their sole purpose
13 will be water safety. So they'll be working in
14 concert with the D.C. Harbor Master that's operated
15 out of the D.C., the police pier.

16 There's not really a plan right now to
17 segregate into lanes, the recreational boats and the
18 motorized boats. We did try with the project plan to
19 create a cove if you will, for safe loading and
20 unloading of kayaks and canoes before they went out
21 into the larger channel. But boater safety is of
22 utmost concern. I think we have a little bit of a
23 luxury in that we're at a dead-end. So it's not a
24 through passageway. Beyond the Washington Marina you
25 need to turn around and come back out. But there is

1 quite a bit of commercial traffic and we'll be
2 cognizant of it and managing that throughout the, you
3 know, the startup of the project.

4 MR. MILLER: Thank you for addressing those
5 concerns.

6 CHAIRPERSON HOOD: Okay. Vice Chair Cohen.

7 MS. COHEN: Thank you, Mr. Chairman. It's my
8 understanding that you're -- a long portion of the
9 pier will not have handrails or any type of
10 protection. And, you know, recently there was a
11 tragedy with a child falling into a gorilla cage. I
12 mean, aren't you concerned about children and clumsy
13 people like myself falling in if we walk too close to
14 the you know, edge of the pier?

15 MR. SEAMAN: Sure. I'll let Matt and Michael
16 talk about some of the modifications we've made since
17 the setdown. I think yes, we're definitely
18 concerned. We're talking now about a wharf wide
19 emergency response system, so a blue-light system
20 similar to what they have out at National Harbor or
21 many other public places that if something did happen
22 it would be tied in to the project association
23 management and also the MPD station on site. So,
24 we're concerned with it. A lot of prominent
25 waterfronts don't have handrails along their edge and

1 they manage. I think it's something that we're
2 concerned with and we've tried to -- we've tried to
3 modify the design in response to that concern so that
4 people are, you know, guided away from the edges of
5 the piers and the activity is not at the perimeter.

6 Do you want to show any features or --

7 MR. VERGASON: Yeah, I could expand on that a
8 little bit. Michael Vergason.

9 And first on the plan and then we'll look at
10 a couple of sections and see some of the
11 modifications that were made in response to that.

12 First on the plan we have a continuous 42-
13 inch complaint code guardrail that runs along the
14 entire northern portion of the pier and wraps the
15 Belvedere back around to the point right there,
16 roughly where we come flush back. And that protects
17 on the northern side or northwestern side, fall off
18 the edge of the pier on the southeastern side where
19 we have a significant change in elevation with the
20 dock and pier itself.

21 Along the inner cove side, and this portion
22 of the pier is at a constant elevation of six,
23 there's a line of low benches that protect that edge
24 and make sure that nobody inadvertently walks off
25 that edge. From there, gangways that are fully

1 railed run down to the floating portion of the pier,
2 and that floating portion is of course the part that
3 stays very, very close to the water. So we could go
4 to a couple of sections and you could see what that
5 looks like. Slides 11, 12, and 13, I think.

6 So this is a section that's taken in the
7 northern portion of the pier, and what it shows is
8 that 42 inch compliant to steel, stainless steel mesh
9 guardrail. And then a low wooden bench that
10 delineates, really identifies that edge. That's the
11 elevation or that's the pier section that stays at a
12 constant elevation of six. That's a wooden seat that
13 then delineates that edge.

14 And another comment that came up that's been
15 responded to, not quite exactly what you mentioned,
16 but we have a low steel rail that runs along the edge
17 where the slop of the pier changes and connects the
18 variable elevation to the west or northwest, and the
19 fixed elevation to the southeast.

20 We can take just the two other sections at
21 the mid-point. That's where the western portion
22 comes even with the eastern or cove side. It's just
23 flush. And then if we go -- and that's at the thin
24 point. If we go to the western end you'll see that
25 same 42-inch guardrail. It's been wrapped all the

1 way around to the eastern side where it protects that
2 quick drop-off, and you see the fixed pier, elevation
3 six, and then the floating pier on the guide piles.
4 And that's when of course you're down very, very
5 close to the water.

6 So we feel we've addressed it in a reasonable
7 fashion that provides a degree of safety and yet
8 doesn't undermine -- really, one of the primary
9 purposes of this pier is to allow people to get down
10 close to the water. So we don't want it to feel as
11 though it's separated. So we feel like this has
12 struck a good balance on those issues.

13 MS. COHEN: I do like the floating wetlands.
14 Can you elaborate more about them because they
15 obviously are important for sustainable reasons. But
16 why are there just a -- what are the six of them?
17 Why not more? Why there? Why not -- you know, I
18 know that there has to be navigable -- navigable?
19 Flow for the boats. But why not more? What was the
20 magic number?

21 MR. VERGASON: Well, I like the fact that you
22 like them and you think there could be more. And I
23 think there could be more. We feel that this is --
24 it is a good bit of volume to them. First that they
25 are not small. They're sizable. So you could have

1 more smaller ones, but we think it's more effective
2 with fewer larger ones. No magic to the number 6.
3 We feel it's a good fit. It's out of the way. It's
4 deep within the cove. We think they're quite
5 beautiful but they do, more importantly, probably
6 provide benefits of habitat and water quality. They
7 will be designed and couple of examples of successful
8 ones in the region and the inner harbor and Baltimore
9 as well as more locally down river in Alexandria.
10 Both of those done by bio habitats. Bio habitats
11 will be involved in the final design of both the
12 framework of the floating wetlands as well as the
13 plant selection for them.

14 And then Moffat and Nichol will work with us
15 in detailing the tethering and anchor system that's
16 something both flexible but also firm.

17 But no magic number to the six. We feel,
18 though, that it's a good volume of wetlands and fits
19 nicely at that point of exit of the sewer in this
20 quiet corner of the cove.

21 MR. SEAMAN: I think that's important.
22 That's the outfall for 108-inch storm sewer that
23 brings all sorts of things out into the channel. So
24 it was purposely put there to respond to the fact
25 that there's a storm outfall and try to disrupt some

1 of the pollution that's getting into the channel.

2 MR. VERGASON: And collectively a little bit
3 of a velocity dissipater for that water as well.

4 MS. COHEN: Do these plantings attract fish?

5 MR. VERGASON: Yeah, fish provides habitat
6 underneath in the rooting zone, and of course above
7 ground fowl and for turtles within the planted
8 portions of it.

9 But yeah, it works both below and above to
10 the benefit of the life of the place; habitat.

11 MS. COHEN: But there are no other locations
12 where it's needed or just -- I mean, it makes sense
13 what was just mentioned about the outflow of sewer, I
14 guess. Sewer stuff. Or what.

15 MR. STEENHOEK: Just separated storm.

16 MS. COHEN: Oh, okay. But there's no other,
17 you know, possibilities because they are really
18 important to attract, you know, natural habitats.

19 MR. VERGASON: Well, as I said, we love them
20 and like that you like them. This was a perfect
21 place because of the reasons we've said. It stays
22 out of the way of traffic. It works beautifully with
23 the storm sewer. And are there other places? There
24 probably are other places but this is a perfect one
25 in terms of quiet. It's, I think, a nicely

1 compatible with the recreational quality of the
2 kayak. So all conditions seemed right for this
3 location. Whether there are other locations that are
4 appropriate, it could be. But this one seemed like
5 the perfect one in this case.

6 MS. COHEN: Well, thank you.

7 CHAIRPERSON HOOD: Okay. Any other --
8 Commissioner Turnbull.

9 MR. TURNBULL: Yeah. Thank you, Mr. Chair.
10 I really don't have a lot of questions. I think it's
11 a nice -- I think you've done a really good job on
12 it. I think it looks well, and I'm glad you went
13 through the programming aspect of it because when I
14 first looked at it I thought, gee, there's not much
15 going on out there. And when you said it's supposed
16 to be a passive -- I can see what you're trying to
17 do.

18 Is the water feature, was that part of the
19 park previously, or is that part of this?

20 MR. VERGASON: Yeah, the dancing water
21 fountain was part of the original park submission.

22 MR. TURNBULL: That's what I thought. That's
23 what I thought.

24 The little building in the beginning, as you
25 start, the first little, I don't know what it's going

1 to be used for.

2 MR. SEAMAN: The overlook, or --

3 MR. STEENHOEK: There's a small kiosk that
4 will be --

5 MR. TURNBULL: The kiosk. Right. The kiosk.

6 MR. STEENHOEK: That's where the rental
7 facility, you know, is housed for the kayaks. You
8 know.

9 MR. TURNBULL: Oh, that is. Okay.

10 MR. STEENHOEK: So transaction and sign your
11 safety waiver and do all those sorts of elements.

12 MR. TURNBULL: Okay. Will the kayaks be able
13 to go down by the wetland features, the water -- the
14 little floating islands?

15 MR. STEENHOEK: Yeah. I think that's part of
16 the reason for the size and distribution of them is
17 that, you know, when you're learning you can sort of
18 navigate through and --

19 MR. TURNBULL: Okay.

20 MR. STEENHOEK: -- experience them up close.

21 MR. TURNBULL: Okay. Any sound system on the
22 pier at all or -- I didn't see any mention of it. I
23 think if you're trying to keep it passive you
24 wouldn't want a lot of sound.

25 MR. VERGASON: No, we don't have a sound

1 system.

2 MR. TURNBULL: Okay. Good. I really don't
3 have many comments. I think it's well thought out.
4 It looks good. I guess the most active thing would
5 be the swings on there. You've got four of them or
6 something, I think. Four swings or maybe five
7 swings.

8 MR. VERGASON: Six, I thought. But --

9 MR. TURNBULL: No, but I think is it's a nice
10 feature. I think it's -- I think it will add to the
11 -- it will be different from the hustle bustle of the
12 pier, going out to the pier. If it's going to be a
13 little bit quieter people can go out and calm down
14 and relax and just enjoy looking back at the rest of
15 the waterfront.

16 So other than that I think it's well thought
17 out. So I think you did a real good job.

18 MR. VERGASON: Thank you.

19 CHAIRPERSON HOOD: Okay. Commissioner May?

20 MR. MAY: Yeah, I have just a few questions.
21 So, the kayak operation will work off of that lower
22 pier, that lower section of the pier?

23 MR. VERGASON: Yes.

24 MR. MAY: But you'll, I mean, you'll --

25 MR. VERGASON: The launching will happen

1 right there.

2 MR. MAY: Right. So, and where would the
3 rental kayaks actually be stored? I think you
4 mentioned that but it --

5 MR. STEENHOEK: The intent is -- sorry. Is
6 that we'll have a barge that can be pulled over that
7 will have the racks on them and everything and
8 then --

9 MR. MAY: Oh, it would be on a separate
10 barge. Okay.

11 MR. STEENHOEK: Yeah.

12 MR. MAY: That's interesting. How big is
13 that barge? No idea?

14 MR. SEAMAN: It would be designed so it can
15 fit in a boat slip at the Gangplank Marina. So the
16 idea is you can bring it over --

17 MR. MAY: Got it.

18 MR. SEAMAN: -- rent the kayaks, and then
19 take it away in the evening and lock it up.

20 MR. MAY: Okay. Okay. Maybe you answered it
21 in your responses to the issues that Commissioner
22 Miller raised with Andrew Lightman's letter, but the
23 one thing I didn't hear was the answer regarding
24 whether there will be a charge to put in there with
25 your own kayak.

1 MR. SEAMAN: No, there's not.

2 MR. MAY: There's not. Okay. I think the --
3 I don't have a real problem with not having a rail
4 the way it's designed along the southern side, I
5 guess of the pier, because that is not a completely
6 uncommon circumstance and you know, a lot of people
7 will be staying at the, you know, toward the north
8 side anyway.

9 But I do have a bit of a concern of that
10 slope in the middle and how that low rail is
11 positioned, and I'm just concerned from an
12 accessibility point of view. Well, accessibility
13 isn't even the right term for it. It's, you know,
14 somebody of low vision who isn't necessarily using a
15 cane isn't necessarily going to see a low rail like
16 that. And, I mean, in the Park Service we tend not
17 to want to do things like that because of the
18 tripping hazard that it creates. So I'm wondering if
19 you can respond to that a little bit.

20 MR. VERGASON: Well, I'm not sure I can
21 respond adequately. My sense is that if it registers
22 the same as a curb, that a curb is an adequate
23 delineation. This we see to be eight inches, at
24 least eight inches and it might be 12 inches tall.

25 MR. MAY: Uh-huh.

1 MR. VERGASON: So my sense is, it will be
2 visible, by cane or vision, a good indicator. Again,
3 we don't want to put something that's so substantial
4 that it begins to subdivide the thing too much.

5 MR. MAY: Uh-huh. Right. So and I can
6 understand that. What I'm concerned about is that
7 you're going to wind up with unanticipated issues. I
8 mean not, you know, dire circumstances but somebody,
9 you know, slips and falls over it and then all of a
10 sudden the whole thing is covered in orange day-glow
11 paint or you know, something else. I mean, we've
12 encountered this. You know, if you've been to
13 Georgetown Waterfront Park, it's not exactly the same
14 circumstance but we had a you know, a beautifully
15 designed fountain that had tripping hazards built
16 into it that we didn't, you know, fully understand
17 were there.

18 You know, we created these runnels that were
19 very shallow that we thought weren't going to be a
20 problem, but they were a problem. And we had
21 sections of the fountain where the, sort of the
22 ground rises up and there's just a little bit of a
23 gap, and you know, within two weeks of it opening up
24 somebody in a wheelchair went over it and fell.

25 And so I mean, there are things like this

1 where, you know, especially when we're talking about,
2 you know, low hazards like that, you know, I'm just
3 afraid of what you're going to wind up with. You're
4 going to wind up having to have a higher rail there.

5 Are there other circumstances where you've
6 designed this and installed it and it's worked just
7 fine?

8 MR. VERGASON: I can't say that there are,
9 but I go back to what I said initially and that is
10 that I normally consider a curb a good delineation of
11 an edge. And they happen all over the city and not
12 just curbs that divide sidewalk from street, but
13 curbs that identify or raise planters that --

14 MR. MAY: Yeah.

15 MR. VERGASON: -- one could describe as
16 tripping hazards but in fact are part of the way we
17 move through the world.

18 MR. MAY: They tend to be a little bit taller
19 than this when it's like a planter. A curb is going
20 to be lower, but a curb also usually is associated
21 with a change in surface. So you'll go from, you
22 know, from concrete sidewalk to a, you know, black
23 asphalt. Something like that.

24 Or in some circumstances, and you know, there
25 might be a, you know, a change in the -- of the

1 actual, you know, the surface itself. I mean, it's
2 not the sort of circumstance that calls out for half-
3 dome, you know, treatment like on subways and things
4 like that. I'm nervous that you're going to wind up
5 having to modify it later because of that. So I
6 don't have any -- I don't know enough about this to
7 say yeah, you should not do this or you should do
8 something else instead. I just raise the concern
9 because I hate to see it, you know, planned out so
10 beautifully and then you wind up with, you know,
11 having to add a bunch of plastic planters there like
12 we have at Georgetown Waterfront Park that, you know,
13 we've been struggling with several years to try to
14 figure out a design solution so we can get rid of
15 them.

16 MR. VERGASON: Well, a couple of other
17 thoughts. Actually I said, we haven't done anything
18 like this. We have. We've done it on archeological
19 sites where it's intended to delineate an area where
20 you can go and you shouldn't go, not by force but by
21 suggestion.

22 Your comments do make me think. I mean,
23 maybe we should do something as a tactile edge as
24 well. For instance, I think it's quite beautiful the
25 steel studs that can go into wood decking that mimics

1 the truncated domes but in a singular fashion. And
2 that would be a quite nice way to tie the materials
3 of this place, which is all stainless steel and wood
4 into a fall into that family of materials.

5 And I also could imagine that we would do,
6 short of day-glow, white high reflective tape.
7 Something that does in fact catch your eye more
8 distinctly. And maybe it's a combination of things
9 that ensures, because certainly we do want to ensure
10 that --

11 MR. MAY: Right.

12 MR. VERGASON: -- something doesn't get built
13 here in fact that is --

14 MR. MAY: So in the design of this have
15 you -- do you have a true ADA specialist involved? I
16 mean, I know all design professionals think they're
17 ADA professionals, but they're not, in my experience.

18 I mean, I'm an architect and I'm not an
19 expert on it, but I've learned a lot from people who
20 are. And sometimes the people with significant
21 disabilities who can give you the best advice, or
22 people who only do this who can give you the best
23 advice. So have you actually talked to somebody like
24 that?

25 MR. VERGASON: We have not. And maybe we

1 should get it reviewed by it.

2 MR. MAY: Yeah. I mean, I would suggest it
3 just because there -- I mean, there are things that
4 are not written into ADA or into local codes that are
5 designed to address ADA, and so it can be helpful.

6 MR. VERGASON: Well, in piers and docks do
7 have a kind of different condition as you mentioned,
8 that transcend a lot of the standard --

9 MR. MAY: Yeah, but this is --

10 MR. VERGASON: -- practices we might apply.

11 MR. MAY: You've transcended the normal dock
12 here.

13 MR. VERGASON: Yeah.

14 MR. MAY: So you've got some different
15 circumstances.

16 MR. SEAMAN: We have several ADA consultants
17 on the project, so happy to ask the question.

18 MR. MAY: Yeah. I think it's worth doing.
19 Again, it doesn't change my feelings about the
20 overall project. It seems to be all very well-
21 conceived, and certainly going to be very interesting
22 and exciting so long as the, you know, the bonfire at
23 the end isn't too brilliant and distracts too much
24 from the parkland across the way. It seems quite
25 modest, so I'm not too worried about that. Or, you

1 know, and the lighting also seems to be soft so I'm
2 too concerned about that. Those things would be
3 normally, you know, concerns. We want it to be
4 relatively quiet across from the park when you're out
5 in the water. We know that the buildings themselves
6 are going to be quite lively.

7 And the last question I have is the -- there
8 was an issue raised in the MPD letter regarding
9 access or I guess emergency egress from that area and
10 access for Harbor Patrol or something like that. Did
11 you see that letter?

12 MR. SEAMAN: Yes, we did. We have a couple
13 landing spots for MPD vessels within the project. At
14 the transit pier we have a slip, the market pier day
15 docks. I think that the plan at Rec Pier would be
16 that they could tie up at the Gangplank Marina, which
17 is immediately adjacent, and the gangways actually
18 connect back to the pier so within the Gangplank
19 there would be accommodation.

20 MR. MAY: Okay. So I'm going to assume
21 you'll address that with them and their concerns.

22 MR. SEAMAN: Yes.

23 MR. MAY: Okay. Thanks.

24 CHAIRPERSON HOOD: Okay. Let me just
25 piggyback on that last question from Commissioner

1 May. It also talks about the fire department, so I
2 guess you have that worked out with both
3 organizations, MPD as well as the fire department.

4 MR. SEAMAN: Yes. The fire department has
5 reviewed the plans for the overall wharf and we have
6 a fire life safety plan for fire truck access.

7 CHAIRPERSON HOOD: Okay. And also, but it
8 says, the new proposal should include a designated
9 area on the pier reserved for responding Harbor
10 Patrol vessels and fire boats in case of emergency.
11 So --

12 MR. SEAMAN: That would be the --

13 CHAIRPERSON HOOD: -- at least their trucks.

14 MR. SEAMAN: -- same place, yeah.

15 CHAIRPERSON HOOD: Okay. Okay. But the
16 difference was you said trucks, they said boats. So
17 I want to make --

18 MR. SEAMAN: Boats, yeah.

19 CHAIRPERSON HOOD: We're going to get there
20 differently.

21 MR. SEAMAN: Right.

22 CHAIRPERSON HOOD: Okay. I just want --

23 MR. SEAMAN: The trucks can come up to the
24 foot of 17th Street park and then they could drag
25 hoses up, but also the fire boats can access from the

1 water side or park at the Gangplank should they need
2 to.

3 CHAIRPERSON HOOD: Okay. All right. Only
4 other thing is, I want to go back to the Vice Chair.
5 I don't know how she pushed it. I did have to leave
6 the room for a minute, about those rails on the, what
7 is that the south side? Or east? Where you don't
8 have rails. What is the distance between the
9 bleachers -- oh, well, I call them benches, and the
10 end of the plank? Over there where it's open. Not
11 on the side where the fence is, but on the opposite
12 side. What is the distance?

13 MR. VERGASON: I'm not sure. Tell me again
14 the distance of what?

15 CHAIRPERSON HOOD: I want to know what the
16 distance from the bench to when I fall into the
17 water.

18 MR. VERGASON: Uh-huh.

19 CHAIRPERSON HOOD: That's what I want to
20 know.

21 MR. VERGASON: It is about 18 inches. It's
22 designed so that one can go around that, sit on the
23 dock, lean back against that sloped back edge. So
24 it's about 18 inches and it's intended to make it
25 accessible but clearly delineate the thing so you

1 know you're coming to that edge.

2 CHAIRPERSON HOOD: The problem for me is,
3 it's the unintended consequences. Other than this, I
4 don't have any issues with this project. To me,
5 that's an issue. This Commission's charge is to
6 protect the residents, the safety and health of the
7 residents of the District of Columbia. And I just
8 see all the time, always visualizing, you hear some
9 of those things about the Potomac River, who fell
10 over in there. And I think this is just one of those
11 -- while I understand your intent. I heard you. But
12 I'm a realist. And the reality is that
13 unfortunately, and hopefully it doesn't happen, we're
14 going to have some accidents. And I just think that
15 we could do better than what we have there now.
16 Unless I can be convinced otherwise.

17 And the Vice Chair didn't push it hard
18 enough, but I just think we should relook at that.

19 MR. VERGASON: Okay.

20 CHAIRPERSON HOOD: Okay. I'm going to be
21 looking for that because that's the only issue I have
22 with this, is that. And I don't know where the Vice
23 Chair is on that because I think you kind of eased up
24 on that because of your design and everything. But I
25 don't know, I just think we need to revisit that.

1 MR. SEAMAN: I think just to confirm, there's
2 two areas there. I want to make sure I understand
3 which you're talking about. There's a higher area
4 that has the seat back edge, and then there's a lower
5 area. The lower area is where you actually launch
6 the kayaks and canoes and --

7 CHAIRPERSON HOOD: Right. No, I'm just --

8 MR. SEAMAN: -- has a lower freeboard. So
9 the idea is that it's not -- there's no railing on
10 the lower --

11 CHAIRPERSON HOOD: I understand the lower
12 area.

13 MR. SEAMAN: Yeah.

14 CHAIRPERSON HOOD: I'm talking about the
15 higher area where I'm going to sit back and lean back
16 and I'm going to be right on over into the water.

17 MR. SEAMAN: Sure.

18 CHAIRPERSON HOOD: That's the higher area
19 where the benches are. That's where I am. I'm
20 asking you to look at it.

21 MR. SEAMAN: Okay.

22 CHAIRPERSON HOOD: Because I think the Vice
23 Chair mentioned, and again I can just -- and actually
24 what does it for me is a picture that you provided.
25 If you look at -- give me a second. Anyway, you had

1 somebody walking by. A picture is worth a thousand
2 words. You had somebody walking by with a baby
3 carriage. You had a guy sitting this way, and you
4 provided that to me and I can just see some of the
5 unintended consequence that may happen there. So I'd
6 just ask you to relook at that.

7 I don't know if I have support up here for
8 that, but that's what I like to see, just to rethink
9 that.

10 MR. SEAMAN: I don't mean to be
11 argumentative, but it was one of the major design
12 features of the pier. You know, I think that -- not
13 to speak for Michael, but I think the thought process
14 was, you approached it, there was a bench, you made a
15 conscious decision to go around the bench and lean
16 back against it so you were aware of your
17 surroundings at that point.

18 We have a lot of the sort of the wood seat
19 edge around the rest of the conditions at the Wharf,
20 so it's sort of a consistent edge along a lot of the
21 bulkhead and a lot of the promenades at the Wharf.
22 But I mean, we can certainly look at it. I think it
23 does sort of change the dynamic. I was supposed to
24 be encouraging, you know, people to sort of dangle
25 their feet over the edge. And I realize it has

1 unintended consequences. We're trying to address
2 that through the sort of safety and security plan
3 with the emergency, the lights, and the speakers that
4 actually call the project association. I think, you
5 know, invariably somebody may fall into the water and
6 we're trying to make sure that we're prepared for the
7 incidence, you know, when it does occur that we
8 actually have a plan of action.

9 And it's facing in toward the wetlands where
10 the activity and a lot of the kayaks and canoes and a
11 lot of people are at. So we felt a little bit more
12 comfortable with it just because it was facing in
13 towards where all the action was, not on the back
14 side of the pier where there's not a lot of activity
15 or people. But understand your concern and willing
16 to look at that.

17 MR. VERGASON: But it is -- part of the
18 original principle was given, and we felt this was
19 one of the few places in the Wharf that we could do
20 it, give people a sense of getting down close to the
21 water. So I would hate to lose that.

22 CHAIRPERSON HOOD: Do we know how deep that
23 is right in that area? How deep is that?

24 MR. SEAMAN: It's probably 15 to 20 feet in
25 that area.

1 MR. STEENHOEK: But the distance between the
2 water at like the drop off the edge there is as
3 little as three and a half feet. So it's fairly low
4 during high tide.

5 MR. MAY: Can I ask a follow up, Mr.
6 Chairman?

7 CHAIRPERSON HOOD: They haven't satisfied me
8 yet. But yeah, if it's going to help.

9 MR. MAY: No, no, that's okay. I mean, if
10 you want me to wait.

11 CHAIRPERSON HOOD: Yeah. No, is it in
12 reference to this?

13 MR. MAY: Yeah, yeah, yeah. It's this issue,
14 yeah.

15 CHAIRPERSON HOOD: Go ahead.

16 MR. MAY: So the, I mean, piers are a
17 different beast when it comes to building codes and
18 everything. I mean, can you -- and I'm not asking
19 for this right at this moment, but clearly your
20 designing something that's going to have to meet
21 code. Can you, you know, explain to us how this does
22 meet code and can you give examples of other piers
23 where they are treated in a similar fashion so we
24 know that it's not a completely unusual thing.

25 I mean, I know that I've been on piers that

1 didn't have any protection, but I'm not sure that
2 I've been on one that had the level of activities
3 that this one probably will have.

4 MR. VERGASON: Well, others might be able to
5 address the specifics of the code because I find it's
6 complicated when we get to piers and docks, the
7 clarity of it. But others probably can address that
8 more explicitly.

9 My immediate experience, I live in Old Town
10 Alexandria, is the docking -- all the docks there at
11 the base of King Street along Old Town, there are a
12 few that have rails, but most of them are open-edged
13 as most all working docks are. And those are --

14 MR. MAY: Is there a recreation pier there?
15 I mean, one where it's just people going out on the
16 pier, or is it just piers where people go out to get
17 to their boats?

18 MR. VERGASON: There are portions that are
19 recreational and then portions that are oriented
20 towards the taxis and ferries, and general
21 activities. But the majority are unrailed and they
22 are heavily populated. Very, very popular places.
23 So, you know, that's my immediate experience. But
24 it's not different from general experience with piers
25 and their uses and typical lack of rails.

1 MS. COHEN: Mr. Chairman.

2 MR. MAY: I think it might be helpful to
3 submit something further that can sort of document
4 some of this.

5 MR. SEAMAN: We could do that.

6 MS. COHEN: Actually, now that I think of it,
7 I think in New York City the pier for the Pier 21, I
8 guess it's called, I don't think they have handrails
9 either. But you might want to do a little bit more
10 explanation than my memory.

11 The other thing I would suggest is talk to an
12 insurance agent. They may have some suggestions as
13 well, or they may price it so high that you're going
14 to want to address that.

15 MR. SEAMAN: Right.

16 CHAIRPERSON HOOD: I was more interest -- let
17 me just make this point. I think Mr. Seaman was
18 getting my interest when he was talking about the
19 safety plan. Do we have that in the record already?
20 The safety plan that you were talking about that you
21 all --

22 MR. SEAMAN: No, no.

23 CHAIRPERSON HOOD: If we don't do anything
24 here do we -- could you kind of give me some guidance
25 on the safety plan? You don't have to do it tonight.

1 If you could submit that?

2 MR. SEAMAN: Yeah, sure.

3 CHAIRPERSON HOOD: On the safety plan. Then
4 I might not be so hard fast on --

5 MR. SEAMAN: Right.

6 CHAIRPERSON HOOD: -- the opening there. And
7 that will give me a comfort level, so.

8 MR. SEAMAN: Happy to do that.

9 CHAIRPERSON HOOD: All right. Commissioner
10 Miller.

11 MR. MILLER: Thank you, Mr. Chairman. Yeah,
12 I think that would be helpful and the submission of
13 other examples of other recreational piers that
14 clearly don't have railings and you could even show
15 the pictures of Commissioner May's title basin where
16 lots of thousands of thousands of people are going
17 around there without a rail that -- and I guess some
18 do fall in. I don't know. Not when I've been there,
19 thank God.

20 MR. MAY: It's been known to happen, yes.
21 People fall in.

22 MR. MILLER: Yeah.

23 MR. MAY: But and I --

24 CHAIRPERSON HOOD: That's actually the area
25 that I was speaking about. Exactly that area.

1 MR. MILLER: Yeah. But I think it's a very
2 attractive feature, the benches, no matter how you
3 use it, whether you're using it facing away from the
4 water or facing towards the water and sitting on top
5 of the bench. And I happen to think that it's
6 actually a safer feature to have something to lean
7 against rather than just sitting down on the edge of
8 the deck and with your legs dangling. If you can
9 lean back your balance is much more likely to stay in
10 that direction. So I think it's a very attractive
11 and a safer feature than not having the bench there.
12 That's just my personal opinion.

13 CHAIRPERSON HOOD: Okay. And let's --

14 MR. TURNBULL: Mr. Chair, I wonder if I could
15 make a comment?

16 CHAIRPERSON HOOD: Commissioner Turnbull.

17 MR. TURNBULL: Yeah. I like your -- I think
18 we understand the concept and I like the feature. I
19 think it has a lot of elements that would go with the
20 pier. Maybe one of the things that we talk about
21 safety, and I'm not sure if little children are --
22 they even fall into gorilla pits now a days. So I'm
23 just thinking is there, in the kiosk, is there going
24 to be a life something that's going to be thrown out?
25 If somebody falls in, in other words, if

1 somebody falls into the water will somebody be there
2 to -- other than the father or mother jumping in to
3 try to save them, are there any going to be devices
4 nearby readily available that can be used to rescue
5 somebody?

6 MR. SEAMAN: Sure. That's what I was
7 alluding to with the safety plan. All of our piers
8 will have life rings and the emergency system that
9 can -- it will make a noise, obviously, and a visual
10 alert.

11 MR. TURNBULL: Okay.

12 MR. SEAMAN: But it will actually call the
13 substation or the project association management
14 office where there would be somebody 24/7 to respond.

15 MR. TURNBULL: Well, maybe that's what we
16 need. And maybe if there's any kind of like life
17 rings that are along the side by where this pier is
18 open or something that somebody can grab on. I'm not
19 sure if that's -- but I mean, it's just one of those
20 things I think it might make us feel more comfortable
21 to know what are the features nearby that could be
22 used readily that if somebody did -- I'm looking at a
23 little child, you know, four or five years old,
24 falling off or something in this. Although it can
25 happen to anybody. I mean, you could have an older

1 person that gets -- loses -- kind of just sort of
2 falls off too.

3 But so, just some kind of -- what is the
4 technique? Are there grab bars nearby on the side of
5 the pier that somebody -- can be used to grab and
6 rescue somebody? Maybe that's the main thing we're
7 looking at.

8 MR. SEAMAN: Okay.

9 CHAIRPERSON HOOD: Yeah, I think the safety
10 plan in the record would be -- and how it's going to
11 be carried out I think would give me more of a
12 comfort level in even moving forward with this.
13 Okay. So don't come back with no rails. Let me look
14 at the safety plan. Okay? Because I've been through
15 docks that don't have anything and I'm thinking about
16 the walks I've had. But I'm just thinking about
17 those who may have sipped a little too much or
18 something, and little kids, and you know, that always
19 gives me pause. So anyway, let's see what the safety
20 plan looks like and go from there.

21 All right. Any other questions up here?
22 Comments?

23 Okay. Does the ANC have any cross-
24 examination? Come on.

25 MR. LITSKY: Thank you, Mr. Chairman.

1 CHAIRPERSON HOOD: If you can identify
2 yourself, Mr. Litsky? I know you but identify
3 yourself for the record.

4 MR. LITSKY: Oh, Andy Litsky. I'm the
5 Chairman of ANC 6D. Mr. Seaman had spoken about his
6 intention to have a drop zone. And one of the things
7 that I have not seen yet in actuality on the designs
8 is exactly how it's going to work. Is there anything
9 in the presentation that would clearly illustrate
10 precisely how that's going to operate?

11 MR. SEAMAN: The Wharf section you may recall
12 from the earlier stage two is 20 feet of promenade
13 zone closest to the water, 20 feet of vehicular
14 drive. So it's, the section is designed so that
15 there's always a drive-through and there's
16 opportunities for drop off at restaurant entries or
17 valet stands or the hotel entries. So the idea would
18 be to cordon off a size of a parking space, 23 feet
19 long by eight feet wide, identify it with signage
20 that said kayak drop, 10 to 15-minute loading and
21 unloading only. So it would be within the 20 feet
22 that's in the middle of the 60-foot section.
23 Probably immediately adjacent to either parcel 5 or
24 the future parcel 6.

25 So it may need a change in that it probably

1 wants to be closer to parcel 6 would be my guess.
2 But we'll probably have it in front of the parcel 5
3 in the interim.

4 Or on 7th Street Park, there's actually a
5 drive around 7th Street Park. There were areas
6 identified for both taxi stand and bus loading. So
7 we could identify areas along 7th Street Park for
8 that as well. So I think it's just, it's the size of
9 one parking space or two parking spaces, and it's
10 signed for kayak launch and unloading only.

11 MR. LITSKY: And again, I just wanted to make
12 sure that you know, since we have you know, Mr.
13 Vergason here and he designed both the park and the
14 pier, I -- and since it hasn't been fully determined
15 precisely where this site is going to be, do you
16 envision that what is before the Commission today,
17 and potentially approved by the Commission tonight,
18 architecturally might impeded vehicular access to be
19 able to drop off a kayak where it needs to go.

20 MR. VERGASON: Yeah, I think not in either
21 one of the case, locations that Shawn mentioned
22 either north of the park or west of the park. Or
23 within that drop off, that turn-around zone, drop off
24 area, in that area. They're close to the pier.
25 Either one of those locations probably work.

1 MR. LITSKY: Okay. And the kiosk is not
2 going to be an impediment? I mean, that's not going
3 to create a physical barrier to bring anything in?

4 MR. VERGASON: No. Now, the drop-off would
5 be north. North is up this direction in this plan.
6 But the drop off would be -- the kiosk is right
7 there.

8 MR. LITSKY: Oh, I'm sorry. Yes.

9 MR. VERGASON: The drop off would be right
10 here.

11 MR. LITSKY: Okay. I guess it wasn't the
12 kiosk that I was actually referring to, although
13 that's what I said. I meant the pillars that are
14 going to be holding up the tarp.

15 MR. VERGASON: The shade structure.

16 MR. LITSKY: The shade area. Yeah.

17 MR. VERGASON: No. So the shade structure is
18 there. The kiosk sits under it and the drop off zone
19 would be here or here.

20 MR. LITSKY: Okay.

21 MR. VERGASON: So it doesn't impede either
22 drop off or somebody walking with a kayak down the
23 pier, down the dock.

24 MR. LITSKY: Have you incorporated winches or
25 anything like that that would enable a, you know, a

1 heavy nonmotorized water craft to be, you know, more
2 easily brought on to the pier? How is that going to
3 work?

4 MR. VERGASON: We have not developed any
5 mechanical device. We do have a universal launch
6 mechanism right there that allows a disabled
7 wheelchair bound person to load into a kayak and then
8 drop the kayak down into the water. But it's
9 oriented towards light weight vessels, not heavy
10 vessels.

11 MR. LITSKY: Well, I mean, I'm not sure what
12 the weight of a kayak is. I mean, I've had one. I
13 can't tell you what they weigh. You know, even the
14 single man, one-man is not terribly light. And it
15 takes something to get it down to where you've got to
16 put it in the water.

17 So as you were showing us where it's going to
18 actually go into the water, my question and concern
19 is how do we move it to where it's dropped off at the
20 foot of the pier by the shade structure, get it to
21 where it's going to be dropped off and dropped into
22 the water. And that's really what I'm questioning.

23 MR. VERGASON: Well, my belief that it's a
24 manual carry from drop off to launch point.

25 MR. LITSKY: Okay.

1 MR. VERGASON: We have not provided any kind
2 of other transport that I know of.

3 MR. SEAMAN: I believe it's hand-carried. So
4 it's similar to if you're taking a kayak to the
5 Potomac you would carry it down the trail head and
6 put it in the water. So we don't have any mechanical
7 devices planned currently.

8 MR. LITSKY: Just want to know because you
9 know, again, I've only used you know, one-man kayaks,
10 but two-men are pretty heavy. So I was just curious
11 whether you had given some consideration to how those
12 would get in and actually be launched. And I hadn't
13 seen anything on paper yet.

14 MR. STEENHOEK: Yeah, I think some kayak
15 enthusiasts may have their own portable racks,
16 wheelie configurations to help facilitate that which
17 would be, you know, allowable of course. But there's
18 no permanent infrastructure for it.

19 MR. LITSKY: Okay. So again, if we're
20 getting to that point then there would be no
21 requirement that would disallow wheeling something
22 like that down to more easily enable somebody to put
23 something into the water. That would not be
24 disallowed. What I'm trying to get to is we could
25 have great intentions, but I just want to make sure

1 that the intentions can be realized. And if there is
2 a clear understanding that we'll be able to have
3 those mechanisms, whatever they're called, mini-
4 trailers, things with wheels to be able to get, you
5 know, this boat down to the water, I just want to
6 make sure that that's something that would be
7 allowed.

8 MR. SEAMAN: For personal vessels, I think
9 yes. I think we don't want this to become a
10 commercial boat launch for large boats with boat
11 trailers, you know, backing up down the rec pier.

12 MR. LITSKY: No, not envisioning that at all.

13 MR. SEAMAN: It's intended for kayaks. And
14 if there's some sort of personal device, you know,
15 wheelie thing, I think that would be fine. Yeah.

16 MR. LITSKY: That's exactly what I'm
17 referring to.

18 MR. SEAMAN: And I mean, there's not that
19 many stairs or impediments. It's all very gently
20 sloping down to the -- so I think it would be easy to
21 get wheeled, wheeled access for moving the kayaks
22 down there.

23 MR. LITSKY: Terrific.

24 CHAIRPERSON HOOD: Okay. We also have a
25 party in opposition. You have any cross? Oh, I'm

1 sorry, we don't have a party in opposition. I'm so
2 used to that. We have a party in support. Do you
3 have any cross?

4 MS. LIPSTEIN: Is this on? Is this on now?
5 We've heard a lot about safety plans. We've heard
6 about rails. We have a lot of --

7 CHAIRPERSON HOOD: Before you get started can
8 you identify yourself?

9 MS. LIPSTEIN: Oh, I'm sorry. Freddi
10 Lipstein, Commodore of Capitol Yacht Club.

11 What I haven't heard is a comprehensive plan
12 that takes into account all the stakeholders on the
13 Washington Channel. As I'm sure you're aware, there
14 are commercial boats, there is traffic going to and
15 from the fish market, there is more vessels, there
16 are marinas, there are recreational -- motorized
17 recreational boaters.

18 What we haven't heard is how in the world are
19 all these interests going to be accommodated? I'm
20 aware that --

21 CHAIRPERSON HOOD: Let me just tell you where
22 we are now. Where you are now is cross-examination.
23 So I was trying to --

24 MS. LIPSTEIN: I know. I'm going to ask the
25 question.

1 CHAIRPERSON HOOD: I was trying to wait for
2 you to get to the question.

3 MS. LIPSTEIN: Okay. So the question is,
4 it's not helpful to come to one individual
5 stakeholder and say, here is an example of our
6 concessionary rules. Is this going to be good
7 enough? I want to see, and I don't see, the whole
8 comprehensive plan. How do you plan to take into
9 account all the stakeholder interests? How will we
10 know -- for instance, the fire department, police --

11 CHAIRPERSON HOOD: Let's do this. Let me
12 help you because I do this all the time. Let me help
13 you. Your first question is you want to see is there
14 a comprehensive plan. Is that what you're asking?

15 MS. LIPSTEIN: That is, yes.

16 CHAIRPERSON HOOD: Okay. That's the first
17 question. So either yes or no, can you provide it,
18 or whatever the answer is. And then you ask your
19 next question.

20 MS. LIPSTEIN: Okay. Thank you.

21 MR. SEAMAN: There was a comprehensive plan
22 in the first stage 2, the overall elements. I mean,
23 there was a water plan that was approved as part of
24 that Zoning Commission hearing. There was quite a
25 bit of discussion about safety in the channel, about

1 anchoring in the navigational channel, about mooring
2 fields, about new pier structures for water taxis,
3 new pier structures for the District pier, new piers
4 for the Capitol Yacht Club. So I mean, a lot of that
5 was done as part of the stage one and two for the
6 balance of the phase one development. It's going to
7 be an evolving plan as we see how boat traffic
8 evolves.

9 As I had mentioned earlier we have the dock
10 master program that's part of the project association
11 that will be responding in real-time to the activity
12 and things that happen on the water in real time. I
13 think boating traffic will increase, hopefully.
14 That's our plan and that's why we're building all of
15 the infrastructure, and we feel pretty strongly that
16 recreation component, which was a big ask of the
17 community and the ANC and a lot of the stakeholders
18 to have places to actually get down to the water and
19 launch your boat, I think that can coexist safely
20 with all of the commercial vessels, which a week ago
21 we were here presenting Pier 4 and the commercial
22 vessels.

23 We've purposely moved all of the commercial
24 vessels further south in the channel to try to avoid
25 conflicts with them running into, you know, the same

1 pier where the kayaks and canoes were launching from.
2 So I mean, we're making an effort here. We've
3 provided sample rules for the concessionaire because
4 we have not identified who the concessionaire is yet
5 and we're trying to provide a good faith effort to
6 the club to show that we're going to use best
7 practices for operating the canoe and kayak launch,
8 and we'll respond if there's issues.

9 And they're certainly a stakeholder in the
10 project. They're a tenant of ours, a long-term
11 tenant. They're participants in the -- we have the
12 project association. The project association has
13 representatives from all of the building and
14 stakeholders at the project and they'll be
15 participating in that process as well, so --

16 MS. LIPSTEIN: So do you anticipate the
17 project association will be doing the comprehensive
18 plan and communicating it to all the stakeholders?
19 I'm looking for a model like you did for the
20 waterfront park, where all the constituents were
21 called together and participated in coming up with
22 the plan, and everyone knew what it was. We haven't
23 been communicated. You've only talked to us
24 individually. You've not talked to us
25 comprehensively with all the other stakeholders on

1 the waterfront, that I know of.

2 MR. SEAMAN: We've been talking to the
3 Capitol Yacht Club since 2009.

4 MS. LIPSTEIN: Right. Individually, but not
5 as part of the whole --

6 MR. SEAMAN: That's not true.

7 MS. LIPSTEIN: -- community.

8 MR. SEAMAN: It's just not true.

9 MS. LIPSTEIN: No, that's not -- that's my
10 experience as Commodore in the past two years. So I
11 don't know what transpired before.

12 CHAIRPERSON HOOD: Okay. Next question.

13 MS. LIPSTEIN: That's it. I do have some
14 testimony I would like to submit for the Commission.

15 CHAIRPERSON HOOD: At the appropriate time
16 we're going to call you back up.

17 MS. LIPSTEIN: Okay. Thank you.

18 CHAIRPERSON HOOD: And there's a time for
19 testimony.

20 Okay. Let's go to the Office of Planning
21 and, oh, yeah, the Office of Planning.

22 MR. JESICK: Thank you, Mr. Chairman and
23 Members of the Commission. My name is Matt Jesick.
24 The Office of Planning recommends approval of the
25 second stage application for the 7th Street

1 Recreation Pier and I'd be happy to take any
2 questions. Thank you.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr.
4 Jesick. Colleagues, any questions of Office of
5 Planning?

6 Okay. Not seeing any, does the applicant
7 have any questions of Office of Planning?

8 MR. GLASGOW: No cross.

9 CHAIRPERSON HOOD: Okay. Does the ANC have
10 any questions of Office of Planning? Okay, Ms.
11 Lipstein, the party in support have any questions of
12 Office of Planning?

13 [No audible response.]

14 CHAIRPERSON HOOD: Okay. Next is the other
15 government reports. I think we've talked about them.
16 Mr. Turnbull you had something?

17 MR. TURNBULL: Yeah. I just had one
18 question, which I forgot to ask before. And it has
19 to do with those two drawings, so I look in Drawing
20 2.6 in the exhibit that we got, Exhibit 20A1-20A2,
21 there is drawing 2.6 which shows the pier. But then
22 when I go back to the Gangplank Marina phasing
23 3.14 --

24 [Pause.]

25 MR. TURNBULL: My question is, is that the

1 spacing between the pier and Gangplank Marina looks
2 more generous on 2.6 than it -- it looks tighter on
3 3.14, which would mean that the wetlands area is very
4 much -- is there just -- is something just out of
5 scale or am I looking -- it looks like there's more
6 room on 2.6, that you've got a lot more space. But
7 on 3.14 it looks a lot tighter, that the Gangplank
8 Marina is a lot closer.

9 MR. SEAMAN: Sure. The 2.6 is a more
10 accurate representation.

11 MR. TURNBULL: It is.

12 MR. SEAMAN: The 3.14 is more diagrammatic.

13 MR. TURNBULL: Okay. Good.

14 MR. SEAMAN: So this is the correct
15 dimension.

16 MR. TURNBULL: Okay. Good, because I was
17 looking at that and I said, gee, you're losing --
18 you've lost a lot of space then.

19 So 2.6 is really the more accurate one.

20 MR. SEAMAN: 2.6 is the operative picture.

21 MR. TURNBULL: Okay. Thank you.

22 CHAIRPERSON HOOD: Okay. Again, I think we
23 talked about the police department's letter, I guess
24 the fire joint letter, I believe it was. And any
25 other letters that I may have missed? Okay. Well,

1 DDOT's letter. Yeah, DDOT. I'm used to getting
2 their report. Okay.

3 Let's go to any organizations or -- oh, the
4 ANC. Let's go to the report of the ANC. Mr. Litsky.

5 MR. LITSKY: Thank you, Mr. Chairman. Before
6 I begin I wanted to make note that there are two
7 community representatives who had filled out cards
8 but were not here to be sworn in. And I'm hoping
9 that they'll be able to testify. Kelly Simpson is
10 the secretary of the GPSA, that's the live-aboard
11 association. And Jason Kopp, who had testified
12 before this body before as President of GPSA is
13 Chairman of the Waterfront Planning Task Force of the
14 Southwest Neighborhood Assembly, which is our civic
15 association. And I'm hoping they'll both be able to
16 present testimony.

17 CHAIRPERSON HOOD: Let's go ahead and do that
18 now if you don't mind. Ms. Schellin, could you swear
19 him in?

20 MS. SCHELLIN: Yes. Would you please stand,
21 raise your right hand?

22 [Oath administered to the participant.]

23 CHAIRPERSON HOOD: Okay. Thank you for
24 bringing that to our attention. And, Mr. Litsky, you
25 may begin.

1 MR. LITSKY: Thank you, Mr. Chairman. Good
2 evening, Commissioners. My name is Andy Litsky. I
3 live in Southwest. Today I'll be delivering
4 testimony on behalf of ANC 6D where I serve as
5 Chairman.

6 I have lived in Southwest at the waterfront
7 for 39 years and have served for the past 18,
8 representing the waterfront district as an advisory
9 neighborhood commissioner. I also happen to be the
10 SMD Commission for 6D-04 representing both the
11 residential waterfront complexes directly adjacent to
12 this particular PUD, as well as the 94 live-aboard
13 residents whose homes are at the Gangplank Marina.
14 The only residents, actually, living within the
15 boundaries of the PUD itself.

16 The entire Wharf complex is in my single-
17 member district. ANC 6D was very pleased when we
18 learned that the applicant wanted to accelerate
19 construction of the 7th Street Recreational Pier, and
20 included in the first phase, rather than phase two of
21 the development as originally considered.

22 Clearly what the applicant has before you
23 this evening will be an extraordinarily positive
24 addition and an important public amenity to add to
25 the broad array of attractions that will make the

1 Wharf the most exciting development in the District
2 of Columbia.

3 From the very beginning of these discussions
4 about redevelopment of the Southwest, and those
5 discussions began, just so you understand, way before
6 the Anacostia Waterfront Initiative, the residents
7 who lived in Southwest noted that there was something
8 palpably lacking about living on the waterfront.
9 Here we were living at the water's edge, and yet
10 unless we were live-aboards or had a slip at the
11 Capitol Yacht Club, all we could do was cast, you
12 know, longing glances or fishing lines over the
13 seawall. We never got to the water.

14 When I first moved to Southwest from Boston
15 many years ago I came equipped with a kayak, the one
16 I used on the Trail of Charles (phonetic) fully
17 expecting that I'd be able to paddle my way along the
18 Channel to the Potomac. I got a rude awakening
19 instead. So close yet so far. It gathered dust on
20 my balcony. It finally gathered dust in my back
21 yard, and then it was donated. I wish I hadn't done
22 that.

23 Getting out into the water in our own
24 neighborhood was simply unattainable. Now we expect
25 it will be.

1 So when we began these discussions in earnest
2 about what was to be on our new waterfront, the ANC
3 strongly embraced a notion that the development
4 provides options to get on to, not just gaze at the
5 water. Accordingly, ANC 6D, from the very beginning
6 of the discussions with the applicant has embraced
7 active use of what had been proposed on the 7th
8 Street Recreational Pier. It will vastly enhance the
9 experience of living at the water's edge for those of
10 us who do and have waited too long for that access.

11 The fire pit, the swings, the floating docks,
12 the floating wetlands are really going to provide a
13 truly first class addition to the pier which will --
14 which we've brought to our neighborhood, the
15 District, and the region as a whole. But I want to
16 make it abundantly clear that the predominant reason
17 at the meeting on March 14th, 2016, we voted six,
18 zero, zero. I was absent. I had to be in New York
19 for family business. I would have voted in favor,
20 and perhaps the most important public amenity within
21 the Southwest Waterfront Development Project itself
22 for the residents in Southwest is the fact that we
23 will now have direct access to the water right here
24 at the Wharf. And that's critically important.

25 So it's with the understanding that such

1 direct access to the Washington Channel from 7th
2 Street Recreational Pier will continue to be
3 employed, that I urge you on behalf of ANC 6D, to
4 support this application this evening and give our
5 comments great weight.

6 One more thing. I would hope that you will
7 instruct the applicant to continue to work with GPSA,
8 the recognized representatives of the Gangplank Live-
9 aboard Marina, and the Board of the Capitol Yacht
10 Club through the construction of the 7th Street
11 Recreational Pier. And as they develop the new rules
12 of the road, if you will, for what's to happen along
13 the Washington Channel to work both with those
14 entities as well as the Waterfront Planning Task
15 Force of the Southwest Neighborhood Assembly when
16 those rules are established.

17 I think it's really important to get
18 community buy-in. Especially those people who use
19 the water now, who have used the water for many
20 years, and to bring them into the process as these
21 new rules are developed. So I support the Commodore
22 and what she had asked before when she had questioned
23 the applicant.

24 Thank you for your opportunity to testify.

25 CHAIRPERSON HOOD: Okay. Thank you,

1 Chairman. Let's see if there are any questions or
2 comments from us.

3 Okay. Not seeing any, does the applicant
4 have any cross?

5 MR. GLASGOW: No cross.

6 CHAIRPERSON HOOD: Okay. Does a party in
7 support have any cross?

8 Okay. Thank you very much. We appreciate
9 it.

10 Okay. Let's go to the party in support.
11 You're in support, right? The party in support.

12 MS. LIPSTEIN: I'd like to submit my written
13 testimony after I talk so I won't repeat everything
14 that's in it.

15 Capitol Yacht Club is probably the oldest
16 continuing entity on the Washington Channel. It's at
17 least one of the oldest, if not the oldest. Our
18 members use their boats --

19 CHAIRPERSON HOOD: I hate to keep
20 interrupting and I don't want to be difficult, but
21 could you introduce yourself?

22 MS. LIPSTEIN: I'm sorry.

23 CHAIRPERSON HOOD: And I hate to ask you.

24 MS. LIPSTEIN: Thought I did it once. I'm
25 sorry. Freddi Lipstein, Commodore Capitol Yacht

1 Club.

2 CHAIRPERSON HOOD: Thank you.

3 MS. LIPSTEIN: As I said, I think the Capitol
4 Yacht Club may be the oldest continuing operating
5 entity on the Washington Channel at this point. Our
6 members regularly use their boats and I want to
7 emphasize, we are not opposing the 7th Street Pier,
8 but we are asking that use of it be regulated and we
9 want to see a comprehensive plan for regulation. For
10 instance, Mr. Seaman talked about a safety plan.
11 We've not seen that.

12 If all the members of the community on the
13 waterfront don't know what that safety plan is, how
14 can it work properly? We all need to know if we hear
15 bells and whistles, what to do if we see blue lights.
16 We need to know that. They need to be communicating
17 with us, and they haven't done that yet.

18 We are also 60 feet away from this pier and
19 our sublease line goes right to the north side of
20 that pier, so that our fairway goes right to the
21 north side of that pier. So we're concerned that
22 some of the nonmotorized vessels may be running in
23 and out of our fairways, interfering with out boats
24 being able to get in and out. We need to have some
25 assurance that the concessionaire or the, whoever is

1 going to be in charge of these nonmotorized vessels
2 makes it clear where they can and cannot go. We
3 haven't seen any of that. I'm not going to repeat
4 everything.

5 I would suggest that the -- it's our
6 understanding this pier will be open 24/7, that
7 people will have access to the pier all night, all
8 day and all night, even after the boats are no longer
9 out for hire.

10 We had a serious concern about noise, about
11 rowdiness, and I think if you look at National
12 Harbor's experience you will see that they had to
13 close public access to their public piers after 10:00
14 at night because of public rowdiness.

15 We're also a little concerned about traffic
16 patterns and Georgetown Waterfront had the same
17 concerns and they have carved out places where
18 motorized vessels can and can't go so that the
19 priority in Georgetown is given to nonmotorized
20 vessels. It's that kind of regulation that we need
21 to see here and we aren't seeing it yet.

22 Also, on the construction plans it looks as
23 though the barge that will construct this pier is
24 interfering or impeding access to our fairway, the
25 one that is 60 feet away from the north end of this

1 pier. We've not heard from the developer how that
2 will be mitigated or alleviated, so we await response
3 to that.

4 We can't speak for the future owners of the
5 condos, but if there is noise on that public pier
6 after certain hours I think all of us suffer from the
7 failure to regulate.

8 And with that I'm going to submit my written
9 testimony. I don't need to repeat it. But I do
10 think that we have a serious concern. There's
11 safety, there is enjoyment, and there needs to be
12 coordination which we have not really seen.

13 CHAIRPERSON HOOD: Ms. Lipstein, I think that
14 some of this, and I do remember about the traffic
15 pattern, some of this was dealt with in the first
16 stage. Let me just ask you, were you here? Did you
17 participate in that process?

18 MS. LIPSTEIN: No, I didn't.

19 CHAIRPERSON HOOD: Okay. We may be able to
20 dust it off, but I'm sure that the applicant won't
21 have a problem with addressing some of those issues
22 or going back to the first stage and finding some of
23 that. I do remember discussions about some of that
24 during the first stage. And it's been a few years.
25 It seems like a few years. How long has it been?

1 Four years? No wonder I don't remember
2 anything. Okay. I can't remember four weeks ago.

3 So what we are -- no, I'm not claiming that.
4 But so what we'll do is we need to dust it off
5 because I do remember those discussions coming up
6 when we had our first stage proceedings. A lot,
7 quite a bit actually, and quite a few nights. I
8 think we had seven; seven different hearings upon the
9 whole process. But anyway, I'm sure the applicant
10 will be able to direct you to some of that, that
11 answers some of your questions, if not all.

12 Can we get your testimony?

13 MS. LIPSTEIN: Yes. Do I go through Sharon
14 or --

15 CHAIRPERSON HOOD: Yeah. Yeah, if you can go
16 through Ms. Schellin. Thank you. And if you can
17 have a seat we might have some more questions for you
18 once we get your testimony.

19 Yeah, Mr. Turnbull.

20 MR. TURNBULL: Yeah, thank you, Mr. Chair.

21 CHAIRPERSON HOOD: No, right here. Have a
22 seat right here.

23 MR. TURNBULL: I'm assuming you got the
24 booklet here that shows the phasing. I mean, I guess
25 I'm looking at page 3.6.

1 MS. LIPSTEIN: I do not have that booklet.

2 MR. TURNBULL: Oh. Well, this is what I'm
3 looking at your concerns. I see the construction
4 barge and you're concerned about how close it is to
5 the slips at the very --

6 MS. LIPSTEIN: At the dock slips, yes.

7 MR. TURNBULL: Yeah. Well, maybe Mr. Seaman
8 can -- I mean, as you pointed out before on another
9 drawing it's sort of not to scale. It's conceptional
10 (sic) I think. So maybe a better to scale drawing of
11 the construction.

12 MR. SEAMAN: Right. That picture is
13 diagrammatic.

14 MR. TURNBULL: That's what I thought.

15 MR. SEAMAN: The fairway needs to remain open
16 so their boats can get out and that will be part of
17 the construction staging plan once we select a
18 contractor.

19 MR. TURNBULL: That's what I was getting at.

20 MR. SEAMAN: And we've been very outward
21 facing with our construction outreach activities. We
22 have the monthly construction management meetings.
23 The CYC is invited to those and as they're more
24 impacted by the Rec Pier, I mean, they'll be front
25 and center with any --

1 MR. TURNBULL: Right.

2 MR. SEAMAN: -- construction staging. So
3 that is diagrammatic. The intent is not to block off
4 the fairway so they can't access their boats.

5 MR. TURNBULL: I guess the only other thing
6 is that you're going to be submitting to us the
7 safety plan.

8 MR. SEAMAN: Yes, for the operation of the
9 Rec Pier.

10 MR. TURNBULL: And then you might submit it
11 to some of the other people, parties involved.

12 MR. SEAMAN: Sure. We submitted it to the
13 Yacht Club on Tuesday, the sample kayak
14 regulations --

15 MR. TURNBULL: Okay.

16 MR. SEAMAN: -- that I had mentioned in my
17 testimony.

18 MR. TURNBULL: Okay. Thank you.

19 CHAIRPERSON HOOD: Okay. Any other questions
20 or comments up here? Okay. Does the applicant have
21 any cross?

22 MR. GLASGOW: I just wanted to confirm that
23 you did receive the submission from Matt on Tuesday,
24 May 31st.

25 MS. LIPSTEIN: The sample; the sample rules?

1 MR. GLASGOW: Yes, the sample rules.

2 MS. LIPSTEIN: Yes, I did. Yes.

3 MR. GLASGOW: For the kayaks. And did you
4 have any thought or question on those?

5 MS. LIPSTEIN: My first reaction is, it is a
6 divide and conquer tactic. You come to us with our
7 specific concerns but you haven't gone out to the
8 rest of the constituents on the waterfront to bring
9 in their concerns. It may alleviate some of our
10 concerns, but we want to coordinate with everyone
11 else on the waterfront.

12 MR. GLASGOW: And are you aware what date the
13 Pier 7 is supposed to be open?

14 MS. LIPSTEIN: No. I know it's been moved
15 into phase one. That's all I know.

16 MR. GLASGOW: All right. On rebuttal we'll
17 just, we'll submit that it's going to be open
18 October, sometime October 2017.

19 MS. LIPSTEIN: When everything else is open.

20 MR. GLASGOW: Yeah. So there is some time in
21 order to address those type of issues, those
22 operational issues.

23 CHAIRPERSON HOOD: Okay. Any other
24 questions?

25 MR. GLASGOW: No other questions.

1 CHAIRPERSON HOOD: Okay. Does the ANC have
2 any cross? Okay. Ms. Lipstein, thank you very much.
3 We appreciate it.

4 Did we have any persons who are here in
5 support who would like to testify, individuals,
6 organizations or individuals. Come forward.

7 You may begin.

8 MR. LIGHTMAN: My name is Andrew Lightman.
9 I'm a resident of Town Square Towers, which is
10 probably the largest non-water development next door
11 other than the folks along 4th Street.

12 I have lived in Southwest since 2006 and I'm
13 an avid kayaker. I'm writing -- I'm speaking in
14 support of PN Hoffman's plan for the 7th Street Pier.
15 I am weekly out on both the Anacostia and the Potomac
16 as a kayaker. I'm probably, maybe along with Jason,
17 the only one who has actually flipped in the river.
18 And having public access to the Washington Channel to
19 launch my boat is for me, a key public benefit of the
20 Wharf, a project that I support very strongly.

21 Currently there is no public access to the
22 water along the Washington Channel. Anyone wanting
23 to launch their boats must pay a slip fee at one of
24 the two public marinas. Access to the water, in my
25 mind, especially given the amount of public

1 investment should be a right and I am strongly in
2 support of the kayak pier.

3 I would like to point out, one of the things
4 you may not have seen in the drawings, and something
5 that I've been in discussion with, with the Hoffman
6 folks, is the fact that there will be a kayak dock
7 which allows you to place a foldable kayak, or any
8 kayak like this, on a dry area and then pull yourself
9 both in and out of the water gradually so you don't
10 drop it on the side of the dock, try to get in, slip,
11 and end up flipping yourself in the water, which you
12 definitely don't want to do in the Washington Channel
13 if you can avoid it.

14 I would also say in terms of just an
15 observation of somebody that uses those kinds of
16 facilities, can strongly increase safety for those
17 getting in and out of the water. And in terms of the
18 issue of the docks not having railings, if you go
19 below -- if you visit the kayak dock that currently
20 is below the Washington National Stadium, you'll see
21 no railings on any of those docks. So I don't know
22 what the zoning is, or regulations with that, but
23 they do exist and you can go visit them.

24 I think water safety plan is very very
25 important. Especially creating no wake zones when

1 you have both motorized and nonmotorized traffic.
2 I'm somebody that routinely kayaks, puts in at the
3 boat club that's across Potomac, and goes into the
4 Potomac. It's very easy to flip when there's a lot
5 of wake activity. Hoffman has addressed that by
6 moving the large boats down, but kayaks will need a
7 way of getting across to Haines Point so they can
8 follow the side of Haines Point around and get access
9 to the Potomac.

10 CHAIRPERSON HOOD: Okay. Thank you. Next.

11 MS. SIMON: My name is Kelly Simon and I'm
12 speaking on behalf of Gangplank Slip Holders
13 Association. We are -- I represent the community of
14 Slip Holders who live aboard our boats in Gangplank
15 Marina. As noted in our February 5th, 2016 letter of
16 support for the 7th Street Pier proposal, the Hoffman
17 Madison Waterfront Team has met with GPSA leadership,
18 committees, and our full membership numerous times
19 for the proposed design of the new marina.

20 Our conversations to date have been
21 constructive and Hoffman Madison Waterfront has made
22 a number of changes to its early plans in response to
23 concerns raised by GPSA and our members. Many of the
24 specific details of the transition plan and the plans
25 for the new marina are still being developed and we

1 look forward to continuing our dialog as those plans
2 evolve.

3 At this time GPSA supports the revised
4 transition plan for Gangplank Marina proposed in this
5 case, insofar as the proposed steps are necessary to
6 complete the proposed construction of the 7th Street
7 Pier.

8 GPSA's support of subsequent stages of the
9 marina transition and/or construction plans is
10 contingent on continuing the successful collaboration
11 between GPSA and the Hoffman Madison Waterfront team.
12 Thank you for the opportunity to submit comment.

13 CHAIRPERSON HOOD: Thank you. Next.

14 MR. KOPP: Hello. My name is Jason Kopp. I
15 am the Chair for the Waterfront Task Force Planning -
16 - or sorry, the Waterfront Planning Task Force for
17 the Southwest Neighborhood Assembly. I have lived on
18 the waterfront since 2007. And in 2012 I was here
19 representing the Gangplank Slip Holder's Association.
20 I am not representing them at this time but I'm
21 representing the Waterfront Planning Task Force which
22 is an organization that was formed a year ago under
23 the auspices of the Southwest Neighborhood Assembly
24 to advocate on behalf of residents of the Southwest
25 quadrant for a cohesive vision regarding water use

1 and water access for the Anacostia Watershed which
2 includes the Washington Channel.

3 And we were hoping that there could be a
4 comprehensive plan made by the city to have an idea
5 of how developed areas on the waterfront would affect
6 water access and water use in those areas.

7 We definitely support this project. One of
8 the main concerns that residents that do not live on
9 boats that have come to Waterfront Planning Task
10 Force meetings have raised, similar to Andrew is the
11 ability to have a public access to the water. And so
12 we're very supportive of the fact that there will now
13 be public access.

14 We're also very happy with the Wharf team's
15 interactions with us and their ability to try to
16 promote some of their plans being accessed by the
17 public. They coordinated with us to do a
18 presentation of the Southwest neighborhood assembly
19 about this specific project.

20 Since I was here in 2012, I'd also like to
21 bring up one additional request that we have as this
22 project is implemented, and it's that a number of
23 users of the Southwest waterfront of the Washington
24 Channel, as well as other users along the Anacostia,
25 have had concerns about there being a lack of a

1 comprehensive water plan for the entire Anacostia
2 Watershed. When it comes to the Washington Channel,
3 some people have already mentioned that there is a
4 number of recreational users, but those include the
5 dragon boats and D.C. Sail, which are integral parts
6 of our community, in addition to those of us that
7 live on the water, those residents that would like to
8 access the water, and the large commercial boats as
9 well as the water taxis that will be running in the
10 area.

11 We are very much aware that the Hoffman Team
12 is working on creating a comprehensive plan for how
13 that type of interaction might work. But our
14 recollection is that at the end of the previous
15 Zoning Commission hearings in 2012, there was no
16 answer to the question that was raised of, who was
17 responsible in terms of helping to guide that
18 process. Especially from the city side, but
19 definitely for the developers.

20 And when the question was asked, the initial
21 responses that we had was perhaps as the Army Corps
22 of Engineers, that was not their job, their job was
23 to ensure that laws were followed in terms of
24 construction along waterways. DDOT said that they
25 were not responsible. Harbor Master said that they

1 were not responsible. They were responsible for law
2 enforcement, not for deciding on a plan for how
3 waterways will be used by recreational users.

4 And in our recollection nobody took
5 responsibility for coming up with that plan. In
6 other large cities, such as Baltimore, there is a
7 Maritime Master Plan and there is a plan that has an
8 explanation for an overall vision for the waterfront.
9 So we hope that as this project is approved there
10 will be consideration given to coming up with a plan
11 that will allow safe access and safe use by all of
12 the water users on the Washington Channel that are
13 there now, and those that will use the Channel in the
14 future. Thank you.

15 CHAIRPERSON HOOD: Okay. Thank you. Let's
16 see if there are any question or comments up here.
17 Vice Chair Cohen.

18 MS. COHEN: Yes. How long did it take you to
19 get through security with that boat?

20 MR. LIGHTMAN: It's plastic.

21 MS. COHEN: I can't hear you.

22 MR. LIGHTMAN: It's plastic.

23 MS. COHEN: Okay.

24 MR. LIGHTMAN: I walked right through the
25 metal detector with it.

1 MS. COHEN: Okay. And, Andy, can you lift
2 that?

3 MR. LIGHTMAN: [Speaking off mic.]

4 MS. COHEN: Okay. Thank you.

5 CHAIRPERSON HOOD: So you said, nobody is
6 taking responsibility. That sounds like some other
7 things that I deal with, nobody takes responsibility.
8 Did we have a -- and I want to go back to, you said
9 the question was never answered. In other areas, who
10 did you say -- you said something about joint
11 maritime congress or joint maritime something that
12 they take it other areas. And I guess I would be
13 curious to know who is the person responsible in the
14 District.

15 MR. KOPP: I don't believe that we came to a
16 resolution on that, and if we did I have no
17 recollection of that and I went through all of my old
18 documents from 2012. I believe that was left open as
19 something that we would deal with in later Zoning
20 Commission hearings because some of the areas that
21 would allow water access, such as 7th Street Pier,
22 were not going to be developed until phase 2. And
23 I'm definitely excited that's going to be in phase 1.
24 But that's why I'm bringing the topic back up.

25 CHAIRPERSON HOOD: Well, maybe we can get --

1 ask the applicant to help with that, and also the
2 Office of Planning. Find out in the District. Might
3 be able to get an answer this time. I don't know if
4 we had one the last time or not.

5 MR. SEAMAN: And answer what little I know
6 about it. I think our limits of control really end
7 at the Pier headline. That's where the zoning
8 authority of the District ends, and it's where our
9 built works. And you'll remember that we
10 deauthorized a portion of the Federal Channels. And
11 now the Federal Channel is 200 feet wide and our
12 piers come out to the end of the pier headline. All
13 of that is regulated by D.C. building codes and DCRA
14 as far as structures in the water.

15 The plan was approved by the Army Corps, so
16 putting the structures in the water both within the
17 pier headline and without, there's actually a mooring
18 field over by the Park Service that was issued under
19 a Park Service permit, that was all approved by the
20 Army Corps in conjunction with all of the federal
21 agencies, Fish and Wildlife, Coast Guard.

22 I think as far as authority on the Washington
23 Channel proper, the D.C. Harbor Master has control
24 and I think it's pretty clear in the D.C. Regs that
25 that's under his purview. I think they've taken, as

1 Jason said, the point of view that it's a law
2 enforcement mechanism. It's not necessarily a boat
3 control. But I think they're the folks that have the
4 authority on the navigable waters of the Washington
5 Channel. And then I also think that that's in
6 conjunction with the Coast Guard who regulates
7 vessels. So we've been going back and forth about
8 how buildings and floating things are regulated at
9 the Wharf. The building department, if it's
10 permanently moored, is going to be looking at code
11 violations and permitting things that are permanently
12 moored.

13 If it floats it's under the -- my
14 understanding, under the Coast Guard's purview, and
15 they can board your vessel and make sure it's
16 seaworthy.

17 And then as far as safety I think it's the
18 Harbor Master.

19 I think Jason brings up an interesting point.
20 I'm not sure it's our place to come up with a
21 comprehensive water safety plan for the Washington
22 Channel. I think we're hoping to be active
23 participants in the creation of that dock master. I
24 mean, the dock master will be out front and center
25 and probably have better eyes on the channel than the

1 Harbor Master that sits probably behind a desk on
2 Pier 5. So, you know, I think we're willing to be
3 active participants, but I don't think that it's our
4 place to create that comprehensive plan for the
5 Washington Channel. Although, you know, we're taking
6 up half of it and we tried to do everything by, you
7 know, the proper permitting authorities as we created
8 the structure out there. So that's --

9 CHAIRPERSON HOOD: If I remember correctly,
10 that was the same answer we had during the first
11 stage. I just, you know, four years I just couldn't
12 remember. But I remember that answer now. So, thank
13 you for refreshing my memory. But we kind of went
14 the same place that maybe as this evolves we can
15 still try to find who is going to take that Harbor
16 Master, or however that works out. I'm sure at some
17 point in time it will come to be. Okay. Just
18 everybody down there, we just have to work at it, all
19 of us. Including Office of Planning helping us.
20 Okay?

21 I'm putting everybody in there, so when you
22 come back you'll tell us that we finally got it.
23 Okay?

24 All right. Any questions up here? Anybody?
25 Okay. Does the applicant have any cross of

1 either one of these witnesses?

2 MR. GLASGOW: No cross.

3 CHAIRPERSON HOOD: Does the ANC have any
4 cross of either one of these witnesses?

5 MR. LITSKY: Yes.

6 CHAIRPERSON HOOD: Sure.

7 MR. LITSKY: And as a follow up to the Vice
8 Chair's question about the weight of the portable
9 kayak, Mr. Lightman, could you tell me how much that
10 weighs?

11 MR. LIGHTMAN: That weighs 26 pounds.
12 Generally, kayaks weigh, when they're rigid,
13 somewhere between 40 and 60.

14 One of the observations that nobody has
15 mentioned, and I think you probably would raise, is
16 that there is no hours on that pier, or discussion of
17 hours or seasons when it comes to that launch. Like,
18 do you go out there in December? Can you get out
19 there at 6:00 in the morning? What happens when it's
20 dark? If you launch at dark, do you have to have
21 lights? When is it manned. When are they going to -
22 - I mean, there's some operating hours that probably
23 need to be thought about.

24 Now that may be a question of, you know,
25 these regulations that you're talking about, but do

1 the regulations for the operator also extend to
2 private people just walking up like I do with this.
3 I live two blocks away. I'm going to put this on my
4 shoulder and walk in.

5 MR. LITSKY: Thank you for answering a lot
6 more than I had asked.

7 But to follow up on that, what's the length
8 of a normal rigid kayak? A one-man.

9 MR. LIGHTMAN: They vary. The smallest
10 kayaks that are designed for whitewater are about six
11 feet long. This one is 10. They go up to 14 to 16
12 feet.

13 MR. LITSKY: And that would be for a two-man
14 kayak?

15 MR. LIGHTMAN: No, actually, that's for an
16 ocean going kayak. Two-men, it's whether it has two
17 poppets or one. The length is really just dependent
18 on its usage.

19 MR. LITSKY: How much would those weigh?

20 MR. LIGHTMAN: Two-man, 16 footer would
21 probably weigh closer to 70 pounds.

22 MR. LITSKY: Okay. Just curious. And how
23 long, again?

24 MR. LIGHTMAN: Somewhere between 16 and 18
25 feet.

1 MR. LITSKY: So not something you can just
2 sling over your shoulder.

3 MR. LIGHTMAN: No.

4 MR. LITSKY: In terms of cost, in terms of
5 cost, is there an equivalent to the cost of a good
6 foldable bicycle to a foldable kayak?

7 MR. LIGHTMAN: Well, as you know, when you go
8 to a foldable bike it's much, much more expensive
9 than it is to have a rigid bike. So typically --
10 well, you're shaking your head. It depends.

11 MR. MAY: It all depends on what bike you
12 want, right?

13 MR. LIGHTMAN: That's true.

14 MR. MAY: You could spend \$10,000 on a bike,
15 right?

16 MR. LIGHTMAN: Well, I have a Brompton. So,
17 there you go.

18 MR. MAY: Yeah.

19 MR. LIGHTMAN: But that is about \$1,5000
20 worth of kayak. You could easily go to Target and
21 buy a 10-foot kayak that's rigid for as little as
22 \$600 or REI. And that doesn't include, by the way,
23 what Jason does, which are sail boards, or people
24 that will I'm sure show up with rowing sculls who
25 want to put in.

1 CHAIRPERSON HOOD: Okay. Thank you very
2 much. Let's see. Ms. Lipstein, you have any cross?

3 MS. LIPSTEIN: No, I don't.

4 CHAIRPERSON HOOD: Okay. Thank you, all very
5 much. We appreciate your testimony. Okay, let's
6 see --

7 MR. MAY: Mr. Chairman.

8 CHAIRPERSON HOOD: Yes.

9 MR. MAY: Could I ask a follow up question of
10 the applicant?

11 CHAIRPERSON HOOD: Sure.

12 MR. MAY: So one of the things that the party
13 in support asked about had to do with noise and late
14 night operations. And I mean, it is a 24/7
15 operation.

16 MR. SEAMAN: I don't know the answer to that.
17 I think the pier is meant for passive recreation and
18 people strolling, so we don't want to have, you know,
19 sun up to sun down type hours.

20 MR. MAY: Right.

21 MR. SEAMAN: I think if operationally it
22 becomes challenging because people are out at the
23 fire pit at 4:00 in the morning and it's disruptive
24 to the residents, including the party in support, I
25 think we would look at trying to regulate that.

1 MR. MAY: Okay. So is the fire pit going to
2 be running 24/7, or is that something that turns on
3 during -- you can turn on during certain hours.

4 MR. SEAMAN: That would turn off at some
5 point --

6 MR. MAY: Yeah. Okay.

7 MR. SEAMAN: -- to dissuade that activity.

8 MR. MAY: Yeah. So, the reason it's
9 resonated with me is that there is a substantial
10 problem that the Park Service has to deal with at
11 Washington Harbor with the motor boaters who pull up
12 to the -- and tie up there and, you know, either
13 drink in the boats or get off the boats and go into
14 the bars and drink and then come back out, and
15 they're rafting. They're tying their boats to each
16 other and making their way across it, and we've had
17 substantial complaints.

18 And, you know, it's strange but the Park
19 Service has some law enforcement authority over that.
20 And but we don't have the authority to go out in a
21 boat, so if they're rafting we can't do anything
22 about it. It's a complicated legal situation but it
23 doesn't, you know, the real point of that story is
24 just that noise is a real problem and it doesn't take
25 too many people. It's not like you need to have, you

1 know, 100 people to make enough noise to keep you up
2 at night. It really only takes three or four loud
3 people and you can have a real problem. And if
4 you're going to have, you know, if people are going
5 to be allowed out there late at night, which in many
6 ways is desirable, you do run the risk of them being
7 very loud and disruptive. Not just for the people
8 who might be living aboard boats not too far away,
9 but the, you know, people in condos, people in
10 hotels. So I think it requires some substantial
11 thought.

12 Maybe there needs to be something in our --
13 in your submission that addresses the notion that
14 you'll take steps to address this. You may have to
15 regulate the hours, something like that, so that we
16 know more clearly what's going on. I'm not saying
17 that you have to say, well, it's going to be open
18 from 5:00 in the morning until you know, 10:00 at
19 night. But that you know, you may deem it necessary
20 to you know, close during certain hours or the fire
21 pit will be controlled. But those sorts of things.

22 MR. SEAMAN: Sure. We're happy to address
23 that.

24 MR. MAY: Okay.

25 CHAIRPERSON HOOD: Okay. Let's go to

1 organizations or persons who are here in opposition,
2 if you can come forward at this time. Come forward.

3 MR. SEAMAN: Can I add one more thing, I'm
4 sorry, on the rafting? That we do actually have
5 parking for boats so that type of activity is really
6 going to be discouraged. I think down at the fish
7 market, the market pier day docks are transient boat
8 slips for people to pull up at and park at properly,
9 so that I don't think we'll have the bulkhead edge
10 condition that you have at Georgetown.

11 MR. MAY: Yeah, that will certainly help. I
12 think it also helps that you probably have clear
13 legal authority on enforcement.

14 MR. SEAMAN: Yes.

15 MR. MAY: Because MPD can enforce there, but
16 they won't enforce at National Harbor.

17 MR. SEAMAN: Right.

18 MR. MAY: Because it's our boardwalk.

19 CHAIRPERSON HOOD: Okay. Anyone else here,
20 organizations or persons in opposition?

21 Okay, you may begin. Give us your name and
22 your address and you may begin.

23 MR. JOHNSON: Thank you. Phil Johnson. I
24 own seven vessels which are registered in the
25 District of Columbia. Thank you for allowing me to

1 speak this evening. I'm in opposition only to give
2 pause because of safety. Four years ago I was here
3 and briefed many of you on the 28th of June, and I
4 spoke to the Commission about harbor safety and the
5 need and benefit of a harbor safety study or a
6 similar type of study such as that performed by
7 Moffat Nichol for Dana Point, California, as an
8 example.

9 Jason brought up a lot of good issues with
10 regard to safety. I continue to see waterfront
11 development and I know you guys do a great job on the
12 land side, but I'm a mariner. I look at things from
13 the water side. And I don't see that same type of
14 rigor that I see in codes and zoning requirements
15 when you start looking at this project from the water
16 in.

17 We discussed, Coast Guard looks at the boats,
18 Army Corps looks at the construction of the docks,
19 but nobody looks at traffic safety. I work with
20 other states on harbor management plans and
21 discussions of anchoring and mooring and things of
22 that nature. I just, I don't see a harbor management
23 plan.

24 I looked in the Department of Planning in the
25 hopes that I would see some sort of harbor management

1 plan. I found nothing. The Anacostia Waterfront
2 Initiative, it was circa 2003, and I just don't see
3 any public information available on safety issues
4 associated with the waterfront both at this
5 particular project or up in Georgetown or in the
6 Anacostia. We just don't have that waterfront view.

7 And I'll give you some examples of when you
8 look at this project from the water side, some real
9 issues.

10 It sounds like DDOT didn't give you the
11 vehicle traffic information you requested. But you
12 get that kind of detail from D.C. Government when you
13 start looking at these projects and transportation on
14 the cars and personnel side. You're not getting that
15 type of information with regard to boat traffic and
16 the intermingling of commercial private craft,
17 kayaks, dragon boats, sail boats. You're just not
18 getting that sort of study of that type of
19 information to make a critical assessment of this
20 land structure that you're putting on the interface
21 to the water.

22 Specifically, on Pier 7 you've discussed the
23 details of kayak storage. Apparently that's going to
24 be on a barge. I apologize. But there are safety
25 issues with overhang with the kayaks. And any

1 experienced operator's being able to get underneath -
2 - there's no fendering on that pier, so they're got
3 to be able to get underneath that and depending on
4 the tide, individuals that are inexperienced kayak
5 operators could get caught under there.

6 Lastly, this week I witnessed EMS Fireboat 3
7 racing up the channel to service somebody in distress
8 in the fish market. And I couldn't help but think
9 how much difficult his path from the fire -- the boat
10 fire station, to the fish market will be when it's
11 full of inexperienced kayakers and about four times
12 the amount of pleasure traffic and commercial traffic
13 in the harbor. Thank you very much for letting me
14 extend.

15 CHAIRPERSON HOOD: Thank you very much for
16 your testimony. Let's see if there are any questions
17 or comments. Anybody? Okay. Vice Chair Cohen.

18 MS. COHEN: Yeah. Could you -- it appears
19 that there is no central source to monitor this
20 traffic. But based on your experience, what entity
21 would that be?

22 MR. JOHNSON: Generally at the state level
23 they provide a guideline for a harbor master plan, in
24 which they expect their towns and cities to develop a
25 harbor plan. And it's got some specific guidelines

1 at the state level they want to see.

2 But when you look at -- I'm familiar with
3 some up in Connecticut which have harbors very
4 similar in size to what D.C. has when you take the
5 Anacostia River, the Washington Channel, and
6 Georgetown, and they have documents that are in
7 excess of 200 pages. That's the written side. And
8 it's all sunshine. You can see every bit of it.

9 They have a list of about a dozen
10 commissioners which report to the Zoning Commission
11 as advisors with regard to the water side, so that
12 they have that kind of input. So you do see some
13 detail and you do see some interface, and some
14 support that would give you the ability to say that
15 you've made a good interface with the water.

16 MS. COHEN: Okay. Well, I think you're --
17 one of the things you're fearful of actually occurs
18 on land as well, and that's ambulances and emergency
19 vehicles getting through any kind of traffic. Not
20 that that's a good answer for you, but it exists and
21 it sounds like the Harbor Master is the focal point
22 that should be coming up with a plan. And I think we
23 need to, you know, maybe look into that.

24 MR. JOHNSON: Again, the Harbor Master and
25 these plans that I've reviewed report to the

1 Commission that reports to the District Executive.

2 MS. COHEN: Thank you.

3 CHAIRPERSON HOOD: Any other questions? Mr.
4 Turnbull.

5 MR. TURNBULL: Yeah. Thank you, Mr. Chair.
6 I think the Vice Chair has just brought up a point
7 that we've all recognized, that there is a
8 jurisdiction problem that we -- it's kind of muddy,
9 and I think we've -- and Hoffman has been trying to
10 deal with it, go through all the different bodies.
11 And I guess the Harbor Master, does that report to
12 MPD or we don't -- or is it totally separate entity?

13 MR. SEAMAN: The Harbor Master wears a police
14 uniform. I don't know if that is the answer to your
15 question. I'm not sure under what authority. There
16 is a position called the Harbor Master for D.C.,
17 though. And I think there were formative regulations
18 in the District Code to create a Harbor Master. And
19 beyond that I don't, I don't know what the chain of
20 reporting is, but I believe it's some sort of law
21 enforcement.

22 MR. TURNBULL: Well, that would be under the
23 authority of the Deputy Mayor at some point wouldn't
24 they? Or I mean, I guess Office of Planning may need
25 to help us look into how to -- how you would

1 facilitate this. I mean, it's kind of a sticky
2 question as to how you would actually go about trying
3 to set something up. But it sounds like we're sort
4 of in limbo on a lot of different areas here. I
5 don't want to add more to the plate of the Office of
6 Planning, but --

7 MR. LAWSON: I'm not sure if you're looking.
8 Oh, sorry. Joel Lawson with the Office of Planning.
9 I wasn't sure if you were looking for a response from
10 OP at this point.

11 MR. TURNBULL: Well, I guess, you know,
12 Commissioner Miller and I were just kind of talking
13 out loud about if the Harbor Master reports to MPD --

14 MR. LAWSON: I think that coming up with any
15 kind of a plan for the waterway would involve
16 multiple District, Federal --

17 MR. TURNBULL: Right.

18 MR. LAWSON: -- and other state
19 jurisdictions. I think it would be a large
20 undertaking.

21 MR. TURNBULL: Yeah.

22 MR. LAWSON: So, I'm not sure what else I can
23 add to that at this point.

24 MS. COHEN: I could add something. I just
25 Googled it and it comes under MPD.

1 MR. GLASGOW: Yes. We have confirmation here
2 of that on our Googling.

3 MS. COHEN: Yeah. So, I think maybe that's
4 the source to address all the traffic and get them to
5 actually conduct studies. So maybe we could talk to
6 them.

7 CHAIRPERSON HOOD: Okay. So the Vice Chair
8 is going to be leading the task force and working
9 with MPD to get all that straightened out. Okay?
10 Great. Anyway, starting August 1st.

11 But seriously, hopefully we know now what the
12 main point is. And I thought, Mr. Seaman, you
13 mentioned that earlier in your comments. So, but I
14 appreciate the follow up and the confirmation.

15 Okay. Any other questions? Does the
16 applicant have any cross?

17 MR. GLASGOW: No cross.

18 CHAIRPERSON HOOD: Does the ANC have any
19 cross?

20 MR. LITSKY: No.

21 CHAIRPERSON HOOD: Ms. Lipstein, you have any
22 cross?

23 MS. LIPSTEIN: No.

24 CHAIRPERSON HOOD: Okay. Thank you very
25 much. We appreciate your testimony.

1 Okay. I don't know how much rebuttal you
2 have, Mr. Glasgow, but you --

3 MR. GLASGOW: I don't know that we have
4 particularly any significant amount of rebuttal. I
5 think some of the issues were issues that we've gone
6 over before when there was discussion about the use
7 of the waterway, just like the last conversation. I
8 don't think Mr. Johnson's testimony was significantly
9 different than the issues that he raised before. And
10 we're approved through all of that to the use of the
11 waterway where the pier headline is. All of that has
12 all been addressed over a period of time.

13 I think there were some things that were
14 raised that this facility will not be finished
15 construction and open until October 2017, so some of
16 the things I think, they're certainly items to be
17 worked on but it's premature to have all of these
18 type operational discussions here at this point in
19 time. We have a number of persons. In fact, every
20 party that testified said that they're in support of
21 having the pier constructed.

22 And the details of how that constructed is
23 something that at least from what we heard from the
24 Commission this evening are pretty minor type of
25 things as to how we deal with some of the railings

1 and that type of thing. But as far as the pier
2 itself, how its designed, how it looks, we didn't
3 hear that there was any issue with any of that. And
4 so what we would like to have at this point in time,
5 we would like to have -- and I know that there are
6 some things that we have to submit for the record.
7 But we would like to ask for a bench decision with
8 respect to -- for the preliminary action and anything
9 that we need to submit and have dealt with could be
10 handled between this period of time and final action
11 with respect to the pier.

12 And this is a different type pier than the
13 other one, and the main difference be that this pier
14 is going to be as one that is going to be deeded back
15 to the District of Columbia. So this is literally
16 the people's pier, as opposed to the last pier that
17 we had, and so we would like to get the approval of
18 the Commission this evening on a preliminary action
19 and work out the details between now and final
20 action.

21 CHAIRPERSON HOOD: Okay. Was that your
22 closing too, all that put together?

23 MR. GLASGOW: Yes, sir.

24 CHAIRPERSON HOOD: Okay. Thank you very
25 much. Okay, colleagues, any other follow up

1 questions or concerns? You heard the request and
2 some of this is some comments we did here during the
3 first stage. And what I've noticed and I heard, I
4 think I was reading someone's testimony with experts
5 on water, but we've become the experts in whatever
6 goes on down here, whether it's in our jurisdiction
7 or not. Even though actually we're not.

8 But I think that there's enough support, and
9 I think some -- I have a strong belief that some of
10 the concerns will get worked out as we move forward,
11 as I've said in other projects. And some of the
12 things that I've noticed, and some of the other
13 projects we've done, even though they were on land,
14 is that some of the people who complained are the
15 ones who -- or have the major concerns, they do work
16 out and they are the major residents who use some of
17 the facilities that we vote on down here.

18 And I say that to say that some of these
19 things I think work out. If not, I don't think
20 they're going to work. So while I don't take those
21 concerns that I've heard tonight lightly, I think as
22 we progress in this fashion I think some of these
23 things on the waterfront will work out. And with
24 Chairman Litsky and that ANC down there, which is
25 very avid workers and they work very hard, that we

1 have a guard to watch and make sure that some of
2 these things actually happen. So I have a comfort
3 level, but let me open it up for discussion.

4 You heard a request for bench decision. It's
5 something that we need additional information, or
6 would you all consider entertaining the bench
7 decision that was requested?

8 MR. TURNBULL: I could entertain a bench
9 decision.

10 MS. COHEN: Yeah.

11 CHAIRPERSON HOOD: Okay. Everyone. Okay.
12 All right. And again, we don't take concerns
13 lightly. I just believe as we keep hammering away at
14 this, Mr. Seaman and others, they hear the concerns
15 that we're saying and I believe that it will work
16 itself out.

17 So with that I'll open it up. Does somebody
18 want to make a motion? Or somebody want to comment
19 or whatever?

20 MR. MILLER: Mr. Chairman, I'm supportive of
21 moving forward and getting additional information
22 that's been requested, including the safety plan that
23 you talked about at final vote. So I would move that
24 the Zoning Commission take preliminary action on
25 Zoning Commission Case No. 11-03E, Wharf District

1 Master Developer, LLC., second stage PUD at Square
2 473, Lot 884, and ask for a second.

3 MS. COHEN: Second.

4 CHAIRPERSON HOOD: Okay. And it's been moved
5 and properly seconded. Any further discussion?

6 I would just ask that the applicant continue
7 to work with Ms. Lipstein and others and make sure
8 that they're all on the same page, and we're all
9 working together, and we maybe -- sometimes it's good
10 to get us all in the same room together at the same
11 time so we're all hearing it the same. Even though
12 we'll probably all leave out with a different
13 understanding, but we're all getting the same
14 information at one time. I think that will be very
15 helpful.

16 Any other discussion? Mr. Turnbull.

17 MR. TURNBULL: I was just making a comment
18 that it's nice to have a Commodore at our Zoning
19 Commission hearings.

20 CHAIRPERSON HOOD: Okay. Anything else?

21 [Vote taken.]

22 CHAIRPERSON HOOD: Ms. Schellin, would you
23 record the vote?

24 MS. SCHELLIN: Yes, sir. Staff records the
25 vote five to zero to zero to approve proposed action

1 in Zoning Commission Case No. 11-03E. Commissioner
2 Miller moving, Commissioner Cohen seconding,
3 Commissioners Hood, Turnbull, and May in support.
4 And I'd just like to schedule some dates for the
5 documents that need to come in.

6 Final action should be at the July 11th
7 meeting. So working from that, Mr. Glasgow, you know
8 to go through the Section 2403, 15 through 20. So if
9 we -- how much time do you think you need? I know
10 they didn't ask for a whole lot and working --

11 MR. GLASGOW: We think we can get everything
12 in, in two weeks.

13 MS. SCHELLIN: Okay. So that would put the
14 applicant's responses due by 3:00 p.m. on June 16th.
15 And the party in support and the ANC would file
16 responses by 3:00 p.m. on June 23rd. And draft
17 findings of facts, conclusions of law would be also
18 due by 3:00 p.m. on June 23rd, and we'll place this
19 on the Commission's July 11th public meeting for
20 consideration, 6:30 p.m.

21 CHAIRPERSON HOOD: Anything else?

22 MS. SCHELLIN: No, sir.

23 MR. GLASGOW: Can I ask that we probably
24 should have a waiver from 2403 because there's no
25 benefits or amenities for this.

1 MS. SCHELLIN: Okay. Okay. Chairman Hood or
2 Commission, do you want to grant a waiver since there
3 are no amenities.

4 CHAIRPERSON HOOD: Did you want to add some?
5 Doesn't hurt to ask. Okay, yeah. That's fine.

6 MS. SCHELLIN: Okay. So then you have that
7 waiver from 2403.15, and we just need the additional
8 documents. And then the responses from the ANC and
9 the party by 3:00 p.m. on the 23rd, and draft
10 findings of facts/ conclusions of law on the 23rd,
11 also.

12 MR. GLASGOW: Okay. And then we're supposed
13 to -- we have the safety plan to submit the examples
14 with respect to were there handrails, no handrails.

15 MS. SCHELLIN: Yes, I made a list of --
16 Commissioner May had concern with the low rails in
17 the center.

18 MR. GLASGOW: Right.

19 MS. SCHELLIN: Maybe have someone who
20 specializes in ADA take a look at those, and also
21 take a look at the low rails. Commissioner Hood was
22 concerned about the benches close to the edge of the
23 dock. Maybe we look at that or providing the safety
24 plan that may relief his concerns.

25 CHAIRPERSON HOOD: I'm actually going to

1 withdraw --

2 MS. SCHELLIN: Withdraw that. Okay.

3 CHAIRPERSON HOOD: I just want the safety
4 plan.

5 MR. GLASGOW: Right.

6 CHAIRPERSON HOOD: so as I heard today,
7 everybody knows how to operate because I feel like
8 the Scrooge if I demand to put a fence up there
9 because I'm taking away from being able to get to the
10 water. But I'm going to remember those
11 conversations. Hopefully nothing happens, but the
12 safety plan and make sure that we all in one accord
13 on that safety plan.

14 MS. SCHELLIN: Okay. And as Mr. Glasgow just
15 stated, I'm submitting something from the other piers
16 without handrails, make a submission about some other
17 piers. The safety plan for the dock, and I believe
18 Commissioner May asked for them to make a submission
19 regarding possibly limiting the times of operation on
20 the pier or the noise addressing how they'll handle
21 that.

22 MR. MAY: Yeah, just something about
23 operating hours and --

24 MS. SCHELLIN: Yeah.

25 MR. MAY: -- not flushing them out completely

1 but just what your approach will be --

2 MS. SCHELLIN: Possibly, yeah.

3 MR. MAY: -- as you grapple with management.

4 MR. GLASGOW: Okay. So description of how we
5 would go about establishing them?

6 MR. MAY: Yeah, something like that. Or, you
7 know, I mean, it could even be citing some examples
8 of how some other piers operate, and their hours.
9 And you know, just so that we all know that it's on
10 the radar that you're looking at this question and
11 you may need to put some controls on the times.

12 MS. SCHELLIN: And that's all I have on my
13 list.

14 CHAIRPERSON HOOD: Okay. I don't think we --
15 I think we've exhausted it. Is there anything else?

16 MS. SCHELLIN: No, sir.

17 CHAIRPERSON HOOD: Okay. So with that I want
18 to thank everyone for their participation in this
19 hearing tonight, and this hearing is adjourned.

20 MS. SCHELLIN: Thank you.

21 [Hearing adjourned at 8:48 p.m.]

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25