

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:	:
	:
Wharf Phase 3 REIT	: Case No.
Leaseholder, LLC	: 11-03J
	:
	:

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Monday,  
November 6, 2017

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

The Public Hearing of Case No. 11-03J by the District of Columbia Zoning Commission convened at 6:00 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner(AOC)
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

MATT JESICK  
JOEL LAWSON

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the  
Public Hearing held on November 6, 2017.

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

6:05 p.m.

1  
2  
3 CHAIRMAN HOOD: We're ready to get started. Good  
4 evening, ladies and gentlemen.

5 This is continuation of Zoning Commission Case  
6 Number 11-03J. Joining me, soon to be joining me, Vice Chair  
7 Miller.

8 Joining me are Commissioner Shapiro, Commissioner  
9 Turnbull, as well as soon-to-be-joining Commissioner May, as  
10 well as Office of Zoning Staff, Ms. Sharon Schellin; Office  
11 of the Attorney General, Ms. Lovick; Office of Planning, Mr.  
12 Lawson and Mr. Jesik; District Department of Transportation,  
13 Mr. Zimmerman.

14 I'm going to incorporate the opening statement for  
15 the case that we heard on Thursday into this record. So, all  
16 of the preliminaries are going to apply to this case as we  
17 continue.

18 I will be reading the opening statement for  
19 tonight's Hearing, upon the completion of this Hearing, which  
20 hopefully, we expect to last like an hour or so.

21 So, we do have a Hearing tonight, so it'll be  
22 about an hour and a half. I'm predicting we're going to be  
23 able to get into that case or sooner.

24 So, the only thing we're going to hear tonight is  
25 rebuttal on 11-03J, and then we will hear a cross and

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1 rebuttal.

2           And then we will have closing, and anything else  
3 that we may need in that fashion, in that order.

4           So, Ms. Schellin, do you have anything  
5 preliminary?

6           SECRETARY SCHELLIN: No.

7           CHAIRMAN HOOD: Okay.

8           MR. GLASGOW: So, Mr. Chairman, we're not going  
9 to be hearing Parcels 8 and 9 for Water Building 2 in  
10 Grosvenor and Marino?

11           CHAIRMAN HOOD: I think, I thought -- it's been  
12 a long day for me too.

13           I thought I said I'm going to reopen the statement  
14 for the next hearing, after we finish rebuttal.

15           MR. GLASGOW: After we finish rebuttal?

16           CHAIRMAN HOOD: During closing, rebuttal, cross  
17 on rebuttal, and closing of this case, which is the  
18 continuation of Thursday, and now we'll go onto our next case  
19 which is scheduled for tonight.

20           MR. GLASGOW: Mr. Chairman, I do want to suggest  
21 that because we are still in negotiations with Gangplank, our  
22 rebuttal of the Gangplank is going to be different if we  
23 don't have an agreement as if we have an agreement.

24           And I think in order to best facilitate the  
25 discussions so that we don't have lawyers up here making sure

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1 that we have the record the way we want it, and possibly  
2 putting people in a situation where they may be more  
3 combative than they may be otherwise.

4 I would prefer that we -- I do want to put some  
5 things in the record in rebuttal for Gangplank, but we don't  
6 want to -- we want to have the best ability to reach an  
7 agreement.

8 CHAIRMAN HOOD: Okay, and we'll leave the record  
9 open for that, and if we get to that case, we'll leave the  
10 record open for your rebuttal and then the comments on your  
11 rebuttal for our review.

12 Anything else?

13 COMMISSIONER TURNBULL: Mr. Chairman?

14 CHAIRMAN HOOD: Yes?

15 COMMISSIONER TURNBULL: I would just like to note  
16 for the record that I have reviewed the record, and I  
17 apologize for missing your rather short meeting the other  
18 day.

19 CHAIRMAN HOOD: Well, we're going to work with you  
20 to make sure that you continue to read the record for us, so  
21 you can help us out with the decisions.

22 COMMISSIONER TURNBULL: I would be humbled and  
23 honored.

24 CHAIRMAN HOOD: We'll be glad to do that. Okay,  
25 Commissioner Shapiro?

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1           COMMISSIONER SHAPIRO: Thank you. I just want to  
2 make sure I understand what the update was saying about their  
3 preparation for rebuttal.

4           So, you may have understood, but what I was  
5 hearing was that he was suggesting that it actually doesn't  
6 make sense to take that up at this point?

7           MR. GLASGOW: There's certain rebuttal that we can  
8 move forward with, but there are other things that I think  
9 would be better to see if the parties are able to throw some  
10 things out.

11          CHAIRMAN HOOD: The pieces related to Gangplank?

12          MR. GLASGOW: Yes.

13          CHAIRMAN HOOD: So, as we move forward, and I  
14 would ask everybody, even the parties in opposition, the  
15 parts you all are still leaving out for negotiation, we may  
16 have to submit that in writing.

17          Is that fine with everybody in the parties who are  
18 here?

19          MR. GLASGOW: Why don't we see how the Hearings  
20 progress, as to whether it's better to submit everything in  
21 writing or whether we want to have --

22          CHAIRMAN HOOD: Mr. Glasgow, you opened this up,  
23 and you said that -- we came prepared to move forward with  
24 the rebuttal.

25          And now I'm hearing -- and I understand things do

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1 happen because this was just Thursday, and I appreciate  
2 everyone taking the weekend.

3 I don't expect anybody to work on the weekend.

4 MR. GLASGOW: But they did.

5 CHAIRMAN HOOD: Okay, they did.

6 MR. GLASGOW: They were working over the weekend.

7 CHAIRMAN HOOD: But you haven't reached a  
8 conclusion and I understand that you need to plan, so I'm  
9 thinking we can give those time.

10 But we're going to have a rebuttal on the first  
11 case. We're not going into the other case until we hear a  
12 rebuttal on this case.

13 So, once you give us that, and what you have to  
14 leave out, we'll work that out. We'll figure that out.

15 MR. GLASGOW: All right, because there was a lot  
16 in there for rebuttal from a lot of different entities, I'm  
17 not going to say parties because --

18 CHAIRMAN HOOD: So, let me ask you this, Mr.  
19 Glasgow, are you not ready to go forward with the rebuttal  
20 this evening?

21 MR. GLASGOW: No, we have a short rebuttal that  
22 we're ready to go forward with, but I don't want to lose any  
23 rights on that.

24 And so if there are things that we have observed  
25 and that we want to submit further information on, we want

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1 to have the ability to do that.

2 CHAIRMAN HOOD: Okay, Commissioners, let me ask  
3 this question. Does anybody want to reserve -- we're going  
4 to reserve our rights.

5 Does anybody want to not hear rebuttal and move  
6 into the second case? Because I can do either one.

7 COMMISSIONER MAY: We can't move to the second  
8 case until 6:30 anyway.

9 But I would say that if they want to rebut some  
10 of the stuff from last time, and then save the Gangplank  
11 discussion for a later time, in the hopes that they reach  
12 agreement with Gangplank, I'm okay with that too.

13 I mean, it is ultimately all just one case. It's  
14 just a question of what order do we hear the information. We  
15 broke it up so that we could hear it in manageable pieces.  
16 So, we want to hear as much rebuttal having to do with  
17 Thursday as I think we can, just so that we're digesting all  
18 of that at the same time before we move onto the next bite  
19 of the hour.

20 CHAIRMAN HOOD: Anybody else? That's kind of  
21 where I was.

22 Let's see if we can get through this, let's power  
23 through this, and then like I said, we'll deal with it so  
24 nobody will lose any rights.

25 MR. GLASGOW: Thank you.

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1 CHAIRMAN HOOD: Are you ready?

2 MR. GLASGOW: Yes, sir.

3 CHAIRMAN HOOD: You may begin.

4 MR. GLASGOW: Thank you. Mr. Chairman, for the  
5 record, my name's Norman Glasgow Junior, with the Law Firm  
6 of Holland & Knight.

7 Here with me tonight is Mr. Shane Dettman, the  
8 same firm, and if you could introduce yourself?

9 MR. SEAMAN: Shawn Seaman, PN Hoffman.

10 MR. STEENHOEK: Matthew Steenhoek, PN Hoffman.

11 MR. ZWECK-BRONNER: Michael Zweck-Bronner, MA  
12 Architects, Morris Adjmi Architects.

13 MS. BACON: Elinor Bacon, Bacon Development,  
14 partner with Hoffman Madison Waterfront.

15 MR. GLASGOW: Mr. Chairman, there are a few things  
16 I'd like to get into the record for the Commission's  
17 consideration, and most of these do have to do with the  
18 Gangplank.

19 There is a written agreement with the Gangplank  
20 Slipholders Association. That was executed September 17,  
21 2012. It's about a 50-page document in total. It has about  
22 nine pages of text, and there will be copies of that that are  
23 submitted for the record.

24 That was Exhibit number 235-C in Case Number 11-  
25 03A, and is reflected in Zoning Commission Order 11-03A1.

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1 These are things that the Commission will be able to take a  
2 look at. So, there is a signed agreement between Gangplank  
3 and Mr. Hoffman. We want to make sure there is a baseline  
4 here, and that baseline was recognized in a Zoning Commission  
5 Order.

6 Also for the record, we want to make sure that  
7 there is a copy of a March 1, 2012 letter from the Gangplank  
8 Marina to Slipholders.

9 It's Exhibit Number 122 in Case Number 11-03A, and  
10 it talks about the redevelopment of the Marina. And so there  
11 was that information in the record.

12 And then, there's a copy of the Gangplank  
13 Slipholders license agreement, and I've made sure to  
14 emphasize the word license agreement. And that license  
15 agreement, in Paragraph 1, clearly sets forth that it's a  
16 license. Paragraph 14 talks about the redevelopment and  
17 Paragraph 30 talks about the cancellation. Since it is a  
18 license, it can be cancellable.

19 And then also, in the rules of the Marina,  
20 Paragraph 10, the Marina rules make clear that there is no --  
21 there's one parking permit per slip will be issued, expressly  
22 for the use of the boat-owner. But it does not guarantee a  
23 parking space, and all of these things are signed off and  
24 agreed to by the Gangplank Slipholders.

25 In fact, license agreements are signed individually. So, we

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1 just want to have that all in the record.

2 CHAIRMAN HOOD: Mr. Glasgow, can you make  
3 something clear? Those specific sites where this is located,  
4 is that submitted in the submission we have?

5 Because I'm not going to be able to go right through  
6 reading everything.

7 MR. GLASGOW: What we'll do is submit -- I wanted  
8 to make sure you have the entire documents so somebody could  
9 say, well you're just giving us a piece of the document.

10 What we'll do is we'll submit to the Commission  
11 those portions that were highlighted.

12 CHAIRMAN HOOD: Okay.

13 MR. GLASGOW: And if somebody says, well, that's  
14 not fair, or whatever, they can submit whatever they want.

15 CHAIRMAN HOOD: I appreciate that. Okay, thank  
16 you.

17 MR. GLASGOW: All right, and we will also do that  
18 with Zoning Commission Order Number 11-03A1, where the  
19 Commission itself recognized that the hold licenses, the  
20 District of Columbia owns the Gangplank Marina, the  
21 slipholders hold the licenses, which must be renewed  
22 annually.

23 That's finding of fact 100 in Zoning Commission  
24 Order Number 03A.

25 And so the Commission then says the finding of

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1 fact 101, they want to balance the rights of the Applicant  
2 to cancel Slipholders license in order to proceed with  
3 development, stated in 1PUD and all of that. And we will be  
4 focusing on findings of fact 97, 100, 101, 102, and 103.

5 So, a lot of these issues that have been getting  
6 raised by the Gangplank Slipholder's Association, we believe  
7 were raised and dealt with by the Commission in prior order.

8 CHAIRMAN HOOD: Can everybody hear Mr. Glasgow?  
9 Okay.

10 MR. GLASGOW: And that concludes the part that I  
11 wanted to just get into the record there. And then I wanted  
12 to turn over to Mr. Seaman.

13 MR. SEAMAN: Thanks. Good evening, Commissioners,  
14 Chairman Hood, fellow Commissioners. I wanted to take the  
15 opportunity this evening to respond to a few sets of comments  
16 from the last Hearing.

17 First, I wanted to respond to the comments  
18 provided by Mr. Lazere of the D.C. Fiscal Policy Institute,  
19 and then also, Manna provided written testimony over the last  
20 several days regarding affordable housing and District  
21 subsidies. Manna was just about affordable housing but fiscal  
22 policy was about both.

23 I've had the good fortune of working on the Wharf  
24 for about 12 years now, since 2006. The project is an outcome  
25 of the foresight and dedication of elected leaders through

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1 four separate administrations and countless elected D.C.  
2 Council Members. The project, the land disposition agreement  
3 in the related financing documents, is the result of eight  
4 unanimous D.C. Council votes.

5           HMW has adhered to all requirements within these  
6 agreements, including the 2009 land disposition agreement,  
7 and subsequent amendments with respect to the number and type  
8 of affordable housing, the square footage provided, job  
9 creation, District contracting, and the sustainability  
10 requirements of this project.

11           These requirements are further reflected in the  
12 2011 Stage 1PUD and subsequent Stage 2 PUDs, and were  
13 reflected in the documents under review, in this case, for  
14 the Phase 2 of the project.

15           With respect to the tax increment financing for  
16 the Wharf, it is not a gift. It's far from it. Under the  
17 public infrastructure and funding agreement between the  
18 District of Columbia and the master developer, the financing  
19 can only be used for public infrastructure and parks. And  
20 that's a large reason the work looks the way it does, and the  
21 level of quality of the finishes and, also, the  
22 sustainability that we were able to achieve at the Wharf.

23           The District required investment by the master  
24 developer of hundreds of millions of dollars in the project,  
25 in return for the District-imposed rigorous requirements to

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1 assure a substantial public benefit, valued at multiple times  
2 the amount of financing, was achieved.

3           And the financing is repaid by the District Wharf  
4 project from sales and real estate taxes, or payments in lieu  
5 of taxes, developed at the project. And if necessary, if  
6 there's a shortfall, special assessments are assessed on the  
7 project itself, not on the rest of the District.

8           In an acting legislation to approve the finance  
9 of the Council, the District of Columbia confirmed the public  
10 purpose of the financing. And the project, once it reaches  
11 stabilization, will net over \$45 million annually in tax  
12 benefit for the District of Columbia.

13           As far as the GPSA, we are continuing to work with  
14 the GPSA. Members of our team got together yesterday on a  
15 Sunday with Commissioner Litsky of the ANC to discuss the  
16 transition plan.

17           As Chip mentioned, we have agreement from the  
18 Stage 1 and the Stage 2 PUDs, which was signed by both  
19 parties. Right now, we're working on updating the transition  
20 plan, which explains how the construction will transpire for  
21 the second phase of development. Most of the other areas of  
22 agreement were part of that original document. We're  
23 attempting to find a meeting time for tomorrow, Thursday.  
24 So, tomorrow, Wednesday, or Thursday.

25           So, we can have the meeting and hopefully come to

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1 agreement with the GPSA and have a signed agreement prior to  
2 meeting with the them on Thursday. So, that's our goal, is  
3 that we have the approved transition plan by that point.

4 Parcel 10, there was information that came back  
5 from the Chair of 525 Water Street, Brad Neilley. It was  
6 late; I'm not sure if you have it in front of you. I just  
7 want to clarify a couple of things with respect to Parcel 10.  
8 We heard a couple of things, one was the loading and garage  
9 access into Parcel 10, that there was concerns about that.

10 The loading and garage access were approved as  
11 part of our Stage 1 PUD. They've always been in that  
12 location. The purchasers of 525 Water Street have all had  
13 the opportunity to see the model in our sales center. The  
14 model indicates the loading and garage access around Water  
15 Street.

16 In fact, Water Street is the loading and access  
17 point for Parcel 10, Parcel 11, 525 Water Street, and also,  
18 Pier 4, which is the commercial office building and  
19 entertainment cruises. And that was designed specifically  
20 to have the fronts of buildings facing other townhouses on  
21 Sixth Street; remember the Sixth-Street neighbors? And then  
22 also, to preserve the buffer onto parks on three sides of  
23 Parcel 10.

24 He mentions Water Street being one single lane.  
25 That's not true, it's a two-lane street with a parking lane.

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1 So, it's I believe 32 or 35 feet wide, so it's not a single  
2 lane. And it's adequately sized that you can get trucks and  
3 loading vehicles down there.

4 I think Michael from Morris Adjmi asked me if I  
5 could turn to him. He was going to respond to the tilting  
6 of the building above grade, and then I did want to go back  
7 and talk about the job creation. We have our bank and our  
8 partner with us this evening.

9 Michael, maybe you can just explain about the cant  
10 above grade?

11 MR. ZWECK-BRONNER: So, we turned the volume up  
12 above I think the third and the fourth floor. We turned  
13 that, rotated that because the original design and the  
14 original PUD had basically a street wall of about 190 feet  
15 long, along the street.

16 We rotated the volume to do three things really.  
17 One was to open up the views to Parcel 11, as you can see,  
18 view kind of off to the sides of the water. Also, to  
19 maintain the view from the arena stage, looking also towards  
20 the water. And lastly, also to act as an axial point or a  
21 focus point for the end of the promenade.

22 MR. SEAMAN: Thanks, Michael. And I think the  
23 last point, it's on the Exhibit that we submitted this  
24 evening. It's the detrimental effect on property values.  
25 We heard the same thing from Leslie Randolph in the first

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1 Stage.

2 Two PUDs for Parcel 11 and she was the woman that  
3 Commissioner Litsky referenced the last time, and was  
4 offering an apology for Monty Hoffman. I thought that was  
5 interesting.

6 So, the last point I want to make is on job  
7 creation. I did the best job I could in describing the  
8 outreach we're done for apprenticeships and creating jobs at  
9 the Wharf.

10 I thought it best to have Ellnor Bacon; she's a partner on  
11 the project, she's one of our LSDBE partners.

12 And she's a principal that's involved day to day  
13 with job creation, and it's a passion of hers. And she is  
14 our Head of Outreach to the Department of Employment Services  
15 and the Department of Small Local Business Development. And  
16 I know that she's reached out, and if the Commission would  
17 like to get real-time reports from those Agencies about the  
18 performance of this project.

19 We take seriously the job creation. I think we've  
20 done an outstanding job and a lot of that has to do with  
21 Ellnor Bacon's efforts. So, Ellnor, maybe you can summarize?

22 MS. BACON: Thank you, Shawn.

23 Mr. Chairman and Commissioners, I'm delighted to  
24 be here this evening to talk about the community benefits at  
25 the Wharf and what we have accomplished over the 12 years,

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1 is it now, that we've been working. And we have pursued  
2 tirelessly the accomplishment of our community benefits.

3 So, what I'd like to do is talk about jobs, about  
4 business engagement, because we have a requirement for  
5 businesses, D.C. businesses, and also, then, just touch on  
6 affordable and workforce housing.

7 As Mr. Seaman said, we have met our requirements  
8 in these community benefits. There is different elements of  
9 community benefits. We have with regards to CBE  
10 participation, in other words, Certified Business Enterprise,  
11 a goal of 35 percent participation. 51 percent of our new  
12 jobs have to go to D.C. residents, and of those, 20 percent  
13 must be from Ward 8. 51 percent of the apprenticeship  
14 opportunities must go to D.C. residents, and of those, 30  
15 percent must be from residents living east of the river in  
16 Wards 7 and 8.

17 And then in affordable housing, we also have  
18 discussed that in the past, but I just wanted to talk a  
19 little bit about our relationship with DHCD and the  
20 community. In terms of our accomplishments to date, as of  
21 the end of Q3, Quarter 3, of 2017, 48.55 percent of our funds  
22 have gone to CBE programs, as opposed to 35 percent, which  
23 is our requirement. That is \$347 million.

24 In terms of first source, we have two kinds of  
25 first source. We have construction and now we have

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1 operations, now that we have begun operating the Wharf. In  
2 terms of construction, as of September 2017, our contractors  
3 have hired 605 D.C. residents, and that is 48.48 percent.

4 Our goal is 51 percent, and I recognize that there  
5 is a disparity between our goal and what we've accomplished,  
6 but we are well on target to meet our goal by the end of  
7 Phase 2. And the reason why we are under, I believe, is  
8 because in the beginning, we had a significant amount of work  
9 on the marine side and in the water, and that required highly  
10 specialized workers, and frankly, they were unable -- they  
11 being our contractor -- was unable to find D.C. residents who  
12 are qualified for that work. But we're very confident that  
13 by the end of Phase 2, we will have met or exceeded our goal.

14 In terms of Ward 8 hires, we've hired 187  
15 residents through Ward 8, and that is 30.91 percent. Our  
16 goal is 20 percent. In terms of D.C. apprentices, we've  
17 hired 190 D.C. residents, which is 53.52 percent of the  
18 overall, and our goal is 51 percent. And of those east of  
19 the river, apprentices made 35.26 percent, which is, again,  
20 in excess of our goal of 30. And that's a total of 67  
21 apprentices for east of the river. So, we're, frankly, very  
22 happy about that.

23 And in terms of operations, first source is  
24 required for our operators and our managers, who have  
25 contracts of \$300,000 or more. And since we just started

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1 operation, we're still working with DOES and our  
2 operator/managers to get those agreements in place.

3 But since the inception of the project, we have  
4 developed and maintained excellent relationships with DOES,  
5 the Workforce Investment Council, the Department of Small and  
6 Local Business Development, the Department of Housing and  
7 Community Development, as well as with the ANC and our  
8 stakeholders, both in the community and throughout the city.

9 So, I wanted to talk about three special programs  
10 that we instituted. These were over and above meeting our  
11 requirements, and one of them has to do with a special  
12 training program.

13 There's an excellent organization called Building  
14 Futures, which is the training organization that's been hired  
15 by the Workforce Investment Council of D.C.. And this is a  
16 program with the Community Services Agency of the  
17 Metropolitan Council of the AFL-CIO. We've been working very  
18 closely with them, and I must say, I'm thrilled with the  
19 relationship we have developed. And together, we developed  
20 a special program with the D.C. Housing Authority and with  
21 CSOSA, which is the Court Supervision and Offender  
22 Supervision Agency.

23 And what we wanted to do was make sure that  
24 returning citizens and residents for D.C. public housing --  
25 obviously, there was a lot of public housing in the

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1 Southwest, benefitted from this program. So, Building  
2 Futures was wonderful in giving some flexibility to some of  
3 their requirements, not to reduce the level of the  
4 requirements but just to make sure that it would work for  
5 public housing residents and returning citizens. And so now,  
6 we have had 31 graduates of this special program hired at the  
7 Wharf in construction. And we know 31 is a small number, but  
8 I'm, frankly, thrilled with the relationship we've developed,  
9 and with the fact that that many people have been hired  
10 through this program.

11 In terms of the operation side, again, we haven't  
12 done any reporting yet because we just went into the  
13 operations phase, but we did participate actively with  
14 Council Member Silverman and Council Member Allen on a  
15 specially-focused Wharf Operations Career Fair. More than  
16 1000 pre-screened D.C. residents attended, and more than 25  
17 Wharf businesses, operators, managers. And it was an  
18 extremely success event and I think people who attended were  
19 very excited about it, and frankly, our retailers, operators,  
20 and managers were as well.

21 As a result of the Career Fair, again, I don't  
22 have data on all of the operations because we haven't  
23 required that reporting yet. Canopy by Hilton and Hyatt  
24 House together hired 70 D.C. residents for operations, and  
25 this was 64 percent of the total hires. So, I think that's

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1 a real indication of the kind of commitment that not only  
2 Hoffman Madison, but our retailers, operators, contractors,  
3 all have to meeting our goals and exceeding them where  
4 possible.

5           We also did contribute \$1 million to D.C. for  
6 workforce intermediary programs. We've been working through  
7 with the District how to free up that money and use it ways  
8 that work for the program, and also for other projects. And  
9 that's about to happen so we will be able to use this amount  
10 of money I think very productively for Phase 2 construction,  
11 and also for operations, both continuing on Phase 1 and Phase  
12 2.

13           So, we have a Community Benefit Committee. We  
14 meet with the Development Advisory Group. We have monthly  
15 meetings with DOES and DSLBD to track our progress. We meet  
16 very closely, we meet all the time; we're in touch with Andy  
17 Litsky, and we have participated in career fairs and job  
18 fairs with Eleanor Holmes Norton. She has a career fair;  
19 there are job fairs every year, career fairs with the Council  
20 Members, and we've also had our own dinners in addition.

21           For instance, one of the concerns, just if I could  
22 finish on this, one of the concerns that's been raised with  
23 me, and we tried to listen to D.C. residents, businesses, and  
24 people seeking jobs, is that perhaps it's quite challenging  
25 for smaller, certified businesses to understand how to secure

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1 work in the construction field.

2           And so what we did after listening to this concern  
3 is to convene a meeting with our major prime subs and their  
4 prime subcontractors for smaller CBE firms to come to this  
5 stage and sit down one-on-one at tables to understand what  
6 the processes are and how to be success in getting work, both  
7 at the Wharf and throughout the District. So, I'm happy  
8 about that too.

9           So, I think, also, just finally, in terms of our  
10 relationship with DHCD, which, again, has been excellent.  
11 We've been working with Gene Bulmash and his staff tirelessly  
12 for many, many months with Bozzuto, our manager, to make sure  
13 that we weren't just meeting the requirements of 30 percent,  
14 60 percent, 100, 120 percent, housing. But also we're doing  
15 extra kind of outreach to make sure that communities that  
16 might not otherwise know about these opportunities did know.

17           So, we reached out to more than 50 organizations  
18 throughout the District to make sure they got in touch with  
19 their constituents, organizations, and individuals. And  
20 mostly, we worked very closely with Gene Bulmash and his  
21 staff on developing the procedures for our lottery, which he  
22 held in June. And there were more than 4000 applicants and  
23 people are now moving in, and so we find that very exciting.

24           And again, I just want to stress how happy and  
25 pleased we've been in our relationships, both with the

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1 community and with the Agencies in D.C.

2 Thank you.

3 MR. GLASGOW: That concludes this part of the  
4 rebuttal.

5 MR. STEENHOEK: That's right. I'm sorry.

6 MR. GLASGOW: We want to do one thing that we were  
7 directed by the Commission to do.

8 It was to go over our responses to the OP comments  
9 to the extent applicable at this point.

10 MR. STEENHOEK: Yes, we submitted those for the  
11 record but it was just dropped off before we came in so we  
12 wanted to run through it quickly.

13 Before I do that, I wanted to introduce Michael  
14 Bruce to come up briefly, to respond to one of the comments  
15 regarding maritime management.

16 Because our dockmaster at the project has been  
17 working some of the organizations and groups that are in  
18 charge of that management.

19 So, Michael?

20 SECRETARY SCHELLIN: Please raise your right hand.

21 Do you solemnly swear to affirm the testimony you  
22 are about to provide will be the truth, the whole truth, and  
23 nothing but the truth?

24 MR. BRUCE: I do.

25 Good evening, Commissioners, thank you for the

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1 opportunity to speak today. Matt and Tina asked me to come  
2 in and just speak.

3 CHAIRMAN HOOD: Let me back up. Ms. Bacon, were  
4 you here last Thursday?

5 MS. BACON: No, I wasn't.

6 CHAIRMAN HOOD: I mean we all know you but we still  
7 want you standing there.

8 MS. BACON: That's okay, I thought she was in the  
9 audience, sorry.

10 SECRETARY SCHELLIN: Do you solemnly swear to  
11 affirm the testimony you gave was the truth, the whole truth,  
12 and nothing but the truth?

13 MS. BACON: I do.

14 SECRETARY SCHELLIN: Thank you.

15 CHAIRMAN HOOD: Is there anybody else who wants to  
16 say anything that wasn't here last Thursday that needs to  
17 take the oath for this case?

18 All right, so we'll make sure everybody does the  
19 same thing. Can you identify yourself for me again?

20 MR. BRUCE: Sure, I'm Michael Bruce, I'm with the  
21 District Wharf Community Association. My job there is the  
22 Maritime Operations Director.

23 To put it simply, as you guys may have heard in  
24 previous testimony here, the Wharf Community Association is  
25 the organization charged with the public entities at the

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1 District Wharf. So, I'm in charge of the programming,  
2 safety, enjoyment of all the public spaces. And that  
3 includes the piers, parks, promenades, in the maritime  
4 facilities. So, my role there is responsibilities and co-  
5 oversight of the public piers. That includes District Pier,  
6 Recreation Pier, off of Seventh Street Park, Market Pier, and  
7 Transit Pier, as well as our maritime transient docks and  
8 Wharf Mooring Field.

9 So, part of my responsibilities have been to reach  
10 out to the various stakeholders and users of the water  
11 bodies, and this process began well before we put the project  
12 into operation.

13 I won't go back into the history of the project,  
14 but jurisdictionally, the challenge with an overriding water  
15 body authority that was brought up in the last Zoning Hearing  
16 is that these water bodies touch so many different  
17 jurisdictions, and about 98 percent of the land is federally-  
18 owned.

19 So, the District itself doesn't have a great  
20 authority over a large portion of the water body, which we  
21 all enjoy. So, the challenge we have is we have a new  
22 waterfront that's coming along, that's going to be a mixed-  
23 use, very active waterfront that we're all excited about.  
24 And so one of the charges under my realm is to coordinate and  
25 bring together those different entities. And we've been

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1 working on that for the past a couple of years, and a real  
2 focused effort in the past several months.

3           And that includes reaching out to the U.S. Coast  
4 Guard. We've explained to them our operational programs,  
5 both at the Jitney, which is a pre-shuttle service, to Haines  
6 Point, which is a very popular feature at the Wharf, the  
7 water taxi operations, the standup paddle board, and non-  
8 motorized craft, we have operating now out of the Wharf.

9           And again, our transient boats. While the Wharf  
10 itself is taking up almost a mile of shoreline there, we have  
11 increased the awareness and the opportunities down there.  
12 So, it's pretty exciting for everyone but it's also a  
13 learning curve for everyone. So, my role has been,  
14 basically, to provide a forum for these different entities  
15 to come in and discuss what our opportunities are there.

16           We've been working with the Potomac Riverboat  
17 Company, Willem Polak, he's the founder, so is John Lake.  
18 He's the General Manager and Chief Captain for the water taxi  
19 operations.

20           And we've had conversations and meetings with them  
21 about their operations.

22           Mary Rinaldo, Vice President and General Manager of  
23 Entertainment Cruises, she runs the commercial fleet, as well  
24 as boating in D.C. Their President of Recreations has met  
25 with us several times. We're developing safety initiatives

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1 for them, and I think this is a really important one because  
2 it's the integration of these more commercial and  
3 transportation facilities, with the recreational facilities.

4           These are the non-boaters that are going to be  
5 using our water ways.

6           And we've reviewed this with Lieutenant Neebly in  
7 the Harbor Master Office several times, working through kind  
8 of an interim process to get to how we educate the public in  
9 using the water, how they can enjoy the water and do it  
10 safely.

11           So, basically, my testimony here today is to  
12 emphasize our commitment to that effort, and it's an ongoing  
13 effort, and it's education for everyone involved. We have  
14 been in conversations with the Potomac River Keepers,  
15 Anacostia Watershed Society about Clean Water initiatives.  
16 We're working towards those ends as a collaborative effort  
17 to keep this channel which we are charged with operating, and  
18 safe and enjoyable for the public.

19           So, in general, I guess the challenge we have with  
20 answering to the -- is should there be an overriding  
21 authority on the waterways shared by D.C.? We fully  
22 encourage it, we're going to be promoting it. Will that be  
23 us? No, but we'll be a stakeholder in that exercise. We  
24 have facilities that are designed specifically for  
25 coordination and management of our waterfront, including the

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1 dock master building on District Pier. And we'll be actively  
2 working with our surrounding stakeholders to that front.

3 MR. STEENHOEK: Thank you, Mike.

4 I'll move quickly through the Office of Planning  
5 responses, just to get those elements out there for further  
6 discussion.

7 The first item is related to solar. We talked about  
8 that a fair bit on Thursday, but to recap, we've added  
9 approximately 21,000 square feet on the roofs of 6 and 7.  
10 We've gotten the proper parcels to set those on for the  
11 various reasons discussed the last time, to views, access,  
12 glare, and the visible parameter facility for residential  
13 buildings.

14 Item 2 is related to information about signage.  
15 Just to reiterate, the retail signage is completed by our  
16 individual retailers, who provide guidelines to them. And  
17 these are the same principles that are in the overall plan  
18 elements. But the footprints in the same ones are pretty  
19 similar to Phase 1 of the PUD. In our last presentation we  
20 showed a fair bit of examples from what you see out there  
21 today if you come to visit.

22 There's a particular question regarding the Parcel  
23 8 building and that hotel signage on there. We've shown the  
24 signage, or we will provide, I should say, the signage photos  
25 for the three hotels that we have operating on the site

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1 today, the Intercontinental on Parcel 3B, the Hyatt House,  
2 and the Canopy by Hilton.

3           The third item relates to the residential buildings  
4 and their relationship to inclusionary zoning and that  
5 exemption. We have received the exemption for the Phase 1  
6 process. Because of the timing and how that works, that  
7 actually occurs closer to the building permit. We've been  
8 working with DHCD to get that process started for Phase 2.  
9 To clarify that, the exemption is there because the program  
10 that we are providing is vaguely in excess of the standards  
11 for the zoning requirements.

12           There was one question, however, about Water  
13 Building 1, not residential uses, so that's really restrooms  
14 and service, that would be considered to require an  
15 contribution to the housing protection and trust fund. We  
16 believe that it does. It's a very minor area, but we looked  
17 into it, and we will work through that during the permit  
18 process.

19           And the next slide relates to the flexibility in  
20 the design, the pier design in particular, and we have  
21 already refined the language from what we had initially  
22 provided. I believe that that amount of flexibility that  
23 we have has proven necessary during the design, development,  
24 use stages, in Phase 1. I think if you go out there today,  
25 you'd see that it has not resulted in any diminution of the

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1 design quality of any building on the project.

2           The next question is related to the hotel bar and  
3 the layout and configuration, and then working operation for  
4 that. That's not something that we are yet able to answer.

5 We are still working to identify a hotel flag and operator  
6 for that building. At the time that we have established  
7 that, we will of course go through the full ABRA process and  
8 work with them on the hours and the other elements, since we  
9 are having jurisdiction on that sort of thing.

10           The next slide I want to do is related to interim  
11 uses on the site in the event that we are phasing some of the  
12 development. We have provided some images showing how if we  
13 were to not build Parcels 6 and 7 immediately, it could be  
14 used for parking or interim uses, farmer's markets, those  
15 sorts of things. We're clarifying that we would extend that  
16 type of approach to any other Parcel. It should not affect  
17 the normal flow of construction.

18           There was a request from the Office of Planning  
19 around respecting the 60-foot setback on the Wharf, so that  
20 any improvements would reflect that and we would agree to  
21 respond to that 60-foot setback.

22           The next item, Item 7 from the report, requests  
23 that Buildings 8 and 9, the two residential structures, go  
24 for the Gold instead of LEED Silver. And that is not  
25 something that we're going to be able to commit to. The

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1 proposed LEED Silver rating is consistent with the terms of  
2 the LDA and also the District, and it was also approved by  
3 this Commission during our Stage 1 PUDs. So, we have LEED  
4 for a neighborhood development goal as a requirement, and all  
5 the buildings have to achieve Silver.

6 We have, of course, gone after Gold for some of our  
7 office buildings and we're proud to be able to do that, but  
8 we do not want to be penalized for reaching for a higher bar  
9 than we're required on the components. We believe we can  
10 achieve that.

11 The next slide is related to the fulfillment of the  
12 affordable housing requirement. This second phase does  
13 complete all of our affordable housing obligations. Pursuant  
14 to the LDA, we had to construct a minimum of 160,000 square  
15 feet of affordable housing, between 30 and 60 percent of the  
16 AMI.

17 In completing this phase, we will have achieved  
18 160,000, approximately, 665 square feet. So, this likely  
19 connects us with that and regarding the workforce housing  
20 formulation, it's slightly more complicated, but it requires  
21 a minimum of 80,000 square feet at 90 percent AMI level,  
22 which we are achieving.

23 And meeting our threshold of 120 percent as well,  
24 so overall, if this means that with the inclusionary zoning  
25 units required in Parcel 11, we're providing approximately

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1 296,000 gross square area, from the housing split between the  
2 30, 50, 60, 80, 100, and 120 percent AMI unit and at the AMI  
3 level, which is approximately 325,000 units at various levels  
4 of affordability.

5           In this area request to the study in M-Street  
6 landing, the additional shade over the seat steps and along  
7 the water's edge, we're working with the design team to  
8 evaluate how we can make sure the seat steps do receive an  
9 adequate amount of shade, and trying to position trees and  
10 locations that would work best for that.

11           And we appreciate the comment regarding the open  
12 plaza in the water. However, upon evaluation of this area  
13 with the design team, we prefer to leave the area near the  
14 water as proposed in order to provide emergency access along  
15 that edge, and also to create a variety on the waterfront  
16 edge, where you have some sun, as compared to the heavily  
17 treed Wharf along the rest of the Phase 2 area.

18           The next comment is in regards to flexibility on  
19 the number and location of affordable units. The flexibility  
20 that we've requested is consistent with what we have in Phase  
21 1, and it's also something you need to have as you design the  
22 building and develop it. When we go into a Department, we  
23 work very closely with D.C. RA staff and their zoning office  
24 to ensure that all of our requirements are met, and the  
25 various tests that we have through the LDA approvals have

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1 been met. But the design is going through the community;  
2 there is evolution in the distribution that has to allow for  
3 flexibility.

4           And that's kind of -- regarding the balconies, our  
5 request for additional balconies. So, we worked with the  
6 design team and you'll see this in a second this afternoon  
7 I should say. And where you actually add about 14 balconies  
8 to the building. They're around the exterior and the way  
9 that works, it makes up for the architectural design of it.  
10 There was a request to put them on the inside of the  
11 courtyard. That area is much tighter between the two barns.  
12 We don't think it it's appropriate. Also, those units, many  
13 have great waterfront views and we do not want to place  
14 things which may obstruct the views there.

15           The last item we have in Parcel 8 is the correction  
16 on the last section. We found that there was a minor  
17 mislabeling that's being resolved. So, we'll fix that.

18           The comment regarding the Grove, which I'll touch  
19 on tonight, that part of it should be reserved for public  
20 non-paying use, and that is the design of the elevated  
21 portion. There's a lower portion adjacent to the Parcel 8  
22 building that would be associated with the adjacent  
23 retailing. They are flexible.

24           There was a comment from the Office of Planning  
25 regarding the parameter and walkway around Building 2,

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1 something else you'll see tonight. And that will be open to  
2 the non-paying public.

3           And yes, that walkway will be open to the general  
4 non-paying public with appropriate security elements to get  
5 full access for the gangways and the slips of course, and  
6 then also, after hours, that front half of the building and  
7 out towards the water, I should say, will not always be  
8 occupied and it's sort of hidden away in a dark corner at  
9 night. And we do not want people necessarily trying to make  
10 it all the way out there. So, I'll save it for necessary  
11 procedures for safety and security.

12           One additional comment on that building related to  
13 the upper deck being able to be closed, it's not being  
14 attempted to close that deck. Of course, there may be  
15 windscreens or sun-shading devices there utilized just to  
16 make sure the environmental comfort is maximized throughout  
17 the year. That would be work that's done by the tenant based  
18 on their particular operating constraints.

19           The final comment is regarding Water Building 1,  
20 looking for more details on the materials. We have quite  
21 a response; you'll see more of that on Thursday related to  
22 exactly what we have there. So, you have this as well. We  
23 wanted to provide the flavor for what our responses were  
24 relative to tonight's discussion.

25           MR. GLASGOW: Mr. Chairman, that concludes the

1 rebuttal.

2           And with respect to the LEED part that was  
3 discussed, you'll find that the Zoning Commission were a  
4 number of 11-03 Page 36 in Decision Paragraph 7, for each  
5 Stage 2 application, the Applicant shall develop guidelines  
6 to ensure that the vertical development is designed in  
7 accordance with LEED ND Gold objectives.

8           And then it goes down and talks about LEED Silver,  
9 and the Applicants were also designing building except for  
10 the church on Parcel 11 to meet the LEED stormwater  
11 requirements. So, we are following what the Commission  
12 directed with respect to our lead requirement in the initial  
13 order. And in the District of Columbia, the word shall is  
14 mandatory and that's what we've done.

15           And with that, we've concluded our rebuttal.

16           CHAIRMAN HOOD: Okay, I want to thank you for your  
17 rebuttal. Before I go to my colleagues, I'm going to ask Ms.  
18 Bacon, I noticed you said that you were still doing some  
19 fact-finding and still collecting data, but I'm very  
20 interested in that whole job analysis that you just recited.

21           Do we have a copy of that? And I know as of to  
22 this date, or as of whatever dates you submitted, I would  
23 like to get that if I don't already have it.

24           I would like to get that into the record because I  
25 think that's very important.

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1 MS. BACON: Yes, certainly, we will submit that and  
2 there's a summary that I've prepared of all the different  
3 things that we've been doing. I've kept it up to date over  
4 the years and I believe that Mr. Glasgow was going to submit  
5 that on Thursday, if I'm correct.

6 CHAIRMAN HOOD: Okay, well, it contains all that  
7 analysis and information that you just explained?

8 MS. BACON: Yes, it does.

9 CHAIRMAN HOOD: Well, now, I realize it will be to  
10 that date. So, let me ask you this, I keep hearing about  
11 Wards 7 and 8.

12 Who did you work with in Wards 7 and 8 to make sure  
13 that 7 and 8 residents got some of those jobs? The 30  
14 percent or whatever?

15 MS. BACON: Well, it's been over the years people  
16 who have been the leadership have changed, of course. I  
17 mean, I was working very closely with Mr. James Bunn for  
18 instance, before his passing.

19 I was actually on his board for economic  
20 development, and so we worked with him, we obviously worked  
21 with the Council Members very closely.

22 We're working with Derek Ford, Marshall Heights  
23 Community Association in Ward 7. And I can give you the list  
24 of the organizations --

25 CHAIRMAN HOOD: Stan Jackson?

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1 MS. BACON: Oh, yes. Stan is on our Development  
2 Advisory Group. We've been in to meet with him.

3 CHAIRMAN HOOD: I'd like a list. Even though the  
4 plans may change and some people may even pass on, one thing  
5 about Ward 8, they continue to have consistency. They always  
6 make sure, and I've seen that over the years, and kudos to  
7 them.

8 They make sure nothing gets lost, and I just want  
9 to make sure even though people change, the issues have  
10 remained and they have focused on the issues.

11 So, I don't know who you all are working with --

12 MS. BACON: Certainly.

13 CHAIRMAN HOOD: -- in 7 and 8 to make sure 7 and 8  
14 is on the job.

15 Now, I asked for something the other night about  
16 PII information, and not that I don't believe you, but I want  
17 to make sure towards 7 and 8.

18 Because my neighbors have been down here and I walk  
19 past some of the roads, and noticed it even at the Wharf  
20 front.

21 Some developments that I voted on, and I walk by,  
22 and I know that Wards 7 and 8 in District Res is over in  
23 Philadelphia and Pennsylvania, and those are the tags I be  
24 seeing. And I have a problem with that.

25 So, I want to make sure that this record is clear

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1 that this waterfront is -- because it's a big piece to this  
2 city and we want to make sure that we employ D.C. residents.

3 MS. BACON: Thank you.

4 CHAIRMAN HOOD: Now, this next question may be  
5 loaded but I'm going to ask it anyway because I'm familiar  
6 with Local 25. Can somebody explain to me why they went  
7 ahead with this church?

8 They can always come, they're always welcome. Is  
9 it a positive appearance or is there a concern, an  
10 outstanding concern? And I read the letter, I'm just asking.

11 PARTICIPANT: We will be testifying later.

12 CHAIRMAN HOOD: I know you will. I'm asking them  
13 now. You'll be testifying in the next case, right.

14 MR. SEAMAN: There's none specifically that I'm  
15 aware of. There's Local 25, the hotel. Yes, I didn't get  
16 a chance to go through the letter in great detail, but PN  
17 Hoffman doesn't operate any hotels.

18 We're the owner of the hotel, and we have a  
19 third-party manager that operates both of our hotels on the  
20 sites.

21 So, I'm not sure but I'll be interested to hear the  
22 testimonies.

23 CHAIRMAN HOOD: Okay, all right, and it's not that  
24 you're not welcome.

25 I just want to know what your concerns are from you

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1 so when they come up, we can address it a little bit.

2 Let me open it up to the colleagues. I can go  
3 first, or Commissioner May?

4 COMMISSIONER MAY: Yes, I had a question about the  
5 water access actually, and that's something that we discussed  
6 in the Hearing here today, but it was in the letter that was  
7 in the record from a number of residents who were concerned  
8 about public access for non-motorized boathouse uses. So,  
9 I'm wondering if you have any sort of response to that, their  
10 concern as to there isn't enough potential access? People  
11 kayaking and that sort of thing.

12 MR. STEENHOEK: Sure, we had a 100 increase from  
13 having none to having one, and we think it's very special and  
14 it's worked out quite nicely on the 7th Street Pier. There  
15 was something I saw in one of the testimonies or the letters  
16 submitted, having an access point for the public down closer  
17 to Pier 4.

18 Yes, that's the entrance to the Marina primarily  
19 used by local wards. So I don't think that would really be  
20 an appropriate connection from a safety, security, and  
21 privacy standpoint.

22 If the Park Service wants to include a dock down by  
23 Titanic, that would be fantastic, but I think ours at Seventh  
24 Street --

25 COMMISSIONER MAY: One is enough I believe in our

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1 case. thank you.

2 MR. STEENHOEK: So, that's it. The only other  
3 alternative is Pier 4 and that's the Liverboards Pier.

4 COMMISSIONER MAY: Pier 4 has the cruise boats  
5 operating out of it, and then next to that is where that dock  
6 is.

7 I guess by creating the dock there'd be some type  
8 of park there at the second point on the other side of the  
9 Channel there to be utilized by the public.

10 MR. STEENHOEK: All right, thank you.

11 CHAIRMAN HOOD: And we have a follow up, Mr.  
12 Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, just two quick  
14 questions. One, related to the water transportation issues  
15 with the management of the waterfront, my question the other  
16 day was specifically around capacity and expansion of  
17 services, and the conversations that are going on around  
18 potential water ferries and where you are in the planning  
19 process for that.

20 Are you anticipating any of this, and do you feel  
21 like you have the capacity now? Maybe it's just a guess, but  
22 we do it with the roadways all the time.

23 We build for what we think the capacities will be,  
24 and I'm just trying to get a sense of where you are with that  
25 related to the waterfront?

1 MR. BRUCE: Sure, I think there's be an ongoing  
2 interest as an extended ferry service to points further south  
3 of the river, maybe Woodbridge or so.

4 And we're not driving or particularly championing  
5 any of those efforts.

6 As far as capacity within the Channel itself or  
7 capacity at our facilities, we have dedicated water taxi  
8 docks that are right now fully birthed, but they will be with  
9 the alternating routes. They'll be in and out and they have  
10 other slips available, but the Channel itself has been active  
11 for commercial vessels well before we got there, both  
12 operating real less at the Washington Channel, Washington  
13 Marina, and with the entertainment cruises population.

14 So, as far as capacity of the Channel, I don't  
15 think that would be something that would be constricted to  
16 what we're bringing to it. I think we encourage any  
17 alternative transportation means to unlock some of this  
18 critical blocking in other cities, but we're not championing  
19 any of that right now.

20 COMMISSIONER SHAPIRO: So, if there was a water  
21 ferry, you have to build a new dock?

22 MR. BRUCE: No, we wouldn't need to build a new  
23 dock.

24 COMMISSIONER SHAPIRO: Okay, thank you.

25 And in terms of this issue around jobs, and I

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1 appreciate that the Chairs requested the information, I'll  
2 be curious to see that too, how much data do you have on this  
3 issue that was brought to us the other night around  
4 high-quality jobs?

5 In other words, can you break some of this down for  
6 us in terms of the nature of the jobs? And can you connect  
7 the pay level, can you connect that to the percentages in any  
8 way?

9 MS. BACON: I certainly don't have that data. I  
10 mean, the people who have been hired in construction were  
11 hired just like anybody else.

12 I mean, someone from D.C. or someone from Virginia  
13 or Maryland, they all are hired for the same, they're all  
14 after the same, job. They all have the same pay.

15 So, I really don't know that answer. I'm not sure  
16 if I could talk further with my colleagues and see what we  
17 could get, but at this point, I don't have that information.

18 COMMISSIONER SHAPIRO: I imagine if you talked to  
19 some of the subs, you'll get a sense of what the wages are,  
20 and that might help us a bit.

21 I'm also curious about this related to the  
22 operations, and you made that distinction yourself earlier,  
23 construction jobs and the operations jobs.

24 And I'm just curious around if there's a way that  
25 you could provide us some measure of information around

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1 whether the jobs that are going to D.C. residents, Ward 7 and  
2 8 residents, are by some measure, some definition,  
3 high-quality jobs, higher-paying jobs. It may be a  
4 complicated task, but you might be able to find some way to  
5 get us that information.

6 MS. BACON: Yes, let me see, because we do have the  
7 data very recently from Concord Hospitality, that manages  
8 both the Hyatt and the Hilton brands.

9 So, let me see what I can do and I'll get back to  
10 you I guess by Thursday.

11 COMMISSIONER SHAPIRO: Thank you.

12 CHAIRMAN HOOD: Let me just add to that. There's  
13 something else that I want to see about the jobs. Wards 7 and  
14 8, mostly with hiring, are they in the construction jobs  
15 which may end?

16 Or are they in the operational jobs which may go  
17 on? I kind of want to know that too.

18 MS. BACON: On the data I gave you with regards to  
19 construction, that was all construction jobs.

20 CHAIRMAN HOOD: All construction?

21 MS. BACON: Yes, and then in terms of the  
22 operations, the only information I have is from Concord  
23 Hospitality, where up to 70 people have been hired who are  
24 D.C. residents.

25 CHAIRMAN HOOD: So, are we also working on making

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1 sure residents in 7 and 8 in the District with the  
2 operational jobs, which will sustain after the place is  
3 built?

4 MS. BACON: We have no requirements on that. So, it  
5 wouldn't be tracked.

6 CHAIRMAN HOOD: I'm saying are we working on that?  
7 Just making sure.

8 Let me just encourage us, because I want to look at  
9 that, let me just encourage us to make sure that we're trying  
10 to also make sure we get people jobs that sustain over time.

11 That's kind of where I'm headed, and I'm not sure  
12 where everybody else is, but let's make sure we look at that.  
13 Because that's important.

14 I mean, we appreciate the construction jobs now,  
15 but things do get built. And what happens after that?

16 And I'm not just putting it on you all but that's  
17 something we need to think about city-wide. Because the  
18 construction, at one time, we only had three percent that  
19 were qualified for the construction jobs. So, we've been  
20 working and I think we've come up a lot from your numbers,  
21 but we need to make sure that we have sustainable jobs, as  
22 the former mayor for life used to say, something that's going  
23 to stand the test of time.

24 Because, you know, stuff's going to get built, and  
25 once it's built, we're back in the same place we were. So,

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1 it's something we need to think about as we try to improve  
2 residents in the city as we support that.

3 MS. BACON: If I could add, Mr. Chairman, that the  
4 jobs that are being created in construction, the whole point  
5 of them is to have a career-path job so that even though we  
6 know in the construction industry that this job might end,  
7 hopefully a relationship will have been developed with  
8 Hewitts Electrical or whoever it is.

9 So, you would go onto the next job.

10 CHAIRMAN HOOD: I understand, I understand that,  
11 but also, we want to make sure that some of those operational  
12 jobs are going to be around, and the District residents don't  
13 get lost in the pipeline on those.

14 Those jobs are going to be the ones to stick  
15 around, and construction, I know a lot of guys that work in  
16 construction every other week.

17 I know one that's on and off, on and off, on and off.

18 So, sometimes, we need to also open up what we do  
19 and try to help out other folks and make sure they stay in  
20 some of the operational jobs.

21 Who knows, they may have maybe worked in Bozutto?  
22 You never know.

23 So, I'm just throwing it out there, and I'm just  
24 going to throw this out there for this guy, and I've been  
25 throwing it out there for a while.

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1 MS. BACON: Thank you.

2 CHAIRMAN HOOD: Thank you. Mr. Shapiro?

3 COMMISSIONER SHAPIRO: If I can, just another  
4 clarification.

5 You did make the helpful distinction of building up  
6 the Chair's comments on the construction jobs versus  
7 operations, but I just may not understand how you're defining  
8 operations and the jobs that you're tracking there.

9 So, this is for you all, this is for some of your  
10 tenants, depending on the tenants? What's the distinction  
11 there?

12 MS. BACON: Yes, let me explain that too, and also,  
13 it's a different kind of relationship because what our  
14 requirements are through our agreement with the District,  
15 through our first source of funding, is to put the first-  
16 level staff in touch with and help negotiate with exactly --  
17 they're to help them negotiate things with our operators/  
18 managers.

19 So, those would be -- I can give you a list of who  
20 they are, perhaps you'd like that? That would be hotels, the  
21 Community Association,

22 COMMISSIONER SHAPIRO: Restaurants?

23 MS. BACON: No, the restaurants are tenants. So,  
24 the operator/managers really are under us and they work on  
25 behalf of us, instead of, say, leasing space.

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1           You know, there's a decision between tenants and  
2 operator/managers, which, again, I'd be happy to try and  
3 clarify.

4           COMMISSIONER SHAPIRO: That would be helpful. If  
5 we could see that, it would be very enlightening for me.

6           MS. BACON: Yes, certainly.

7           CHAIRMAN HOOD: Okay, any other questions? Vice  
8 Chair?

9           VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
10 thank you for your rebuttal testimony responding to some of  
11 the concerns laid out at last Thursday's Hearing and in the  
12 record.

13           And just on the jobs, I would concur with my  
14 colleagues' statements about the jobs, and I appreciate all  
15 the efforts that have been made.

16           But I thought you did say -- maybe it's not  
17 something that you're required to track, but I thought you  
18 did say in your testimony that 64 percent of the hotel jobs  
19 are D.C. residents.

20           Did I hear wrong?

21           MS. BACON: Let me clarify that. We only know  
22 information from Concord Hospitality that operates the Hyatt  
23 House and Canopy by Hilton, because it's anecdotal.

24           I've been working very closely with them and they  
25 gave me the numbers.

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1           So, that is 70 D.C. residents were hired by Canopy  
2 and the Hilton, and of that, I think the number was 65  
3 percent of their new hires.

4           So, it's only for that one company.

5           VICE CHAIR MILLER: Based on that information about  
6 operational jobs going forward, on the Wharf, even though  
7 that's not necessarily your responsibility, other than to  
8 have connected them --

9           MS. BACON: Yes.

10          VICE CHAIR MILLER: -- originally to DOES. That's  
11 important.

12          On the issue of affordable housing, I know we have  
13 this in the record and the proposed affordable housing  
14 information tonight, but I wonder if you could just reiterate  
15 -- well, it may not be in the written testimony that we have  
16 tonight but I know it's in the record somewhere.

17          The 160,000 square gross floor area that it says  
18 for half at 30 percent AMI and half at 60 percent AMI. And  
19 certainly the 30 percent AMI is way below what's required in  
20 IZ, inclusionary zoning.

21          And then you have 8050 IZ split for Parcel 11,  
22 which is 8900 square feet, and then you have what's called  
23 workforce housing at 120 percent.

24          I really wouldn't consider that. I would agree  
25 with those who don't think that's affordable housing at all.

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1 I think that's not affordable housing. It's called  
2 workforce, but how do you know it complied with the LDA?

3 But on the 30 and 60 percent, and the 50 and  
4 smaller amount that's at 50 and 80, what's the total percent  
5 set aside of the total number of residential units at either  
6 30 -- at 30, at 60 -- I guess it's much longer for 50 and 80  
7 because it's just that bit for Parcel 11.

8 If we could just get that reiterated, it's probably  
9 somewhere in the record of this very lengthy six-year-old  
10 case.

11 But if you have off the top of your head any  
12 figures on that, is it ten percent of the total that's set  
13 aside, the total residential that's at the 30 or 60 level?

14 Is it 5 percent that's at 30? 5 percent that's at  
15 60? I'm just trying to remember without looking at any data.

16 And what does that translate into approximately,  
17 into number of units?

18 I think even though the requirement is gross floor  
19 area, I think it just is helpful for people to understand how  
20 many units are at 30 percent AMI, which is very low important  
21 level for affordable housing.

22 And how many units are set aside at 60? And are  
23 they across all of the different size units?

24 If we can get that reiterated at some point, maybe  
25 in your Thursday submission? And I know it's in the record,

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1 the original record.

2 MR. GLASGOW: It's in the record but we'll make  
3 sure to distill it and have it narrowed down on Thursday.

4 VICE CHAIR MILLER: Okay, that would be helpful.  
5 Thank you very much.

6 I look forward to the parties' rebuttal and the  
7 questions and responses are in their testimony on the other  
8 case here tonight.

9 CHAIRMAN HOOD: Okay, Commissioner Turnbull?

10 COMMISSIONER TURNBULL: Thank you, Mr. Chair.  
11 That's a good question and I really appreciate your material.

12 I always appreciate someone who can show us such  
13 complicated, detailed notes and working like that.

14 So, it sounds like you're very thorough and you  
15 really know what you're doing, and I really appreciate the  
16 way you went through everything.

17 MS. BACON: Thank you, Commissioner.

18 COMMISSIONER TURNBULL: The question I had, we  
19 talked about the threshold being at 48 and trying to get it  
20 over 50, and you went through a lot of different options.

21 What niche do you see, or do you think you're going  
22 to be able to -- you sort of touched on the job-specific ones  
23 in Phase 1 were a little bit more rigid than that.

24 In Phase 2, you see it loosening up to be able to  
25 reach that. Could you explain that a bit more?

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1 MS. BACON: Yes. Excuse me, I'm sorry, that wasn't  
2 clear.

3 What I wanted to talk about was the type of work  
4 that was required, and perhaps Mr. Bruce can talk about it  
5 further.

6 But the kind of highly-skilled work, or workers,  
7 required to do the Maritime work, the piers and the  
8 promenades and the bulkheads, all of that kind of thing, I  
9 believe that is where we are below the 51 percent.

10 And that is I believe because it's a very, very  
11 highly-skilled kind of work.

12 And it requires workers with training which,  
13 frankly, we didn't identify enough D.C. residents to meet the  
14 51 percent.

15 Did you want to add anything about the type of  
16 work, or maybe it's just --

17 MR. BRUCE: I think Ellnor touched on it correctly.  
18 It is very specialized work, and these workers travel quite  
19 a ways with their crews to accomplish this work.

20 It's special leading, special equipment, divers,  
21 and all the water construction.

22 COMMISSIONER TURNBULL: So, with this Phase 2  
23 basically being buildings, do you see a better opportunity  
24 of reaching your goal?

25 MS. BACON: Yes.

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1 COMMISSIONER TURNBULL: Okay.

2 MS. BACON: I do and I feel as comfortable as I can  
3 that we will exceed the 51 percent when you look at the  
4 entire project, by the end of Phase 2.

5 COMMISSIONER TURNBULL: Thank you very much, I  
6 appreciate it.

7 MR. SEAMAN: Commissioner, I just want to add one  
8 thing, the two contractors that we were dealing with  
9 primarily on the water site, Timbo, which is the heavy marine  
10 contractor that drives piles and does concrete piers, and  
11 then Bellanham, which does the flood-end docks, they will  
12 specialize.

13 But Timbo being from Maine and Bellanham being from  
14 the State of Washington, I think the one thing that we've  
15 seen -- well, a lot of them they bought because they were  
16 specialized, but now that they've been on site for five years  
17 now, and Timbo just de-localized a couple of weeks ago.

18 I think they now realize that there's workforce in  
19 D.C. and that we're going to be pushing them to actually hit  
20 their targets for the second phase as part of our ask of  
21 them, as we look for contractors for that second phase.

22 And I think we're in a better position now and  
23 actually have higher District residents. Mike, am I saying  
24 anything incorrect?

25 I think Timbo has actually started hiring his

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1 presidents for the consultants on some of these jobs.

2 MR. BRUCE: He's correct, yes, and they're actually  
3 talking to presidents here in D.C. today.

4 So, he's correct, they are hiring locally.

5 MR. SEAMAN: There hasn't been a lot of Marina work  
6 in D.C. until the yards and now the Wharf. So, hopefully  
7 there will be more opportunities for that type of work for  
8 District residents.

9 COMMISSIONER TURNBULL: Okay, great thank you very  
10 much. The only other comment I would add is for your hotel,  
11 please make them very user-friendly.

12 The reason why I'm saying that, it's a little  
13 tongue-in-cheek, but the reason why I'm saying that is this  
14 Thursday I was at a conference, and their hotel was one of  
15 your chains.

16 And it was funny, it used to be in a hotel was that  
17 the night manager would come around and slip your bill under  
18 the door. They don't do that anymore.

19 I got a note that it was going to be electronically  
20 sent to my email. And when you go down to the front desk and  
21 you say -- when you want to go to the bill, it's at your  
22 email.

23 Now, I've got to go to the front desk and go hmm,  
24 and pull up my laptop and say is this what I'm doing? Is  
25 this charge right?

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1           And I can't you put it on my bill? They say, no,  
2 no, we send you an email. Now, what kind of user-friendly  
3 hotel can't print out that damn bill at their front desk?

4           So, please, have your hotels print out a bill for  
5 a customer at their front desk, it's all I'm asking, and in  
6 12 points.

7           (Laughter.)

8           Thank you.

9           CHAIRMAN HOOD: Mr. Seaman, I really appreciated  
10 the last exchange with Mr. Turnbull. That's exactly what I'm  
11 looking to hear and what I drive when I talk about these  
12 jobs.

13           This is exactly what you're saying, Mr. Bruce,  
14 about how now -- I understand we might not have had the pool  
15 earlier, but we got it now.

16           So, that's exactly the lines I'm going down. We're  
17 going down that road, so I'm glad to hear that last  
18 statement.

19           I want you to know that I appreciate that.

20           Anything else up here? Okay, let's go to -- now  
21 this is cross or rebuttal. Chairman Litsky?

22           And I want to applaud you all for all the hard work  
23 you did yesterday. I probably should have been doing  
24 something else too.

25           Being a Giants fan, it was not worth watching the

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1 game.

2 (Laughter.)

3 ANC CHAIRMAN LITSKY: Thank you, Mr. Chairman, I  
4 appreciate the opportunity to participate in the rebuttal.

5 I have been taking copious notes because I did not  
6 prepare ahead of time.

7 So, at first I wanted to speak to, I can't remember  
8 what the exact number of the pieces in evidence is, but it's  
9 the Applicant's list of answers to the ANC's concerns, and  
10 that's in the first page.

11 And it was provided as prior to this submission,  
12 and then Mr. Steenhoeck read off a number of things to which  
13 the ANC had agreed.

14 I would encourage you to meld the ANC's testimony  
15 of the second with that rather constrained document. Is it  
16 enough?

17 I think our testimony had a fulsome response to  
18 each of those things.

19 I'm not saying that they're incorrect, but I think  
20 there are subtleties that need to be addressed.

21 In terms of parking, our Council spoke to the  
22 Gangplank SOA in a 40-page agreement and there was one thing  
23 that he had stated which said parking shall be provided but  
24 not guaranteed.

25 And I'm curious whether, indeed, this is verbatim,

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1 that is the not guaranteed part, or it's just parking will  
2 be provided.

3           And that I don't have in front of me so I have no  
4 opportunity to find that out, but perhaps that can be  
5 clarified?

6           Additionally, Mr. Seaman had noted, brought back,  
7 the comment that I had made about Ms. Randolph and how she  
8 was now thrilled with the development as a whole, and she is.

9           But mostly, I think it's rather unfortunate that  
10 should fit into perhaps negate the concerns that others have  
11 with the project going forward.

12           That's not really fair, when it's put in the  
13 context of 525 president.

14           And indeed, there concerns that come up with this  
15 project going forward that I don't want to have to have  
16 somebody's concerns that have been met and addressed to  
17 somehow take the attention off the current concerns.

18           Also, and I'm not sure, am I the only one that gets  
19 cross or do the other --

20           CHAIRMAN HOOD: The other parties get the cross.

21           ANC CHAIRMAN LITSKY: They do? Okay, then I'll  
22 lead this part.

23           As was raised by Ms. Bacon first regarding the  
24 company amenities, and then by Mr. Bruce as regarding the  
25 Jitney, on his point, I believe it had been characterized in

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1 one of the written documents, and I can't recall which, that  
2 the Jitney was free at this point.

3           And if that's exactly what it was called, I'd like  
4 to have a clarification that indeed it's free and that it's  
5 a community amenity and that it's going to be free and it's  
6 going to remain free.

7           I think that's something that we need to ensure  
8 that we clarify.

9           CHAIRMAN HOOD: Let's get some answers to those  
10 questions now.

11           ANC CHAIRMAN LITSKY: Okay.

12           CHAIRMAN HOOD: I noticed how you're giving us all  
13 of it but let's go back to --

14           ANC CHAIRMAN LITSKY: I don't know how it works.

15           CHAIRMAN HOOD: Yes, okay, so let's go back to the  
16 first question. You asked that question, I started getting  
17 ready to respond.

18           I forgot what it was, one of your earlier  
19 questions. Let's start off from your earlier, first  
20 question. Parking?

21           ANC CHAIRMAN LITSKY: Parking, that's great.

22           MR. GLASGOW: Commissioner Litsky, reading from  
23 Paragraph 10 of the rules, the first couple sentences,  
24 because it is a longer paragraph, one parking permit per slip  
25 will be issued expressly for the use of the boat owner while

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1 the owner is at the Marina.

2 Possession of a valid parking permit does not  
3 guarantee a parking space.

4 Then it goes onto a valid, monthly parking permit  
5 must be displayed in the rear mirror and a lot of other  
6 things.

7 But that's a direct quote from the first couple  
8 sentences of that Paragraph 10.

9 MR. STEENHOEK: And it further goes on to clarify  
10 that the Marina does not warrant the availability of parking,  
11 and that long-term storage of vehicles is prohibited.

12 Those are all direct quotes.

13 ANC CHAIRMAN LITSKY: That's all, thanks. The  
14 second was just an observation about insuring that we don't  
15 negate the concerns of folks as they come up.

16 MR. SEAMAN: Perhaps I should have been more clear  
17 in my observation.

18 I do think that what we've seen is the property  
19 values have gone up with the delivery of Phase 1 of the  
20 Wharf, and we anticipate that they'll go up with the delivery  
21 of Phase 2.

22 I wasn't trying to diminish the 525 concerns, but  
23 I think the purchasers at 525 went into the purchase at 525  
24 knowing that there was a commercial office building across  
25 the street with a loading and garage access, and the exact

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1 location identified both our model and the current locations.

2           ANC CHAIRMAN LITSKY: I think what had been  
3 actually stated was that the model was available at the sales  
4 office, and I don't know when the model was available or when  
5 the folks had purchased the units prior to the model being  
6 available.

7           Well, the Building 10 had been tilted so it's not  
8 for me to make those questions but I just wanted to point it  
9 out.

10           MR. SEAMAN: I can confirm that the building is not  
11 tilted in the model that everyone saw, but I did confirm with  
12 our sales staff that every purchaser did see the model as far  
13 as the loading and the garage access.

14           ANC CHAIRMAN LITSKY: Yes, as was raised by Ms.  
15 Bacon regarding the amenities and Mr. Bruce about the Jitney  
16 point, I just want to make sure that the Jitney's going to  
17 be an amenity that's going to continue, and that whatever I  
18 may have read that said at this point the words to that  
19 effect is wrong.

20           MR. BRUCE: To confirm, yes, the Jitney is free,  
21 free for anyone willing to ride it to and from Haine's Point,  
22 and we need to advertise that.

23           I'm not sure where you read otherwise, but yes,  
24 it's a free service for anyone willing to ride it.

25           ANC CHAIRMAN LITSKY: Comment at this time or

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1 whatever as an amenity?

2 MR. BRUCE: As far as an amenity, the Jitney will  
3 remain free. We are not going to operate the Jitney forever  
4 on record. I don't know when it's going to stop but it will  
5 not be forever.

6 So, we just did not say that.

7 ANC CHAIRMAN LITSKY: Can we clarify that it will  
8 be for the next ten years on the record? I think that's a  
9 fair question.

10 MR. STEENHOEK: Yes, we can confirm that.

11 ANC CHAIRMAN LITSKY: And so speaking about the  
12 amenities that might disappear, I want to bring up what we  
13 had discussed about the area on Building 10, on Thursday  
14 night.

15 Building 10, that portion of Building 10 where  
16 we've got a patio and the lawn going out with the large tree  
17 at the end that subsequently died, that was all to my  
18 understanding, or pretty much most of it, was to my  
19 understanding part of the waterfront park.

20 The waterfront park was proffered to the community  
21 as Ms. Bacon had added in her proffered statement about  
22 community amenities. That's a community amenity, that's a  
23 big deal, it's a very big deal.

24 And so I just would like to have a much clearer  
25 understanding from the applicants with better drawings than

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1 I've seen thus far, together we have a clear understanding  
2 of exactly what portion of that proffered community amenity  
3 is now going to be removed.

4 I understand in subsequent conversation that we  
5 have had that at least the ANC has been told, well, you have  
6 always known that there is going to be a cafe there, and  
7 there will be -- and the cafe will have outside seating.

8 However, what we don't have are the exacts.

9 And the devil's in the details on all of these  
10 things, and that's something that I've constantly requested  
11 and that's what I'd like to see still.

12 MR. GLASGOW: That will be provided on Thursday.

13 ANC CHAIRMAN LITSKY: And again, I'm not quite sure  
14 I know how to address this but since other parties have an  
15 opportunity to have a discussion, I'm not going to take any  
16 more time with the questions that other parties may have an  
17 opportunity to bring up.

18 Thanks.

19 CHAIRMAN HOOD: Thank you, Chairman Litsky. Again,  
20 thank you all for all your hard work you did yesterday and  
21 previously.

22 Let's go to 525, do you have any cross or rebuttal?

23 MR. NEELY: Yes, we do. I just want to --

24 CHAIRMAN HOOD: Come to the mic and you can  
25 identify yourself, then you may begin with your cross or

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1 rebuttal.

2 MR. NEELY: Sure, my name is Brad Neely, president  
3 of 525 Water Street, Parcel 11, directly next to the proposed  
4 face to Parcel 10.

5 It was mentioned that the loading dock and garage  
6 entrance shown on the model that was in the sales office.

7 Did the model show the narrow street where there's  
8 a pinch point where you can barely get one car by?

9 MR. SEAMAN: I don't think there's -- the street's  
10 30 feet wide so I don't think believe that there's a narrow  
11 street where there's a pinch point.

12 So, I'm not sure what you're referring to.

13 MR. NEELY: Where the curb is on M street and Water  
14 Street. As you go around the front entrance of 525 Water  
15 Street, the street actually narrows on both sides.

16 It's actually about a car -- you could barely fit  
17 two cars going by.

18 MR. SEAMAN: I don't know what the model shows as  
19 far as that.

20 I mean the common condition that we have at the  
21 Wharf is where the street necks down at a street crossing in  
22 order to make the crosswalk a shorter distance for  
23 pedestrians to cross over.

24 So, that continues all the way along Ninth Street,  
25 Seventh Street, and we have that condition there as well.

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1           So, it's fairly typical that when you don't have  
2 on-street parking, it gets a little bit narrower at that  
3 point. I'm not sure what the model shows.

4           MR. NEELY:     Okay, because that is one of our  
5 concerns for 525 Water Street is as trucks go by only one can  
6 go by.

7           Is there a consideration for changing the loading  
8 dock and parking access?

9           MR. SEAMAN:   Not at this time.

10          MR. NEELY:     Okay, for the angle of the building?

11          MR. SEAMAN:   No, not at this time.

12          MR. NEELY:     Okay, we'll have an opportunity to  
13 present some of that information later. Commissioner?

14          CHAIRMAN HOOD:  The part we submitted earlier, do  
15 we already have it?

16          MR. NEELY:     Yes.

17          CHAIRMAN HOOD:  So, if we already have it then we  
18 have it?

19          MR. NEELY:     Okay.

20          CHAIRMAN HOOD:  Because actually my colleague just  
21 pulled up what you were talking about, the narrowing.

22          So, I'm not sure what you want to submit in this  
23 case. Maybe I'm just not understanding.

24          MR. NEELY:     What we submitted earlier today was  
25 just the distance between Parcel 10 and 11, and 10 and 9,

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1 with a recommendation to move the garage and underground  
2 parking between the two.

3           Because by angling the building, it cuts the  
4 distance between Parcel 10 and 525 Water Street in half of  
5 70 feet to 35 feet.

6           And the distance between Parcel 9, to be built, and  
7 Parcel 10 is about 140 feet, increased to about 170.

8           And the residents have approached me as  
9 representing them that our values were down in 525 as the  
10 values of Parcel 9 go up.

11           CHAIRMAN HOOD: Okay. You don't have another --  
12 you'll have another opportunity to bring that point home to  
13 us.

14           MR. NEELY: Okay, thank you, Commissioner.

15           MR. GLASGOW: And Mr. Chairman, we'll respond to  
16 that because the base of the building has been the same.  
17 That has not changed.

18           CHAIRMAN HOOD: We're very fair and Mr. Glasgow,  
19 you've been going on a long time. We want to make sure we  
20 hear from everybody.

21           We're going to give you the opportunity. Okay, I  
22 have a list written here. Housing, do you have any cross?  
23 Do I see Ms. Manlier?

24           Mr. Bloomingthall, I know you're still working with  
25 some stuff. Do you have any cross? Okay, come forward.

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1           Are you representing Mr. Bloomingthall? Okay. Now,  
2 let me ask, Mr. Glasgow, do you have a problem with who  
3 they're representing?

4           Oh, you're listed, okay.

5           MR. GLASGOW: No objection.

6           CHAIRMAN HOOD: All right. Typically, the way our  
7 process has been over years is one person cross-examines.

8           So, you all can identify whoever's going to do the  
9 cross-examination.

10          MR. LINK: I'll be cross-examining.

11          CHAIRMAN HOOD: Can you identify for yourself?

12          MR. LINK: My name's Robert Link. I'm a resident  
13 of 600 Water Street. I'm also a volunteer Board Members for  
14 the GPSA.

15          Mr. Bloomingthall, who you met last Thursday. He is  
16 out of the country on business; the perils of two jobs.

17          CHAIRMAN HOOD: All right, you may begin.

18          MR. LINK: My first question is probably just my  
19 lack of familiarity, but Mr. Glasgow opened the rebuttal with  
20 describing a series of documents from the 2012 Phase 1.

21          And maybe it was clear to everybody else, but I  
22 didn't understand what the purpose of that recital was.

23          Are they being submitted now as part of this case?  
24 Are they still applicable from that case?

25          CHAIRMAN HOOD: And I'm going to offer a reaction,

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1 but I think what he was referring to was something in the  
2 first stage, and this Commission's already approved, but let  
3 me let you ask him for yourself.

4 MR. GLASGOW: Yes, sir, it's a combination of that  
5 and the applicability of this case.

6 So, all of those documents will be in the record in  
7 this case for when you want to review those.

8 Because they have been submitted in this case and  
9 they were submitted previously.

10 CHAIRMAN HOOD: So, they've already been submitted  
11 and included as part of this case?

12 MR. GLASGOW: We have copies. Copies were  
13 submitted. Copies were submitted this evening, but we have  
14 the copies that are here.

15 CHAIRMAN HOOD: So, these haven't been uploaded?

16 MR. GLASGOW: No.

17 CHAIRMAN HOOD: They had been referenced?

18 MR. GLASGOW: They had been referenced and we have  
19 them.

20 CHAIRMAN HOOD: We will have them uploaded and each  
21 party will get a copy?

22 MR. GLASGOW: Correct.

23 MR. LINK: So, is it appropriate to continue  
24 talking about this document at this time?

25 CHAIRMAN HOOD: Again, your crossing right now is

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1 rebuttal. Is there anything in those documents -- let me ask  
2 this for the record.

3 Is there anything in those documents that you did  
4 not speak about?

5 MR. GLASGOW: Well, the Zoning Commission order,  
6 for example, had over 100 findings of fact and I referenced  
7 six of them.

8 That's why when you talked about that, I said we're  
9 going to submit all of the documents, every page of all of  
10 the documents, and then we will submit for the convenience  
11 of the Commission.

12 It's just a summary of what it is we think is most  
13 important. Because I know we've had a situation where  
14 somebody says, well, you didn't submit the entire document.

15 We're submitted the entire document so we'll have  
16 a summary.

17 CHAIRMAN HOOD: Let's just do this from now. If you  
18 have any questions on what you heard, because we have I  
19 think one more night, and if something comes up, we broke  
20 this up so we can work with different parcels.

21 That's what I'm saying.

22 If something comes up, I'm going to be a minimal  
23 allowance, I'm not going to be a straight application.

24 Now, I don't need to go off on a tangent to go back  
25 to what we did previously but I mean, there's some

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1 flexibility.

2 MR. LINK: Thank you, sir.

3 So, if those documents are going to be introduced  
4 for developers suggesting they're still out there and we'll  
5 enforce them as part of this discussion.

6 MR. GLASGOW: Certainly the Zoning Commission order  
7 is and documents that people have signed.

8 MR. LINK: I understand since you brought that into  
9 the discussion.

10 There is a mention by Mr. Seaman of the ongoing  
11 negotiations, and just to be clear, the team, the negotiating  
12 team has actually defined seven documents that represent our  
13 letter of agreement for this phase of the project.

14 And Mr. Seaman suggested that most of them aren't  
15 complete. My question is when we will see two documents that  
16 are being held by the developer in draft form?

17 I'm just wondering when we'll see those back?

18 Because you did mention an upcoming meeting, so I  
19 just want to make sure we get a chance to look at those ahead  
20 of the next meeting.

21 I wanted to talk since the letter, I guess we're  
22 going to talk about the letter in phase 1 that's appropriate  
23 or should we wait till the next time since they introduced  
24 it?

25 CHAIRMAN HOOD: You all are still negotiating some

1 stuff, correct?

2 MR. GLASGOW: Yes, sir.

3 CHAIRMAN HOOD: It might be better if you wait till  
4 next time so hopefully we can do this on Thursday.

5 On Thursday, some of those questions may be eluded  
6 but there may be more questions, it's hard to tell.

7 I just want to make sure you don't miss your  
8 opportunity.

9 MR. LINK: Okay. Very good. I wanted to ask a  
10 question with respect to affordability that was discussed at  
11 length with respect to the review and the comments there.

12 And I'd like to know if the commitments of the  
13 affordable expense to the community.

14 There's a lot of discussion about the landslide  
15 affordability but is that commitment also true to the  
16 existing waterfront community?

17 MR. SEAMAN: There are no requirements in the Land  
18 Disposition Agreement or in any of our agreements with the  
19 District for affordability component on the water side.

20 It's not part of the work that we're dealing with  
21 the HC quality folks and the particular zones of them are the  
22 30 percent, 60 percent, 100 percent, 120 percent.

23 And that's not our intention to have an affordable  
24 component on the waterfront.

25 MR. LINK: So, the question was not really about

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1 the rules and regulations but the intentions and commitment  
2 to affordability.

3 MR. SEAMAN: It is a market rate marina.

4 MR. LINK: I had a question about the hidden dark  
5 part of the pier that was mentioned?

6 Can you talk a little bit about that and how that's  
7 a success? And where is that in the Marina?

8 MR. SEAMAN: You'll see more of that when we  
9 present the building tonight.

10 All I was referring to was the deck continues  
11 around the perimeter of the building and that water's edge,  
12 it's not easily seen from a number of vantage points, and  
13 when the offices are closed, they may not be the best place  
14 to be for lack of eyes on the street, so to speak.

15 MR. LINK: So, is it part of the waterside  
16 community?

17 MR. SEAMAN: It's publicly accessible outside of  
18 the secured perimeter of the dock facilities.

19 MR. LINK: There was a mention about the ANC  
20 agreements, and specifically again our nonprofit building.

21 And I just wanted to make sure that we understood  
22 the response with respect to the utilization of the XYZ docks  
23 for the community and nonprofit boating.

24 Is that all planned as opposed to Pier 4 which  
25 wouldn't work or Pier 7?

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1 MR. SEAMAN: There was diagram that was provided  
2 that showed the areas within the Marina that was saw  
3 opportunities for the nonprofit community boating  
4 opportunities.

5 MR. LINK: So, would it be a security plan or  
6 safety plan associated with that as well?

7 MR. SEAMAN: It'll operate mostly in the same way  
8 that the Marina does now or has previously with the existing  
9 community and nonprofit building groups that used the docks  
10 and have used the docks for several years.

11 MR. LINK: Since Mr. Litsky asked about the  
12 reference to the parking, is it okay to continue that  
13 discussion just briefly?

14 CHAIRMAN HOOD: Here's what's going to happen.

15 I'm just going to answer a question and if Mr.  
16 Glasgow has a problem, he'll object and then I'll do a  
17 ruling.

18 So, you don't have to ask me, just go ahead and ask  
19 me.

20 MR. LINK: So, if the parking is not an included  
21 amenity, then during the current negotiations, when the same  
22 clause is reviewed, we had to add a disclaimer that that  
23 amenity would no longer apply.

24 Was my question clear?

25 MR. GLASGOW: No.

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1 MR. LINK: Mr. Glasgow, do you want to repeat the  
2 question?

3 MR. GLASGOW: You can repeat the question but I'm  
4 probably going to be expecting Hoffman to answer that part  
5 of the question. I'm just reading the language that's right  
6 in there.

7 I think I read it correctly.

8 MR. LINK: You read the first two sentences  
9 correctly.

10 MR. GLASGOW: That's right, I did say that there's  
11 a longer paragraph.

12 MR. LINK: Originally, that clause was specifically  
13 written so that the Marina and the waterfront residents were  
14 be able to go to community events like Cherry Blossom.

15 MR. GLASGOW: Is that a question?

16 MR. LINK: Yes, I have a question. I asked it  
17 actually.

18 So, the way the current SOA was edited as part of  
19 this negotiation, there was a disclaimer added to the front  
20 of that paragraph that says subject to the closure of the  
21 Marina parking lot, through the redevelopment activities at  
22 which point the following will no longer apply.

23 So, my question is doesn't that modification in the  
24 current phase suggest that there was something in place  
25 previously?

1 MR. STEENHOEK: I know how much you like the word  
2 amenity.

3 Are we still trying to work towards a deal with  
4 this? I'd prefer to try to do that instead of getting into  
5 a tit for tat at the podium.

6 CHAIRMAN HOOD: That's something we need to work  
7 on. I will actually move to the next question and you will  
8 be able to ask that at a later date.

9 MR. LINK: There was a mention about Parcel 6 and  
10 7's -- it was actually in the OP plan possibly about Parcel  
11 6 and 7 for parking.

12 Unfortunately, I was busy so I didn't actually hear  
13 the whole comments that were made by Mr. Seaman.

14 MR. SEAMAN: That was my comment. I was referring  
15 to construction parking.

16 So, construction parking in the neighborhood, what  
17 we've seen anecdotally is the availability as we finish the  
18 garage for parking in Phase 1 garage, which we're hoping  
19 there may be opportunity for that when we complete the  
20 garage.

21 And it's available with the certificate of  
22 occupancy in the later phases. That's not until later in the  
23 stages of construction.

24 It's not a near-term thing. It's closer to the end  
25 of the project when there's many more tradesmen on site for

1 finished trades.

2 So, trying to accommodate that in our 6 and 7  
3 garage.

4 MR. LINK: I thought I understood it to be a  
5 surface parking lot on Parcel 6 and 7?

6 MR. STEENHOEK: That was simply a diagram showing  
7 that if we construct in the garage underneath, but chose not  
8 to going forward immediately with the vertical parcels, we  
9 would kind of free up the use of that space, if we did the  
10 same thing for Parcel 1 going through those elements.

11 And thankfully, we didn't have to use but we got  
12 the building instead.

13 MR. LINK: Okay, thank you. One last question,  
14 picking up on the part of 525 with respect to the pinch  
15 point.

16 I think it leads to a question about the overall  
17 transition plans for M place and Water Street and just what  
18 all the things that will be occurring during the construction  
19 period on M place and Water Street.

20 Is there a comprehensive plan about what happens in  
21 a very small space during that construction period and can  
22 we see one and not just look at the diagram?

23 MR. STEENHOEK: That's a diagram that had been  
24 requested but we are producing it to show the curbside  
25 management and the access around the 525 building during

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1 construction and in the final condition.

2           You probably missed it, but one of the first things  
3 we're doing is constructing a new intersection right away,  
4 so the majority of traffic can come in and out at that  
5 location as opposed to utilizing the streets.

6           MR. LINK: The construction traffic would come in  
7 either way.

8           MR. STEENHOEK: That's what I said.

9           MR. LINK: So, there's an existing utilization in  
10 place in 525 that's proposed for the Marina, 525 Water, St.  
11 Augustine's church. Just a lot of uses in a very small space.

12           So, my question is can we see a clear diagram of  
13 what the plan is through the transition period for that very  
14 compact space?

15           MR. STEENHOEK: Yes.

16           MR. LINK: Again, since we're going to defer some  
17 of the discussion about the other documents, I don't think  
18 I have anything else specific tonight, as long as we'll have  
19 another opportunity after we've seen those documents.

20           CHAIRMAN HOOD: Let me ask you a question. When do  
21 you want to get back together?

22           MR. GLASGOW: I believe the last email was to Mr.  
23 Link looking for availability on the schedule. So, I'll send  
24 that to him.

25           MR. LINK: I'll answer. We have been trying to

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1 find the time tomorrow. Tomorrow, we're not at work. We  
2 looked at Wednesday.

3 I suggested Thursday because that's our standard  
4 scheduled meeting for our next meeting. So, I haven't heard  
5 back yet from the Wharf, unless they just answered now.

6 CHAIRMAN HOOD: So, Thursday during the day?

7 MR. LINK: In the morning, sir.

8 CHAIRMAN HOOD: Okay, and what's your last name  
9 again?

10 MR. LINK: Link, L-I-N-K.

11 CHAIRMAN HOOD: Any other questions?

12 MR. LINK: No more questions. Thank you.

13 CHAIRMAN HOOD: I don't see Mr. Brown. Mr. Brown  
14 are you here to cross? All right, Mr. Glasgow do you have  
15 a closing?

16 MR. GLASGOW: I think I will defer the closing  
17 until after we complete the hearing on Thursday.

18 CHAIRMAN HOOD: Okay. So, the only thing that we  
19 have in this first Parcel from what I understand is you all  
20 are still having conversations with Gangplank, right?  
21 Anything else?

22 Am I missing anything? Anything else other than  
23 that?

24 Okay, and some of it may overlap, and then I'll ask  
25 more questions for once you've all done the agreement.

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1 Did you hear me? I said once you all come to your  
2 agreement.

3 Okay, anything else in this case?

4 All right, so what I'm going to do is adjourn this  
5 case, and we're going to get right into our next one.

6 SECRETARY SCHELLIN: This portion of this case.

7 CHAIRMAN HOOD: This portion of this case and we'll  
8 get into the next case. Thank you, Michelle. Just want to  
9 make sure everybody understands.

10 All right, we're going to take three minutes.  
11 Let's not do a whole lot, we're only going to take three  
12 minutes.

13 And what I would like to do when I start, before we  
14 begin after this case, I always -- I saw a baby and I want  
15 to make sure they're not going to testify.

16 We're a team up here. So, do that first and then  
17 we'll get right into it. Okay, we'll take three minutes and  
18 we'll come back with the next case.

19 (Whereupon, the above-entitled matter went off the  
20 record at 7:47 p.m. and resumed at 7:51 p.m.)

21 CHAIRMAN HOOD: Okay, are we ready to get started?

22 Good evening, ladies and gentlemen, this is the  
23 Zoning Commission for the District of Columbia. Today's date  
24 is November 6, 2017.

25 My name is Anthony Hood. We're located in the

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1 Jerrily R. Kress Memorial Hearing Room.

2           Joining us today are Vice Chair Miller,  
3 Commissioner Shapiro, Commissioner May, Commissioner  
4 Turnbull.

5           We're also joined by Office of Zoning staff Ms.  
6 Sharon Schellin, as well as the Office of Attorney General  
7 Ms. Lovick, Office of Planning staff Mr. Lawson and Mr.  
8 Jesick, as well as the District Department of Transportation  
9 Mr. Zimmerman.

10           This proceeding is being recorded by a court  
11 reporter. It's also web cast live. Accordingly, we must ask  
12 you to refrain from any disruptive noises or actions in the  
13 hearing room including display of any signs or objects.

14           The hearing will be conducted in accordance with  
15 the provisions of 11 DCMR Chapter 4 as follows: Preliminary  
16 matters, Applicant's case, report of the Office of Planning,  
17 report of other government agencies in support of the ANC,  
18 organizations and persons in support, organizations and  
19 persons in opposition, rebuttal and closing by the Applicant.  
20 The Applicant has up to 60 minutes, organizations 5 minutes,  
21 and individuals 3 minutes.

22           All persons wishing to testify before this  
23 evening's hearing are asked to register at the witness kiosk.  
24 If you have any issues with that, you can see Ms. Schellin.  
25 She will assist you.

1           When presenting the information to the Commission,  
2 please turn on and speak into your microphone, first stating  
3 your name and home address.

4           The decision of the Commission in this case must be  
5 based exclusively on the public record. The staff will be  
6 available throughout the hearing to discuss procedural  
7 questions.

8           Please turn off all electronic devices at this time  
9 so not to disrupt these proceedings.

10           Would all individuals wishing to testify please  
11 rise and take the oath?

12           Ms. Schellin, would you please administer the oath?

13           SECRETARY SCHELLIN: Please raise your right hand.  
14 Do you solemnly swear or affirm the testimony you will give  
15 this evening will be the truth, the whole truth and nothing  
16 but the truth?

17           [WITNESSES SWORN]

18           SECRETARY SCHELLIN: Thank you.

19           CHAIRMAN HOOD: Okay. So maybe I misunderstood,  
20 but I thought I heard someone say in the audience from Local  
21 25 that they were going to testify, but I --

22           SECRETARY SCHELLIN: I think they have a  
23 representative who has signed --

24           CHAIRMAN HOOD: The representative, did you stand  
25 and take the oath?

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1 MS. EL-SOURADY: I'm sorry. I just walked in. I  
2 did sign --

3 (Simultaneous speaking.)

4 CHAIRMAN HOOD: Okay. But you stood and took the  
5 oath?

6 MS. EL-SOURADY: I just walked in. I can take it  
7 now.

8 CHAIRMAN HOOD: Okay. All right.

9 SECRETARY SCHELLIN: Raise your right hand. Do you  
10 solemnly swear or affirm the testimony you'll give this  
11 evening will be the truth, the whole truth and nothing but  
12 the truth?

13 MS. EL-SOURADY: I do.

14 [WITNESS SWORN]

15 SECRETARY SCHELLIN: Thank you.

16 CHAIRMAN HOOD: All right. At this time the  
17 Commission will consider any preliminary matters. Does the  
18 staff have any preliminary matters?

19 SECRETARY SCHELLIN: Yes, sir. The Applicant has  
20 proffered some expert witnesses. They have Christian Bailey  
21 with -- as an expert in architecture.

22 MR. GLASGOW: That's correct.

23 SECRETARY SCHELLIN: We have Jay Bargmann, expert  
24 in architecture also for Parcel 9. The first one was for  
25 Parcel 8. And the -- let's see, Paul Josey was already

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1 previously accepted. I'm going to mess this one up, Sital  
2 Patel --

3 MR. PATEL: You did good. You did good.

4 SECRETARY SCHELLIN: -- in architecture for the  
5 Water Building 2.

6 MR. PATEL: Yes.

7 CHAIRMAN HOOD: Okay. And the three that you  
8 called have not been proffered as experts by us previously?

9 SECRETARY SCHELLIN: We did not have them down,  
10 correct.

11 CHAIRMAN HOOD: Okay. All right. Commissioners,  
12 you have the -- do we have the -- what exhibit --

13 SECRETARY SCHELLIN: Exhibits 30I, 30J, and 30K.

14 CHAIRMAN HOOD: 30I, J, and K?

15 SECRETARY SCHELLIN: Yes.

16 CHAIRMAN HOOD: Okay. So we have -- I thought we  
17 -- oh, I'm sorry. I'm on the wrong one. Oh, okay. Let's  
18 do Mr. Bailey 30I, Christian Bailey.

19 MR. BAILEY: Okay. Thank you very much.  
20 Appreciate you having --

21 MR. GLASGOW: He's got to determine the expert  
22 witness status.

23 MR. BAILEY: Oh, sure. Sorry.

24 CHAIRMAN HOOD: He think this will be the -- we  
25 haven't even --

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1 (Laughter.)

2 CHAIRMAN HOOD: So you don't know what you might  
3 get up here, man.

4 Any objections?

5 PARTICIPANT: No objections.

6 CHAIRMAN HOOD: So you must have known that we were  
7 going to give you expert status, so thank you for thinking  
8 of us in advance.

9 Okay. Let's go on to --

10 SECRETARY SCHELLIN: Mr. Bargmann?

11 CHAIRMAN HOOD: -- Mr. Bargmann. That's tab J?

12 SECRETARY SCHELLIN: Yes.

13 CHAIRMAN HOOD: Any objections?

14 (No audible response.)

15 CHAIRMAN HOOD: Okay. Not hearing any objections,  
16 so we will give Mr. Bargmann expert status.

17 Let's go to K.

18 SECRETARY SCHELLIN: Mr. Patel --

19 CHAIRMAN HOOD: Mr. Patel.

20 SECRETARY SCHELLIN: -- is at 30K.

21 COMMISSIONER MAY: Can I ask him a question?

22 CHAIRMAN HOOD: Sure.

23 COMMISSIONER MAY: Mr. Patel, what did you do  
24 Paramus Park Mall? I grew up there, so --

25 (Laughter.)

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1 MR. PATEL: We worked with General Grove Partners,  
2 who was the development property owner --

3 COMMISSIONER MAY: Yes.

4 MR. PATEL: -- to replan the eastern portion of the  
5 mall, the portion of the mall close to the five -- to add a  
6 second floor cinema and food hall.

7 COMMISSIONER MAY: Okay. I'm having trouble  
8 picturing it anyway, but I spent plenty of time there as a  
9 kid. Anyway, thank you.

10 CHAIRMAN HOOD: Okay. Any objections?

11 PARTICIPANT: No.

12 CHAIRMAN HOOD: All right. So, Mr. Patel, we will  
13 also give you expert status.

14 Anything else, Ms. Schellin?

15 SECRETARY SCHELLIN: I have nothing else.

16 CHAIRMAN HOOD: Okay. Mr. Glasgow, do we --

17 SECRETARY SCHELLIN: Except for to ask Mr. Glasgow  
18 how much they were planning this evening.

19 MR. GLASGOW: I believe that we'll be able to  
20 complete in 40 minutes or less.

21 SECRETARY SCHELLIN: Forty minutes? Okay. So that  
22 means the parties, whoever they are, they'll have 40 minutes  
23 to split, which I think the other night they took like 5  
24 minutes or something like that.

25 CHAIRMAN HOOD: Do we have all the parties here?

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1 I don't think all -- I know I have Mr. Neilley and -- well,  
2 ANC is I think is Chairman Litsky. Mr. Neilley. I don't  
3 have Ms. Vandeleur, correct? And Mr. Link is taking Mr.  
4 Blumenthal -- what about Mr. Brown?

5 (No audible response.)

6 CHAIRMAN HOOD: So apparently I'm missing two  
7 parties for tonight. So, okay.

8 All right. Mr. Glasgow?

9 MR. GLASGOW: All right. Mr. Chairman, I think  
10 that we'll just go right into the testimony of the witnesses.  
11 I don't think we need any preliminary statement of the  
12 overview. We're dealing with Parcels 8, 9, and Building WB2.  
13 And then we have the landscape component that Mr. Josey is  
14 going to be testifying about. And then with that I'd like  
15 to have Mr. Bailey proceed with his testimony on Parcel 8.

16 MR. BAILEY: Okay. Great. Again, my name is  
17 Christian Bailey with ODM, a principal at the office, and I'm  
18 here to present Parcel 8.

19 Parcel 8 is located on the eastern portion of the  
20 work in Phase 2, and basically it's a mixed-used, mixed-  
21 income building. It's got 12 floors plus a penthouse. It  
22 has a retail component at the base. It has a hotel component  
23 on the western bar with 117 keys. And it's got a rental  
24 component of 235 units. About 376,000 gross square feet.

25 Here's an overall of the project. Basically the

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1 goal is to make an engaging building that embraces the site.  
2 The building is located on Maine Street. This is the north  
3 right-of-way to the east. To the south is Water Street,  
4 which is also -- we're fortunate to be anchored by the grove,  
5 which is a special little park. And then to the east -- or  
6 to the west is the Alley Street.

7           So we began by trying to understand the site and  
8 what the challenges were and came up with a list of four  
9 priorities, which is to maximize the views, to bring in as  
10 much sunlight as possible, to maximize the outdoor space, and  
11 then to respect the adjacent properties and neighbors all  
12 around.

13           Basically the massing started with a U-shaped  
14 building orientated around the courtyard that faces south.  
15 And then the first move we did was subtract to the eastern  
16 bar a portion of the volume. This basically did three things  
17 for us. It brought in light to the courtyard, it allows us  
18 to do the stepping pattern for the residential to maximize  
19 outdoor space, and then it also allows for views to our  
20 neighbors to get the southwestern views and the sunsets.

21           The area that we subtracted on the eastern, it was  
22 brought over to the western bar. This is where the hotels  
23 were orientated. This begins to create this visual dialogue  
24 with the grove below. And then finally we articulated the  
25 uses of the building. The hotel use is different than the

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1 residential, so we articulated that for privacy and views and  
2 with the goal of maximizing all the outdoor space as  
3 possible.

4           From the waterside this is the building gesturing  
5 towards the water. We have the promenade and the grove in  
6 the foreground with the idea that this landscaping kind of  
7 evolves and cascades up the building as it steps towards the  
8 north. And also the view towards the water. In the  
9 foreground outlined in white is Water Building 2, and that  
10 also kind of creates a little dialogue between the two  
11 buildings as the project develops.

12           This is a view along the promenade looking south  
13 anchored by the Parcel 10 building in the foreground. And  
14 to the left is the retail space, cafes activating the street  
15 and framed by the Water 2 Building to the right and the  
16 balconies -- and the residents up on the balconies to the  
17 left. Also the courtyard.

18           So at the Maine Avenue the primary goal was to keep  
19 a consistent street wall. We knew that the challenge was  
20 that this was a large building and how do we break this mass  
21 into more human scale building? A lot of this -- we had  
22 successful meetings with the Commission of Fine Arts this  
23 summer and the Office of Planning, and they were very  
24 instrumental in impacting some of this design especially when  
25 it came to introducing the balconies at the lower portion of

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1 the building, and then the ribbon at the top of the building  
2 with its volume. So we appreciate their comments.

3 This is again a southern elevation anchored by the  
4 grove on the left-hand side.

5 And then the east elevation. Again, this is the  
6 ribbon that -- we have this form starting at the left. It  
7 goes up, wraps around and continues of Maine Avenue. And  
8 again, we introduced the balconies at the lower portion that  
9 engages with the street and the sidewalk below. And at the  
10 Maine Avenue similar moves.

11 At the alley at the west elevation. on the right  
12 this is the hotel portion. Through conversations with the  
13 Commission of Fine Arts this façade was greatly simplified  
14 to make a more unifying building and it also begins this  
15 visual dialogue with the grove below with the cantilever.

16 This is the section through the hotel portion and  
17 a section through the residential portion where again the  
18 stepping allows for these terraces with views towards the  
19 water.

20 And then a view at the intersection of Water Street  
21 and Marina Way. This is where the -- the building basically  
22 has a three-story bridge over Water Street allowing as much  
23 light as possible into this area. On the far side through  
24 it is the grove and to the left is the Water Building 2.

25 And then at the grove itself we worked with Paul

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1 for landscape to try to bring a dialogue between our building  
2 and the landscaping with the stepping pattern and then to  
3 hopefully make this special park activated with the hotel  
4 lobby to the left, retail, cafe in the background.

5           We -- talking about the plans, basically the  
6 perimeter of the project is surrounded by retail space, again  
7 activating the sidewalks. Along Marina Way is the ramp  
8 towards the parking. To the south is the grove with the  
9 entrance to the lobby. The entrance to the residential lobby  
10 is centered along Water Street. And then at the alley  
11 there's the loading docks for the servicing of the building.

12           The second floor acts as the amenities. It's all  
13 focused around this central courtyard which has the water  
14 views. It has a pool bridging over Water Street with an  
15 acrylic floor that will again allow more light into the Water  
16 Street area.

17           And then we'll quickly go through the floor plans.  
18 One thing we discussed with Office of Planning is the  
19 introduction of more balconies. So we looked at all the  
20 locations. We did many studies and found that the locations  
21 that we have here are the most appropriate and fitting for  
22 the project.

23           The next two slides are the distribution of the  
24 affordable and the workforce units throughout the project.

25           And then at the roof, the roof has three functions

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1 at the penthouse. To the left is the amenity for the hotel  
2 portion. Center is more for mechanical, serving both  
3 functions. And to the right we have four penthouse  
4 apartments. Again, these are setback distance equal to its  
5 height so we comply with all the Zoning Regulations for these  
6 setbacks which we'll have more drawings later to show.

7           And at the upper portion of the penthouse, again  
8 it's primarily used for mechanical. There are four small  
9 mezzanines that connect with the apartments below well under  
10 the one-third percentage required. And this is basically to  
11 give more outdoor access for those units.

12           Basically this plan represents where the green roof  
13 will be. And this plan diagrams the upper and the lower  
14 portions of the penthouse. This plan expects to talk about  
15 where the section is going to be cut at the penthouses, and  
16 these are the penthouses with the one-to-one setback.

17           A view from the courtyard looking over the Channel.  
18 Basically to the left is the residential portion. Again,  
19 it's stepping back. This allows for that southern light to  
20 penetrate deep within the courtyard. And to the right is the  
21 hotel which is articulated so that it maintains privacy to  
22 its adjacent neighbors but maximizes views towards the water.

23           We chose a simple palette of materials to help  
24 unify the building: glass, metal, a composite wood panel at  
25 the soffits. And at the front that language continues and

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1 we introduce more -- some privacy screens.

2           So we'll get into details. So a few vignettes. A  
3 typical window wall with the metal slab edge cover. And  
4 where we introduce terraces, balconies we have the glass  
5 railings and we also have introduction of a metal panel. And  
6 where we have terraces, it's the same thing with the glass  
7 railings.

8           And then the articulation of the hotel. Same  
9 materials; different form. This basically gives maximum  
10 views out while maintaining privacy to its adjacent  
11 neighbors. To the west is the office building and to the  
12 east is the courtyard and the residential. And the stepping  
13 at the east bar, this is the residential portion. We have  
14 the glass handrails. We have a buffer zone for landscaping  
15 that allows for privacy between the upper and lower levels  
16 and then a perforated metal screen between adjacent  
17 neighbors.

18           The next two slides illustrate the areas where  
19 we're planning for signage for the retail and the hotel  
20 components. And some precedents, some references to signage  
21 use throughout the Wharf on Phase 1 which we plan to  
22 continue.

23           And so finally, I thank you for your time. We hope  
24 this will be an engaging building that embraces the  
25 neighborhood and this vibrant community. So thank you.

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1 MR. GLASGOW: Next witness, Mr. Bargmann. Please  
2 identify yourself for the record and proceed with your  
3 testimony.

4 MR. BARGMANN: Good evening. My name is Jay  
5 Bargmann. I'm a partner with Rafael Vinoly Architects.  
6 We're the architects responsible for delivering Parcel 9.

7 Parcel 9 is a 12-story residential condominium  
8 project with about 215,000 gross square feet and it has a  
9 retail component of 15,000 square feet. I'm going to have  
10 three parts to my presentation. First I'll set forth the  
11 goals that we hope to achieve with the design, then to show  
12 you some images of how we think those goals were achieved,  
13 and finally to introduce you to the materials that we think  
14 would be most appropriate in constructing the building.

15 It's a prominent building at the entrance to the  
16 development. It plays a significant role in defining the M  
17 Street Landing park. Here's the view from Maine Avenue as  
18 you enter the Wharf with the park in the foreground and our  
19 building in the background.

20 This is the site plan. Parcel 9 is the yellow-  
21 brown. Again, the park is the center. No. 1 was to maintain  
22 views through the site and to actively engage the Arena Stage  
23 and defining the M Street Landing and make it become part of  
24 the development and not turn ourselves away from it.

25 The way that's achieved is diagramed here. You see

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1 on the left the views through the site. So the building is  
2 setting back from the Arena Stage and you get both views of  
3 and from the Arena Stage across the M Street Landing. The  
4 diagram on the right just shows that that doesn't really  
5 compromise the views from the building itself. It has  
6 panoramic views of the District.

7           The second option or the second goal was to be a  
8 very good partner to the park and to maximize the amount of  
9 light that is allowed to shine on the park and to maximize  
10 the time during the day that that light can reach the park.  
11 So the building slopes dramatically from the park to the west  
12 maximizing the southern and the western light into the park.

13           And then finally, sort of a no-brainer was just to  
14 maintain the consistency of activating the streets with  
15 retail at the base of the building so that the streets are  
16 active. You have passive surveillance. And we rotate the  
17 entrance to our building, to our residential off of the park  
18 and keep the loading dock on the west side on the Marina Way  
19 Street.

20           So this is a view of the site from the southeast.  
21 The building is to the left. The park we see is the  
22 prominent protagonist in this image. And you can see in the  
23 background the Arena Stage is engaged in the design. It  
24 becomes part of the development integrated. We're trying to  
25 integrate ourselves with the context.

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1           This is a slightly higher view, again showing the  
2 geometry of our building in relation to the geometry of the  
3 Arena Stage and the other parcels.

4           This is a blowup of the retail, 15,000 square feet  
5 of retail that circumscribes our site continuously along  
6 Arena Stage with the exception of the loading dock. And then  
7 you see the entry to the residents centered on the park.

8           Quickly through the floor plans. On the second  
9 level is an amenity space. The building has most of its  
10 smaller units at the base where the footprint is very big.  
11 And as the building climbs, it steps back from the park and  
12 the floors get considerably smaller and they get larger units  
13 that have through exposures.

14           And then this is the roof plan of the building  
15 where you see the balconies sloping down to the park to the  
16 east.

17           This is a section showing that we're significantly  
18 below the 130-foot maximum height for the building and that  
19 our penthouse unit sets back at a one-to-one ratio or a 45-  
20 degree angle from the slabs below.

21           These are the elevations, pure elevations of the  
22 building. The elevation to the park is on the bottom right  
23 and it's a relatively simple straightforward curving façade  
24 with little detail but sharp shadow lines from the balconies.  
25 The west façade which is above that is a more articulated

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1 façade. And there you start to see some of the alternate  
2 materials which include reinforced concrete at the cores  
3 which are bracing the building and then the glass enclosing  
4 the residential units.

5 At the base of the building in the yellow you see  
6 the continuous retail broken only in two spots and then a  
7 band of signage that will follow the signage guidelines  
8 already in place for the project, already approved and in  
9 place.

10 A few more images. This is a view of the retail  
11 store frontage. It will have clear glass to maximize  
12 visibility and then the residential units above are a darker  
13 gray glass.

14 This next image is looking at Marina Way with the  
15 retail at the base of the building on the left and retail on  
16 Parcel 8 on the right.

17 And then this is I think a nice view from the M  
18 Street Landing sitting in the benches in the park with the  
19 entrance to the building behind, an active participant in the  
20 park but not really trying to be a domineering element.

21 And then finally this is a view as you would  
22 approach the entrance. It's not a frontal approach. It's  
23 more of a casual informal through-the-garden approach to the  
24 building. So the two hopefully are in a symbiotic  
25 relationship.

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1           Quickly into the materials. You've seen in all the  
2 renderings it's a glass-aluminum façade for the most part  
3 with the reinforced concrete cores. The balcony rails are  
4 continuous above and below the floor slabs and they're what  
5 shapes the continuous cylinder of the east façade. Leaning  
6 against the wall behind you on the dark board are all of the  
7 materials, the physical samples.

8           And there we have the low-iron glass. It's the  
9 black board behind you. The low-iron glass at the retail,  
10 the blue-gray glass for the main tower, the concrete which  
11 is on the west façade enclosing the stairs and elevators.  
12 The roof terraces are residents flooring. There are some  
13 green roofs on the terraces that you see in the roof top view  
14 on the upper right.

15           Two views of the entry of the building and of the  
16 retail showing that we have the concrete pavers with the  
17 marble insets which is consistent with what's already on the  
18 site. The balconies have a traffic-bearing deck surface.  
19 And then the handrails are the same glass material as  
20 enclosing the residential units.

21           And then two final views: one elevated view from  
22 Maine Avenue showing that we're either the beginning or the  
23 ending or the mediation between the development and the M  
24 Street Landing and the Wharf to the left and the Arena Stage  
25 to the right, hopefully, at least in our mind, making a

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1 pleasant composition. And then this is a dramatic view of  
2 the building at night from the water from the walkway.

3 And that's the conclusion of my presentation.

4 MR. GLASGOW: Next we have Mr. Patel. Would you  
5 please identify yourself for the record to discuss Water  
6 Building 2?

7 MR. PATEL: Good evening, Commissioners and members  
8 of the community. My name is Sital Patel. I'm a principal  
9 with S9 Architecture. We are the architects for Water  
10 Building 2.

11 Water Building 2 is a two-story waterside building.  
12 It is approximately 16,500 square feet over two stories. It  
13 is going to house retail and maritime services on the ground  
14 floor and two retail units on the second floor.

15 In our initial submission the -- or since our  
16 initial submission the building has moved. It was previously  
17 located along the east side of Marina Way adjacent to Parcel  
18 9. It has -- it is now located on the west side of Marina  
19 Way opposite Parcel 8. This achieves a clear visual and line  
20 of sight from M Street Landing to the Channel.

21 This is a view of the building from the Channel  
22 looking back towards Wharf Street and Parcel 8. The building  
23 is composed of 42 precast concrete piles, is set on 42  
24 precast concrete piles and a concrete deck. Along the right  
25 side you'll see the gangplank that links the floating docks

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1 with Wharf Street itself and a continuous three-sided walkway  
2 around the building.

3           On the first floor you'll also see the glass --  
4 this glass area facing the Wharf is for maritime services  
5 allowing them an 180-degree view of the Channel. Along --  
6 I'll just jump back. Whoops. Sorry. On the second floor  
7 there's an open-air terrace with a trellis structure. As we  
8 -- as Matt had discussed previously, that is an armature for  
9 possible wind and sun shading devices, although the intent  
10 is not to enclose it permanently.

11           The building really expresses a simple form, a  
12 simple waterside shed form and is marked by two elements --  
13 two crisscrossing elements: one in wood, one in steel.  
14 Really the idea is to act as a bridge between city and  
15 nature, the steel reaching from the city towards the Channel  
16 and the park, and the wood from the park water reaching  
17 towards the city.

18           In this view, which is looking towards M Street  
19 Landing from Wharf Street, you can see the -- there's a  
20 second floor terrace that opens up the NanaWall or a glass  
21 wall system. And then the expression of the stairs is seen  
22 just by the crisscrossing elements.

23           This is a close-up, with the retail unit on the  
24 ground floor and the second floor retail unit with the  
25 operable glass walls, stairs flanking each side.

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1           In this elevation -- the north elevation, you'll  
2 see the two flanking stairs that lead you to the second floor  
3 to each of the two different units, as well as on both right  
4 and left you'll see the walkways that surround the building.

5           This is an elevation, east elevation. This is the  
6 waterside elevation looking back towards Wharf Street.  
7 Again, the glazing is for maritime services allowing them  
8 views of the water, and on the second floor the open-air  
9 terrace with operable glass doors beyond.

10           The west elevation. Again, you see the -- these  
11 are operable glass doors for the -- on the second floor, and  
12 towards the water side is an open-air terrace.

13           These are diagrams indicating the signage zones to  
14 be coordinated with tenants. We are not indicating any  
15 signage zones or bans on the water side of the building.

16           The floor plan is a fairly simple one, rectilinear  
17 with -- as I mentioned -- a walkway -- a 10-foot-wide walkway  
18 along three sides of the building.

19           Towards Wharf Street there will be a gated secure  
20 access gate/security gate to the floating docks. Below that  
21 towards the water we are coordinating safety gates just past  
22 the elevators -- the public elevators. Those will be  
23 operable at evenings to prevent people from circulating  
24 completely around the building, but really also blind --  
25 creating areas of blind spots and so on.

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1           On the second floor, the two retail units with the  
2 exterior terrace. This is a roof plan showing the green  
3 roof. The green roof obviously offers benefits with respect  
4 to solar gain, but also presents a more pleasant visual  
5 surface to the surrounding residential buildings. And we've  
6 also attempted to consolidate all the MEP equipment into one  
7 zone and depress it so that, as you see in the section, there  
8 isn't that large a volume on the roof itself.

9           The material palette is a very simple one utilizing  
10 local materials: wood, steel and concrete. The sample board  
11 is behind you, Commissioners, and as you can see it is a very  
12 simple palette, one that reflects the two key design elements  
13 -- one of wood, one of steel -- but also one that tries to  
14 link nature and city together.

15           And that is my presentation.

16           MR. JOSEY: Thanks, Sital.

17           Good evening, Commissioners. Thank you very much.  
18 My name is Paul Josey with Wolf/Josey Landscape Architects  
19 to talk about the open space of the project.

20           And first we'll start off just this -- the  
21 intention of the open space of this project, we're building  
22 on the successes of the design and the fabric from Phase 1.  
23 And so we're -- our intention is to continue that in this  
24 Phase 2. We'll start with the Wharf promenade itself and  
25 then we'll move up Marina Way. We'll look at Maine Avenue

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1 as well and then we'll finish it up with the grove terrace.

2           You saw this image earlier that Christian showed of  
3 the promenade itself. We'll start along the waterfront along  
4 Washington Channel. And you can see the cafes down here.

5           And so we'll move into the general concept of the  
6 promenade itself, it is a 60-foot promenade. We have a 20-  
7 foot cafe zone, a 20-foot mixed vehicular zone and pedestrian  
8 zone and we have probably a 20-foot promenade itself. The  
9 trees along the promenade within that pedestrian zone, it's  
10 a staggered outlay of London plane trees with -- their  
11 stagger is intended so that whichever direction you're  
12 traveling, you'll have a different experience of walking  
13 along the waterfront.

14           And also something different in this phase that  
15 we've done, we've looked at the Water Building in the first  
16 phase and that had actually -- was set into the fabric of  
17 that 20-foot pedestrian zone 10 feet. And wanting to  
18 encourage continuous fabric, we've actually pushed that back  
19 to the water's edge so we have a continuous 20-foot  
20 pedestrian fabric through there.

21           Looking at traditional materials of the Wharf, this  
22 is again a continuation of Phase 1, but the split-face cobble  
23 was -- is more of a historical material. But thinking about  
24 how that would work for pedestrians and for tables and  
25 chairs, we did a split-face sides on the pavers. This is in

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1 the 20-foot cafe zone and the 20-foot pedestrian zone. And  
2 then we had a thermal finish -- which is a smooth finish --  
3 so that it's easy for universal accessibility as well as  
4 tables and chairs. And those pavers are a 6 by 12 paver.  
5 They're behind you right now.

6           And then in the vehicular zone, we wanted to go  
7 with more of a split face to signify for safety, that cars  
8 would actually slow down on that more textured surface as  
9 well as identify for pedestrians that that was a shared zone  
10 in that area.

11           Looking at -- the split joints actually will allow  
12 stormwater to percolate through. So we actually have porous  
13 paving and we have a porous slab which we've developed in the  
14 -- for the trees. So we're providing about 1,000 to 1,200  
15 cubic feet of soil per tree. And that's actually a bio-  
16 retention soil. We're actually capturing the stormwater and  
17 it will store that for the trees right below this zone here.  
18 So those joints actually tell a story of how we're collecting  
19 stormwater right against the water itself.

20           This is another section looking at just that  
21 connected root zone for those trees and how when you add a  
22 continuous root zone, the trees actually survive as a group  
23 -- as a grove much better.

24           These are some images of Phase 1 that have been  
25 built and constructed and are in regular use and looking

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1 great.

2           Moving on to Marina Way, this is a new entrance for  
3 this Phase 2. So we have Maine -- a traffic light off of  
4 Maine Avenue. So we're looking at how we're bringing people  
5 into this space, but also spending time in Marina Way. So  
6 Jay presented this image earlier.

7           This is looking at Marina Way from Maine Avenue  
8 looking towards the water. You'll notice there's American  
9 Elms we're proposing on the right-hand side closest to Parcel  
10 8. And the reason for that is there's a main stormwater line  
11 that's a little closer to Parcel 9, about 10 feet off of the  
12 center line between the buildings. And so in order to  
13 actually have plants, trees is all we needed to isolate this  
14 to one side, which gave us an opportunity to create a larger  
15 sidewalk, a 17-foot sidewalk on one side and a 10-foot on the  
16 other.

17           And the added benefit is that there's a heritage  
18 tree on Maine Avenue that we're protecting that root zone  
19 along Maine Avenue. So by shifting that -- the center line  
20 of Marina Way -- we were able to create an engaging canopy  
21 along that street as well as saving preservation -- heritage  
22 trees.

23           And this is looking at -- the materials are  
24 actually very similar. We're using the same materials as --  
25 consistent with the rest of the development using the dark

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1 gray granite with 6 by 12 in the pedestrian zone, the thermal  
2 finish and then the more -- the split-face within the drive  
3 zones.

4           You'll also notice here again that the soils for  
5 the trees are providing roughly 1,000 to 1,200 cubic feet per  
6 tree. We're using in this situation a Silva Cell, which  
7 elevates the soils -- elevates the pavements above un-  
8 compacted soils for future root growth.

9           And looking at Maine Avenue, again we're continuing  
10 the language of Maine Avenue in Phase 1. This is looking at  
11 -- we're actually expanding this slightly to include Parcels  
12 6 and 7, so there's similar language that's continuous with  
13 Phase 1. So we have a 35-foot zone.

14           One thing that we've improved upon from Phase 1 is  
15 that we saw that it was a bit constricted in the sidewalk,  
16 and so we've actually taken five feet out of the buildings  
17 and added that into the pedestrian route so we have a wider  
18 sidewalk at the face of the buildings and added two feet to  
19 the preservation zones of those roots, the heritage trees.

20           So we have a 7-foot zone for the root zones of  
21 those heritage trees and we have a 10-foot bike lane made of  
22 a flexipave, which is maybe slightly bumpy in the first  
23 phase. We'll really level that out in the second phase. And  
24 then we have a 5-foot zone for additional planting and then  
25 the 13-foot sidewalk with a dark-colored concrete.

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1           Some materials you'll see behind you. We have --  
2 along Maine Avenue we have a dark -- a medium gray paver.  
3 It's a porous paver that will be collecting water to actually  
4 infiltrate into the soils. At the lobbies we'll have a  
5 lighter gray -- a lighter paver that's just outside the  
6 lobbies and a dark gray-colored concrete otherwise.

7           And then soils, we're looking again at Silva Cells  
8 in this situation for real soils that we're directing  
9 stormwater into.

10           And this is in front of Parcel 8 where we're  
11 looking at -- because of the three heritage trees in this  
12 area, we're doing a structural sand-based soil that's --  
13 we'll actually air spade in those areas to reveal those roots  
14 and then using a structural soil to essentially hold the  
15 pavements over those areas while still preserving those  
16 existing root cells.

17           Then finally moving down through the alley and  
18 entering into the grove. The grove is situated in a way that  
19 is between the piers so we have a strong view and a  
20 connection out to the water, and we've designed those piers  
21 to engage those views in this one location as a gathering  
22 point for people. So it's essentially a raised travel  
23 crushed-stone terrace that is elevated to view out to the  
24 water but also to watch people along the promenade itself as  
25 they go by. We're imaging all flexible seating, moveable

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1 chairs in this raised terrace.

2           And then we have sort of two sides: one is  
3 welcoming people from the promenade itself on the south side  
4 up a series of step terraces that are in reference to Parcel  
5 8 and Christian's stepped buildings that was -- were  
6 presented earlier.

7           And then on that back side with the hotel lobby we  
8 have a stair/ramp configuration that is intended to draw  
9 people from a universal -- provide universal access onto the  
10 raised terrace, but also a place for meeting and sitting as  
11 you're waiting for a Lyft or another ride to pick you up from  
12 the hotel.

13           And then finally surrounding the entire raised  
14 terrace is a 20-inch retaining wall of a Mount Airy granite  
15 that would provide additional flexibility as a seat wall for  
16 people. And then around Parcel 8 closer to the building  
17 would be a continuation of the cafe zone.

18           In this elevation you can see that stepping as you  
19 are brought up onto the terrace itself with a view slightly  
20 altered. You can see underneath the trees and out through  
21 to the water. Again, it's a crushed-stone terrace. In this  
22 next slide you'll see how we've again had a porous slab and  
23 ways of introducing water into the soil volume beneath to  
24 reduce the stress of trees in these highly urban situations  
25 on top of a parking garage.

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1           The trees we're looking at are a Kentucky coffee  
2 tree. These are vicariant resilient trees that tolerate a  
3 lot of difficult conditions, as well as they provide a --  
4 they have a smaller leaf and provide a dappled light that  
5 would provide a lighter shade throughout the year. So when  
6 you would prefer maybe a little bit less dense of a light on  
7 the cooler days, that would provide that.

8           And then the materials, again we're trying to have  
9 a continuity with Phase 1. So this is a light gray Mount  
10 Airy granite that we're using in the plaza itself, which is  
11 similar to what we've used in the CYC Plaza in Phase 1.

12           And then finally, this is that view outside of the  
13 hotel. As you're looking at that raised terrace coming from  
14 Water Street and that -- over to the view of the Washington  
15 Channel and across.

16           That's it. Thank you.

17           MR. GLASGOW:           That concludes our direct  
18 presentation.

19           CHAIRMAN HOOD:       Okay. Thank you all for your  
20 presentation. Let's see if we have any questions or  
21 comments.

22           I guess we'll -- okay. Commissioner Shapiro?

23           COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just  
24 a few questions.

25           One, can you -- you -- in the OP -- in your

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1 response to the OP report you laid out how you chose where  
2 the solar panels were going to be and where they weren't, and  
3 you're loading them all into the two buildings. I understand  
4 around the buildings the lower buildings where you would be  
5 basically looking onto the panels, but what -- talk to me  
6 again about the decision around solar panels on the buildings  
7 that we just are discussing.

8 MR. STEENHOEK: I think some of it has to do with  
9 just the efficiency of the bars being so thin, how you can  
10 lay out the panels within that sort of more linear structure.  
11 It's not as efficient. And also we'll end up taking out some  
12 of the ceiling and the height space that we need to make all  
13 those uses work in there because it is counted within the 20-  
14 foot space. But primarily it was based on just looking for  
15 an efficient place to do the solar while also having green  
16 roofs which help with heat island and other good  
17 environmental benefits.

18 COMMISSIONER SHAPIRO: And it kind of makes sense  
19 for that hotel/resi combination, but I'm wondering about  
20 building -- which is the curved building again? Was it  
21 Building 9?

22 MR. STEENHOEK: It should be 9.

23 COMMISSIONER SHAPIRO: Building 9, yes. So why not  
24 go with 9?

25 MR. BARGMANN: It's just that the roof is such a

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1 long narrow --

2 (Simultaneous speaking.)

3 COMMISSIONER SHAPIRO: Oh, put your mic on.

4 MR. BARGMANN: Oh, sorry. Sorry. The building is  
5 stepping back from the park, so it falters at the grade and  
6 you get terraces as you go up, but at the penthouse roof it's  
7 a very long narrow shape which is not very effective for  
8 solar panels. You really want to have a field of panels.  
9 They make a lot of sense when you have a big -- a large  
10 array. It wouldn't be -- it would contribute significantly  
11 to the energy utilization of the building.

12 COMMISSIONER SHAPIRO: Okay. Thank you. And stick  
13 with that building. And I apologize if I missed this in the  
14 material somewhere, but are there affordable units --

15 COMMISSIONER BARGMANN: No.

16 COMMISSIONER SHAPIRO: -- in that other building?

17 MR. BARGMANN: No.

18 COMMISSIONER SHAPIRO: And what was the decision  
19 around that?

20 MR. SEAMAN: That was part of the original land  
21 disposition agreement that we had. It's two market --

22 COMMISSIONER SHAPIRO: And this one would be --

23 (Simultaneous speaking.)

24 MR. SEAMAN: Yes, two all market buildings. So we  
25 had one in Phase 1 and one in Phase 2.

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1 COMMISSIONER SHAPIRO: Okay. Thank you.

2 A question about the -- actually can you -- do I --  
3 no, that answered it.

4 The -- along the promenade -- and I'm just speaking  
5 from my own experience having had dinner at Del Mar the other  
6 night and having found myself driving down a one-way street  
7 the wrong way. And I -- to the valet -- I'm imagining I'm  
8 not the only person who's done that. How are you -- these  
9 are -- most of the streets you're describing are two-way  
10 streets, but that's not. And does that carry over into the  
11 phase that we're looking at right here?

12 MR. SEAMAN: Yes, the Wharf Street will remain one  
13 way. I think we're going through some growing pains as we  
14 first start -- start the project up where on-street parking  
15 is not as -- it's not been utilized in the load-in for hotels  
16 that are not yet in substantial completion. I think once  
17 we're more actively using the curb lane, the 20 feet of drive  
18 surface will be occupied by parked cars for 8 feet, leaving  
19 a more traditional lane.

20 And then we've gone through sort of a robust  
21 addition of additional signage. I think the do not enters  
22 and -- you know, just training patrons it's one way only  
23 going northwest and having more signage at the entry points  
24 where you're getting out onto the Wharf to avoid that. So  
25 we have temporary signs up now. We're adding more as we

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1 speak just because it's a dangerous situation when people  
2 don't know that it's one way.

3 COMMISSIONER SHAPIRO: Right.

4 MR. SEAMAN: And we're purchasing a bunch more,  
5 just sort of standard one-way signs that are more -- people  
6 are more accustomed to seeing.

7 COMMISSIONER SHAPIRO: Okay. I appreciate that.  
8 I mean, it's obviously complex and you have to learn as you  
9 go, so I'm glad you're going through this process.

10 And the last question I had is on the Water  
11 Building 2 was there ever discussion or conversation about  
12 access to the rooftop and some kind of use there? What was  
13 that process like or was it out of the gate that was never  
14 in consideration?

15 MR. PATEL: That was a consideration, however, we  
16 felt that a simpler form and a smaller set of stairs would  
17 -- was best for the building. Also our location at the time  
18 was adjacent to M Street Landing and we did not want to  
19 create a competition between our building and the  
20 amphitheater and the green space that was being created at  
21 M Street Landing.

22 COMMISSIONER SHAPIRO: Okay. With the new location  
23 of the building I'm surprised that it's not -- that it was  
24 in fact a consideration. It just seems like such a wonderful  
25 space and missed opportunity to have more access. I mean,

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1 is there -- it just -- it seems like a wonderful opportunity  
2 for you all.

3 MR. SEAMAN: Yes, when we started that, I think the  
4 issue was in order to get access to the roof, the stair tower  
5 and the elevator necessary to get up there took up a large  
6 portion of the roof floor. And I think we felt, given the  
7 uses of restaurants on the second floor with large public  
8 decks overlooking the water, that we really sort of hit the  
9 amenity value of it looking out over the water without going  
10 all the way up and then preserving views from the Wharf and  
11 not looming over the Wharf. We're just sort of sensitive to  
12 the fact that the Water Buildings are on the water side and  
13 could potentially cash out as to trying to diminish the  
14 overall height where we could.

15 COMMISSIONER SHAPIRO: Right. Thank you.

16 Thank you. That's all I have for now, Mr. Chair.

17 CHAIRMAN HOOD: Okay. Mr. May?

18 COMMISSIONER MAY: Thank you. So first of all, a,  
19 we're going to have the most questions. Can you explain the  
20 overhang on the Maine Avenue side? I mean, if you want to  
21 bring up a section or perspective that sort of shows it. Can  
22 you tell me first is any of that projection going into public  
23 space or is it all just within the setback.

24 MR. STEENHOEK: It's all in the setback.

25 COMMISSIONER MAY: Okay. And that includes the

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1 balcony projections, etcetera?

2 MR. STEENHOEK: That's correct.

3 COMMISSIONER MAY: Yes. Okay. Well can you bring  
4 up that view.

5 MR. STEENHOEK: This?

6 COMMISSIONER MAY: No, the one that captures --  
7 there we go. So it just -- it's a little bit confusing. I  
8 mean, in the sections it seems to apply that there's really  
9 just one section that extends out, but then when you look at  
10 this, it looks like it's several and they're stepping further  
11 out. I mean, how many actual facades are there?

12 MR. BAILEY: Okay. So along Maine Avenue there's  
13 basically one projection of 10 feet that's on the eighth  
14 floor, I believe. And then that continues along -- wraps  
15 around to Marina Way with the ribbon and at that point it's  
16 two-and-a-half feet -- the overhang is. So with -- so those  
17 are the main overhangs. And then within that composition you  
18 have the setting back of individual terraces. And at the  
19 lower portion you have the addition of the balconies. So --

20 COMMISSIONER MAY: Right. Okay. So -- I miss the  
21 old days of the projector when I could use my pointer --

22 MR. BAILEY: Yes. Yes.

23 COMMISSIONER MAY: -- and show things. But the  
24 parts that are called out with the number 2 and number 1,  
25 right, are those glass facades on the same plane?

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1 MR. BAILEY: No, the number 1 -- and that refers to  
2 the storefront --

3 COMMISSIONER MAY: No, I know. I'm not talking  
4 about -- I'm just talking about what that facade is. Are  
5 they on the same plane or not?

6 MR. BAILEY: As 1 and 2?

7 COMMISSIONER MAY: One and two,  
8 those --

9 MR. BAILEY: Yes.

10 COMMISSIONER MAY: They are?

11 MR. BAILEY: Yes.

12 COMMISSIONER MAY: And the same is true for the  
13 next segment of it, the sort of stepping down that's further  
14 to the right?

15 MR. BAILEY: Yes.

16 COMMISSIONER MAY: Okay. It's just this is -- this  
17 drawing is a little deceptive because it's sort of important  
18 that what's --

19 MR. BAILEY: Okay.

20 COMMISSIONER MAY: -- got the number two on it is  
21 like four feet further out than the lowest part of this,  
22 right?

23 MR. BAILEY: Right, right.

24 COMMISSIONER MAY: You know what I'm saying?

25 MR. BAILEY: Yes, it's in the same plane as the

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1 number one.

2           COMMISSIONER MAY: Yes, okay. All right. Well,  
3 that is helpful to understand because that's what I was  
4 reading in the sections, but not what I was reading in that  
5 -- in the rendering.

6           So now part of this building is built over the  
7 Metro tunnel?

8           MR. BAILEY: That's correct.

9           COMMISSIONER MAY: So what kind of structural  
10 gymnastics do you have to do to build over a Metro -- because  
11 other buildings around town get sculpted to --

12           MR. BAILEY: Right.

13           COMMISSIONER MAY: -- avoid the zone of influence  
14 and stuff, but you're clearly bridging over it or something,  
15 right?

16           MS. BAILEY: Right. The Maine Avenue portion of it  
17 is. We have a basement -- or a cellar for parking, but then  
18 the subcellar parking is basically erased there. And working  
19 with the structural engineer and also with the horizontal  
20 architect we're working with the concrete and structure to  
21 avoid that.

22           COMMISSIONER MAY: So you're -- I mean, are you  
23 basically doing like great beams that span over the top of  
24 the tunnel? Is that the way it's working?

25           MR. STEENHOEK: Yes, you're effectively building a

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1 bridge over that tunnel. And what you'll see Thursday is  
2 that Parcel 7 setback is a design solution to a structural  
3 issue down at grade where we couldn't bridge over because of  
4 the way the tunnels came across.

5 COMMISSIONER MAY: Because of where it was without  
6 bridging --

7 MR. STEENHOEK: Yes, we didn't have to do that  
8 here.

9 COMMISSIONER MAY: -- into Maine Avenue or  
10 something?

11 MR. STEENHOEK: Precisely.

12 COMMISSIONER MAY: Yes. Okay. Well, that's  
13 interesting to see.

14 And I'll come back to this a little bit. So I  
15 appreciate the write-up on the penthouse argument that you  
16 can have a two-story penthouse, but I'll tell you from being  
17 in the trenches when it was being studied at NCPC and when  
18 the legislation was being written and being consulted by NCPC  
19 and being consulted by City Council and being consulted by  
20 congressional staff -- because they were all like calling me  
21 about it -- that was not the intention. The intention was  
22 not to allow two-story penthouses at all.

23 Having said that, I think I'm okay with the  
24 rationale, I mean, because it doesn't make sense that we  
25 would say, okay, you can have a one-story penthouse, but then

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1 you can have stuff on top of it so long as it's all less than  
2 two feet. And what difference does it make if you also put  
3 a roof on top of it? So I made peace with that concept --

4 (Laughter.)

5 COMMISSIONER MAY: -- because it doesn't really  
6 change the physical appearance, right?

7 The -- and it is pretty amazing that the sort of --  
8 that the entirety of the argument and the hoops you will jump  
9 through and that the Zoning Administrator will accept in that  
10 process -- and again, I disagree with the interpretation, but  
11 I've made peace with that, and it's not the first time I've  
12 disagreed with the Zoning Administrator.

13 I do have an issue though with the mezzanines --  
14 what you're calling mezzanines for the units -- for the  
15 penthouse apartment units, because the one-third is supposed  
16 to be one-third of the area that shares a common ceiling.  
17 It is not the one-third of the entire space of the unit. And  
18 we've been through this on other zoning cases before. It  
19 looks like what you're showing -- I mean, if -- why don't we  
20 just bring up the plan that shows the mezzanines?

21 MR. STEENHOEK: Yes, sure. Sure, just a second.

22 (Pause.)

23 COMMISSIONER MAY: All right. Okay. So when you  
24 -- let's just take any one of them. We'll take the one at  
25 the top in the middle, penthouse 219 square feet. So the

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1 open area there looks to be about one-third of the area where  
2 you have floor, right?

3 So the floor area is supposed to be one-third of  
4 that entire rectangle. That's the way mezzanines work. It's  
5 the area that's open and shares a common ceiling, because  
6 once you go below that, the rest of the unit is not -- does  
7 not have a common ceiling. Okay?

8 Mr. Dettman, do you disagree? You're the resident  
9 regulation expert, right?

10 MR. DETTMAN: I understand your rationale. I was  
11 just staring at you trying to figure out if I understood the  
12 rationale. I do, and I think that per the definition of  
13 mezzanine, it does say the common ceiling above.

14 COMMISSIONER MAY: Yes. All right. So we need to  
15 look at that more carefully. And from my perspective, you  
16 just need to push some of that nasty old mechanical equipment  
17 out of the way and make the open space bigger.

18 MR. DETTMAN: Okay.

19 MR. BAILEY: And for some of these, the open floor  
20 ranges from 150 to 250 feet for those penthouses and the  
21 floor below is 1,300 to 1,900. So --

22 COMMISSIONER MAY: But they don't have a common  
23 ceiling.

24 MR. BAILEY: Okay.

25 COMMISSIONER MAY: The area that has a common

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1 ceiling is -- and the one that we were pointing up there --

2 MR. BAILEY: Right.

3 COMMISSIONER MAY: -- was 219 square feet. That  
4 looks like it's about 600, 650 square feet.

5 MR. BAILEY: Oh, okay.

6 COMMISSIONER MAY: Right? That's where the common  
7 ceiling is.

8 MR. BAILEY: Okay.

9 COMMISSIONER MAY: So -- and if the Zoning  
10 Administrator interprets that differently, then we've got to  
11 talk about the zoning regulation.

12 So the high signage, I didn't necessarily see the  
13 presentation, but you had areas marked off in the buildings,  
14 and then I wasn't paying attention on that slide.

15 MR. BAILEY: Yes, it's --

16 COMMISSIONER MAY: Yes, okay. There we go. So the  
17 high signage. So that's the upper right one. What do you  
18 imagine that being in terms of a type of sign? Or what are  
19 you proposing that it could be? And the reason I'm asking  
20 is that I'm concerned about lit signs more than anything  
21 else.

22 MR. BAILEY: Right. The actual hotel component  
23 hasn't been selected yet. It's just right now just a  
24 designation of the area.

25 COMMISSIONER MAY: Right.

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1 MR. BAILEY: I really have no more specifics about  
2 it, but --

3 COMMISSIONER MAY: Okay. So I'm not -- I don't  
4 know that I want to say anything specific about what it  
5 should or should not be, except that we don't really want to  
6 have -- I mean, we already have a problem with other signage  
7 on the other building -- I mentioned it the other night --  
8 glowing into the park. And being that this is not facing  
9 directly into the park, it is certainly visible when you get  
10 a little bit further away. And we just don't want to have  
11 a large glowing sign there. I mean, it doesn't mean that it  
12 can't -- there can't be light to it, but there has to be some  
13 sort of limitation on how -- what that light is, whether it's  
14 just a general backlight or a -- some other -- a light on the  
15 sign that's projected from something else.

16 MR. SEAMAN: I think that just the one area we're  
17 sensitive to is the light facing out towards the Channel.  
18 So the facade that -- you identified as the northwest-facing  
19 facade, if you will. So the one that's --

20 COMMISSIONER MAY: Yes.

21 MR. SEAMAN: -- facing the bridge, where obviously  
22 it would have the most sort of impact to people on the  
23 bridge.

24 COMMISSIONER MAY: Right.

25 MR. SEAMAN: But trying to be sensitive to the

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1 park-facing side.

2 COMMISSIONER MAY: I mean, I appreciate the fact  
3 that you're not showing signs advertising into the park --

4 MR. SEAMAN: Yes.

5 COMMISSIONER MAY: -- directly, but I'm just  
6 concerned about how much light comes off of that, because  
7 light doesn't always just go straight.

8 MR. SEAMAN: Right.

9 COMMISSIONER MAY: It spreads and it will be  
10 visible and it's a question of -- I mean, it's okay to light  
11 the signs. It's not okay to light to the park is really what  
12 it comes down to.

13 MR. SEAMAN: Okay. Understood.

14 COMMISSIONER MAY: So whatever you can do to  
15 describe limitations on that, that would be helpful.

16 All right. On the Parcel 9, where is the  
17 mechanical equipment for Parcel 9? I didn't see any kind of  
18 --

19 MR. BARGMANN: It's on the --

20 COMMISSIONER MAY: You need to be on the  
21 microphone, please.

22 MR. BARGMANN: It's not on the roof. It's in the  
23 core of the building on the western side. It's all internal.

24 COMMISSIONER MAY: Okay. And how do you get air to  
25 it?

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1 MR. BARGMANN: It has louvers.

2 COMMISSIONER MAY: It's all just louvered?

3 MR. BARGMANN: Yes, louvers and --

4 (Simultaneous speaking.)

5 COMMISSIONER MAY: So I'll look at the elevation to  
6 see those.

7 All right. On the WB2 I think I have the same  
8 concern about the signage there. It's obviously smaller and  
9 lower, but I think that we want to describe what the limits  
10 are on how it would be lit.

11 And there was a concern that was raised by the ANC  
12 having to do with the pavement, the various pavement paving  
13 treatments, and I can understand that, I mean, having been  
14 down there now a few times and experienced the way people  
15 actually walk. And maybe it's just because there are so many  
16 people and we're all just wandering around, wondering about  
17 the place and trying to take it all in, but you wind up  
18 walking down the road. And that's not a problem for me, but  
19 I can easily see how it would be a problem for other people.

20 There are limitations on what happens on the areas  
21 where people are supposed to be walking, right, on either  
22 side of the, quote, "street" because of the kiosks that have  
23 been put in, the Waffle House thing and all those other neat  
24 -- this other neat stuff, seating areas and so on. And it  
25 tends to sort of push people into the car space. So I don't

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1 know that there's necessarily something that you -- that --  
2 suggesting should be different design-wise.

3 I mean, I understand you're still kind of working  
4 through it, I mean, but it's not apparent to people where  
5 they're supposed to walk and it's also not necessarily  
6 apparent to people that if you'd walk 10 feet to the right,  
7 it's going to be easier to walk. It can be kind of  
8 confusing. I imagine that's part of the growing pains,  
9 right?

10 MR. BAILEY: Yes.

11 COMMISSIONER MAY: Do you want to say anything  
12 about this at all to give comfort to the ANC, or to me?

13 (Laughter.)

14 MR. SEAMAN: I think it's by design, the rough  
15 pavers and the driving surface. It's only 20 feet of the 60  
16 feet.

17 I think your point is a fair one about the kiosks.  
18 That was part of the approved master plan with OP and DMPED.  
19 I think we wanted that to activate both sides of the street,  
20 if you will. I think what it's shown us is just being  
21 sensitive about when it happens on one side of the street,  
22 look at the other side of the street.

23 And, yes, I think we have instances where there's  
24 things going on on both sides of the street that limits the  
25 effective sidewalk area to -- I mean, it's still six feet.

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1 I mean, it's wide enough, but I mean, there may be signage  
2 indicating where the walking surface is versus the road  
3 surface. We've talked about that, just given electric  
4 vehicles and not knowing if somebody's sneaking up on you  
5 with an electric car. But I think we're looking at -- for  
6 the second phase, signage and looking at the dueling sides  
7 of the street, that if one side is compressed, the other side  
8 would react in a designed way as far as where cafe zones are.

9           COMMISSIONER MAY: Okay. Appreciate that. I mean,  
10 six feet is wide enough for two or three people to walk past,  
11 but every time I've been down there it's like 20 people  
12 walking in one direction and 20 people walking in the other  
13 direction at the same time and it's not -- people will spill  
14 out of the car space pretty readily. But I guess you've a  
15 victim of your own success.

16           And then the last question I had was on the phasing  
17 of the project. So you have the one large parking garage  
18 that I assume is going to be built all at the same time like  
19 the last time around?

20           MR. SEAMAN: It's actually two parking garages.

21           COMMISSIONER MAY: Well, I know there are two, but  
22 one of them is really big, right, the one under 6, 7, 8.

23           MR. SEAMAN: Yes, 6 --

24           COMMISSIONER MAY: Nine and --

25 or --

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1 MR. SEAMAN: Yes, 6, 7, 8. And then there's a  
2 storm sewer that separates eight and nine. And then 9, 10  
3 and M Street Landing have a garage underneath.

4 COMMISSIONER MAY: Got it. Got it. So, but the 6,  
5 7, 8 garage will be built at one time, but you might not  
6 build out all those buildings at the same time?

7 MR. SEAMAN: Do you want to answer that?

8 MR. STEENHOEK: Sure. I mean, that's the current  
9 intention, that we'd be able to build across the entire  
10 garage just from an efficiency standpoint.

11 COMMISSIONER MAY: Right.

12 MR. STEENHOEK: Could be a reason not to do it.  
13 And then again the intention is to build those buildings, but  
14 they're speculative office buildings, so we need to have the  
15 financing in place.

16 COMMISSIONER MAY: Right. So, and what about  
17 Buildings 9 and 10? Are they intended -- I mean, at this  
18 point are you intending that they all get started at the same  
19 time or --

20 MR. STEENHOEK: Yes.

21 COMMISSIONER MAY: Okay. So the only thing that's  
22 in question about starting later is 6 and 7?

23 MR. STEENHOEK: Right.

24 MR. SEAMAN: Yes, I think the intention is to  
25 develop 6 through 10 in one fell swoop, and that's --

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1 COMMISSIONER MAY: I know, but you're asking for  
2 flexibility on 6 and 7?

3 MR. SEAMAN: Yes, right.

4 COMMISSIONER MAY: Right.

5 MR. SEAMAN: Yes, I think the office is the most  
6 speculative --

7 COMMISSIONER MAY: Right.

8 MR. SEAMAN: -- given the size of six and seven.  
9 At almost 500,000 square feet it's more speculative than  
10 Parcel 10. So that would be the place where we would need  
11 the flexibility.

12 COMMISSIONER MAY: Okay. All right. That's fine.  
13 I mean, ordinarily a large PUD we would want a pretty  
14 specific schedule and time limits on things, but it seems  
15 like you're building a -- I mean, it's not the sort of  
16 circumstance where Buildings 6 and 7 just won't ever be  
17 built. It's going to be built at some point and you will  
18 have built the garage for it. So I'm a little more  
19 comfortable with it, keeping it a little more vague.

20 All right. Thank you. That's it.

21 CHAIRMAN HOOD: Okay. Thank you.

22 Commissioner Turnbull?

23 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

24 Well, I want to thank you for your presentation  
25 today. It shows when you hire three different architects,

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1 you get a very integrated scheme. It is a very diverse type  
2 of building being built and I think for the most part I'd  
3 like -- I think it looks very well done.

4 I just had a couple of questions. Well, first of  
5 all, I would agree with Commissioner May on the signage.  
6 There's one thing about having a signage area, but it doesn't  
7 really tell you how big the sign is going to be. So I think  
8 we -- I'd like to have that defined a bit. I mean, you can  
9 have an area, but it would be good to know the exact size of  
10 what is going to be within that area.

11 I had a question on Parcel 9 for Mr. Bailey. Some  
12 of the elevations or some of the perspectives of -- if I look  
13 at the very first picture which sort of shows -- it was on  
14 the -- it's on the presentation sheet, that view for the --  
15 looking at the steps and the projections up on the --

16 MR. BAILEY: For Parcel 8, correct?

17 COMMISSIONER TURNBULL: Parcel 8, yes.

18 MR. BAILEY: Okay. Almost there.

19 COMMISSIONER TURNBULL: What's confusing, they're  
20 looking at the -- if -- and it shows -- I mean, you have a  
21 diagram that shows the step backs, the setbacks and you show  
22 the railings, but on that, the top of that drawing I see a  
23 person and it looks like -- maybe it's just that the image  
24 is not correct, but it looks like the railing is almost up  
25 to the person's shoulders.

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1 MR. BAILEY: Yes, I think that is a graphical  
2 error, because it would be consistent with the railings  
3 below, which is the -- would have the proper setback.

4 COMMISSIONER TURNBULL: Okay.

5 MR. BAILEY: I think that's a rendering --

6 (Simultaneous speaking.)

7 COMMISSIONER TURNBULL: Okay. Yes, because that  
8 shows up again -- it shows up a couple times, like on --

9 MR. BAILEY: I think it's --

10 COMMISSIONER TURNBULL: Well, that -- is that  
11 drawing 7? Drawing 8 sort of shows the same -- drawing 8,  
12 the perspective on sheet 8 shows --

13 MR. BAILEY: Sheet 8?

14 COMMISSIONER TURNBULL: Sheet 8, yes, shows the  
15 same kind of a strange -- it looks like that railing almost  
16 is at full height.

17 MR. BAILEY: Yes, I think that's a rendering  
18 inconsistency. I'm going to refer you to the section which  
19 is a little more clear on page 12.

20 COMMISSIONER TURNBULL: Okay.

21 MR. BAILEY: At the upper part that stepping would  
22 --

23 COMMISSIONER TURNBULL: Okay.

24 MR. BAILEY: -- at the penthouse would remain  
25 consistent with the --

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1 (Simultaneous speaking.)

2 COMMISSIONER TURNBULL: Well, if you could go to  
3 11, sheet 11.

4 MR. BAILEY: Sure.

5 COMMISSIONER TURNBULL: The only thing that -- what  
6 I'm confused about there is you have a small tree on the  
7 left-hand side on the -- and it looks like there's a ghosted  
8 individual standing up on that next level. Is that  
9 really --

10 MR. BAILEY: On the second level?

11 COMMISSIONER TURNBULL: Yes.

12 MR. BAILEY: On that left-hand side that would be  
13 the upper portion of the -- that wouldn't be occupied.

14 COMMISSIONER TURNBULL: Okay. I see. It looked  
15 like there was a ghosted person.

16 MR. BAILEY: Yes.

17 COMMISSIONER TURNBULL: I thought there would be a  
18 railing there, in which case that wouldn't meet the setback.

19 MR. BAILEY: Right, that's over the amenity for the  
20 --

21 COMMISSIONER TURNBULL: Okay.

22 MR. BAILEY: -- hotel. That's not occupied.

23 COMMISSIONER TURNBULL: Okay. I really don't have  
24 any more questions, per se. I think, Mr. Bargmann, your  
25 building is very interesting -- when I first saw this, it

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1 reminded me of something. I'm like -- it sort of reminded  
2 me of -- it's a little farfetched, but it sort of reminded  
3 me of the Columbia Record tower in L.A. --

4 (Laughter.)

5 COMMISSIONER TURNBULL: -- that had been cut in  
6 half and kind of smooshed over. Okay? A very dynamic  
7 cantilever with ribbons going around.

8 MR. BARGMANN: I know exactly what you're talking  
9 about.

10 COMMISSIONER TURNBULL: Okay. Very dramatic. Very  
11 dramatic. And when I looked at it, I said well, how the hell  
12 do the floors -- and I looked at the section. It's the --  
13 the balcony walls are curved and the wall is actually set  
14 back.

15 MR. BAILEY: Exactly.

16 COMMISSIONER TURNBULL: So it's straight. The only  
17 thing that was for me -- and again, it's not a criticism or  
18 anything. It's just -- I got to find the drawing. Well, I  
19 guess you could pull up sheet 53. Yes, those curved ends.  
20 Those cantilevers got to be -- do you have any sense of --

21 MR. BAILEY: They're --

22 (Simultaneous speaking.)

23 COMMISSIONER TURNBULL: -- they're vertical on here  
24 really. I mean, that's really quite a --

25 MR. BAILEY: But you do have a 180-degree view from

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1 the living room there, yes.

2 COMMISSIONER TURNBULL: Oh, yes, it's got to be  
3 dramatic, but I mean, I'm scared now. If you've got vertigo,  
4 I mean, just --

5 (Laughter.)

6 COMMISSIONER MAY: See, I thought you were going to  
7 say it reminds you of the Jetsons.

8 COMMISSIONER TURNBULL: The Jetsons.

9 (Laughter.)

10 COMMISSIONER TURNBULL: No, no.

11 No, we -- but it's just this very dramatic -- I like the  
12 structural -- I mean, I guess how clear is that glass going  
13 to be? Is that --

14 MR. BAILEY: The sample is on the wall behind you  
15 and it's not -- it's a tinted gray-blue cracked glass.

16 COMMISSIONER TURNBULL: Okay.

17 MR. BAILEY: Insulated glass.

18 COMMISSIONER TURNBULL: It's quite a structural  
19 little gem there, how that --

20 MR. BAILEY: It is.

21 COMMISSIONER TURNBULL: Yes. Okay. All right.  
22 Well, I think it will be -- I think it's really an  
23 interesting building at that point. I think it's got a nice  
24 juxtaposition to the other buildings that are in there and  
25 I think it really adds to Mr. Bailey's building. I think

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1 there's a nexus there of the different shapes going on. I  
2 think it's a wonderful play.

3 Now Mr. Patel's building is a little bit different  
4 also, so I think -- I think that there's a wonderful  
5 playfulness that's going on at that area, so I compliment you  
6 on the type of buildings and the landscaping also. I think  
7 it's very well done.

8 COMMISSIONER TURNBULL: Thank you.

9 CHAIRMAN HOOD: Okay. Vice Chair Miller?

10 VICE CHAIR MILLER: Thank you, Mr. Chair, and thank  
11 you for your presentation.

12 Yes, I would agree with Commissioner Turnbull that  
13 this is -- he used the word "dramatic." It's very exciting,  
14 the design and the materials of all three buildings and it's  
15 kind of -- at least looking at the renderings and  
16 perspectives, it somehow works together even though they're  
17 all very different and iconic.

18 So I really -- I mean, I like the curvilinear at  
19 Parcel 9 and that dramatic angle and the terracing setbacks  
20 on Parcel 8 in the courtyard there. The materials are really  
21 great in both those buildings, and on Water Building 2. It's  
22 just -- it's very unique and inviting.

23 I like how the -- particularly the wood. I always  
24 like wood. It warms things up a little bit, especially when  
25 there's so much glass and metal.

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1 I guess one question I had on a material item was  
2 on the grove. I guess that would be for you. I forget your  
3 name. I'm sorry.

4 MR. JOSEY: Paul Josey.

5 VICE CHAIR MILLER: Mr. Josey. I mean, I love the  
6 grove, but I don't usually think of a stone crushed paving  
7 as -- where I'd feel like I'm in a peaceful warm setting.  
8 What was the concept behind having -- because there's so much  
9 paving around this whole waterfront area? Was there any way  
10 to green that up or wooden that up?

11 MR. JOSEY: That's a good question.

12 VICE CHAIR MILLER: I'm not sure I want to -- I  
13 mean, I know it's going to have chairs and tables there, so  
14 you don't want to be sitting in mud.

15 MR. JOSEY: Yes, that's a good question. So our  
16 general -- our first approach was in CYC Plaza where we  
17 actually provide some open area, but we're -- in this area  
18 we want to actually attract people to gather and seat, so we  
19 wanted to provide a surface that would be able to withstand  
20 some heavy traffic.

21 So stone delicate was a bit too hard and too urban  
22 and we wanted to create more of a park-like space, so the  
23 idea of a crushed stone -- and this crushed stone in  
24 particular is more of a -- flat pieces that wouldn't track  
25 very easily and that would actually level out and become

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1 quite firm for moveable chairs and such. So thinking of  
2 other precedents in urban places, it seemed like an  
3 appropriate more park-like material and that's -- which also  
4 has some slight porosity to it.

5 COMMISSIONER MAY: Do you want to mention what some  
6 of those precedents were, because I --

7 MR. JOSEY: Yes.

8 COMMISSIONER MAY: -- mean, I'm familiar with them  
9 --

10 PARTICIPANT: Paris?

11 COMMISSIONER MAY: Yes, Paris.

12 MR. JOSEY: Yes.

13 COMMISSIONER MAY: But I mean, talk a little bit  
14 more about that because it's not something that we see a lot  
15 of here, but I've seen it in many places and it is quite  
16 wonderful.

17 MR. JOSEY: Yes. So I think if we can pull up --  
18 there's a precedent in New York. Let's see.

19 VICE CHAIR MILLER: And what's the material,  
20 Commissioner May, that you have on the -- sand, the sand  
21 crushed sidewalks on the Mall? What is that? What was that,  
22 sand?

23 COMMISSIONER MAY: On the Mall we -- it's a small  
24 pea gravel surface which is not really great to walk on and  
25 it's an accessibility problem.

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1 VICE CHAIR MILLER: Yes.

2 COMMISSIONER MAY: It's a maintenance problem, too.

3 VICE CHAIR MILLER: Yes.

4 COMMISSIONER MAY: On Broadway. I'm blanking on  
5 the name of this very prominent park in New York on the left  
6 in the bottom image there.

7 COMMISSIONER TURNBULL: Is it Bryant Park?

8 COMMISSIONER MAY: Excuse me?

9 COMMISSIONER TURNBULL: Is it Bryant Park?

10 COMMISSIONER MAY: No, it's not Bryant Park. It's  
11 a new development that was -- I apologize for not knowing the  
12 name of it.

13 MR. PATEL: Lincoln Center.

14 COMMISSIONER MAY: Lincoln Center. Excuse me.  
15 Lincoln Center has this large crushed stone plaza that's been  
16 quite successful.

17 VICE CHAIR MILLER: Okay. I'll be in New York this  
18 weekend. I'll take a look at it.

19 (Laughter.)

20 VICE CHAIR MILLER: And be impressed, I'm sure. But  
21 is there -- did you have a precedent page in our presentation  
22 or --

23 MR. JOSEY: For the grove itself?

24 VICE CHAIR MILLER: No, for the -- for Bryant Park  
25 or whatever your Lincoln Center --

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1 MR. JOSEY: It's an image included in the  
2 presentation. Page 106.

3 VICE CHAIR MILLER: Okay. All right. I appreciate  
4 also -- thank you. Appreciate all of the responses that you  
5 made to the Office of Planning and Zoning Commission  
6 comments, both at setdown and into the reports, and we'll  
7 hear very shortly from Office of Planning as to whether  
8 they're satisfied. So look forward to that. Thank you.

9 CHAIRMAN HOOD: Okay. Any other questions up here?

10 (No audible response.)

11 CHAIRMAN HOOD: I could go on and talk about how I  
12 like the buildings. I think I said that at setdown, so I  
13 don't need to elaborate and be redundant, so I will just  
14 leave it. I don't necessarily have any questions, so I'm  
15 going to move this hearing on.

16 Let's see if we have any questions, any cross by  
17 any of the parties. First let me start off with the ANC  
18 Chairman Litsky. Do you have any cross? Come forward.

19 ANC CHAIRMAN LITSKY: Thank you for the  
20 opportunity. Actually for Mr. Josey I have a whole bunch.

21 MR. JOSEY: Okay.

22 ANC CHAIRMAN LITSKY: First, I want to say thank  
23 you for helping to preserve or heritage trees; that's really  
24 important in Southwest, and for really being sensitive to  
25 putting really some pretty swell trees in to enhance the tree

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1 canopy throughout the rest of the project.

2           And I'm also happy that you're using crushed stone.  
3 I think in the first phase we've been told in front of Pier  
4 4 we were going to have oyster shell I think originally, and  
5 I had always envisioned that was going to be crushed oyster  
6 shells. I was used to -- I figured, oh, I'll go to the  
7 beach. And it's not. It's oyster shell implanted in  
8 hardscape. So I'm pleased to see that we're getting  
9 something different over there, and the Commissioners seem  
10 pleased with that as well.

11           There had been some discussion that all the  
12 buildings might not be constructed in Phase 2, specifically  
13 6 and 7. And I just wanted to make sure since I guess you're  
14 doing all of the outside space, we are still going to have  
15 a rebuilt sea walls all the way down regardless of whether  
16 6 and 7 are redone or built initially?

17           MR. JOSEY: Yes.

18           MR. STEENHOEK: Yes, it will down through -- it may  
19 not be the inner 20 feet, but they'll be --

20           ANC CHAIRMAN LITSKY: Right.

21           MR. STEENHOEK: -- passages through.

22           ANC CHAIRMAN LITSKY: Yes, that's what I wanted to  
23 find out about. And also I'm very pleased that the Water  
24 Building has been moved off of the promenade to ensure a  
25 clearer pedestrian path, but that's not really happened in

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1 Phase 1. We had been told originally that we were going to  
2 have a series of kiosks throughout, and I think what had been  
3 spoken about by some of the Commissioners that went down is  
4 that you kind of have to slalom your way around.

5 We've got restaurant space over there, which I  
6 think had been unanticipated. We have an extensive bar which  
7 I think had been unanticipated. And I'm curious whether you  
8 anticipate having the same kind of structures in Phase 2 or  
9 it's going to be clean.

10 MR. STEENHOEK: There's a number of kiosks that are  
11 identified in the plans along there, or spaces for them in  
12 the future. The bar area that you're talking about was  
13 always a design element that helps -- it's something to do  
14 with the grade that we're adjusting there. That sort of  
15 thing doesn't exist, but, yes, there will be a number of  
16 spots for kiosks. It's -- offhand -- I'm sorry.

17 ANC CHAIRMAN LITSKY: And in terms of restaurant  
18 space and seating along the promenade?

19 MR. STEENHOEK: Yes, I mean, I think that's  
20 something we would still want to pursue for the livelihood  
21 and sort of interest of two-sided experience through there.  
22 We're trying to make sure that, as Shawn pointed out, when  
23 we look at a push on one side, there's a pull on the other  
24 to make sure that it's a balanced and safe experience through  
25 there.

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1           ANC CHAIRMAN LITSKY:     And again, just as Mr.  
2 Shapiro had stated his experience down there, and others,  
3 it's not always easy. This -- I'd stated that on Thursday  
4 night. This past Saturday I brought a friend down, March  
5 Francez, I don't know if you know her. She was a -- worked  
6 with Sharon Ambrose to help you guys make this thing happen.  
7 She's in a wheelchair now, and so I brought her down to  
8 experience the Wharf.

9           She was thrilled. She said she wished Sharon was  
10 around to appreciate it as well. But I'll tell you, it was  
11 difficult getting around pushing a chair, not just pushing  
12 a chair, but the person riding in the chair. That's where  
13 the difficulty arises. So just be clear that when you take  
14 a look at the three separate types of pavers that I saw; I  
15 can't remember what page it's on, it would be helpful to have  
16 a better understanding of where they're going to be and what  
17 kind of ride are we going to have if we're in a wheelchair  
18 going down through second phase.

19           MR. JOSEY: And that's one thing we've seen as well  
20 in Phase 1 that we want to really continue, sort of a re-look  
21 at even orientation of bike racks and how they don't impact  
22 those potential walk-throughs. And then widening potentially  
23 of crossing areas with more of a smooth finish as well for  
24 circulation. So we'll -- we're actively concerned with that  
25 and want to continue to look at that for Phase 2.

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1           ANC CHAIRMAN LITSKY: And again, while it might be  
2 helpful to energize the space, for lack of my finding a  
3 better word, by having restaurant seating on both sides, I  
4 think that if we're putting in a plan where a kiosk is going  
5 to be, it ought to be expected that there ought to be some  
6 understanding that we may have restaurant seating over here  
7 where it perhaps doesn't exist in a plan currently. And I  
8 think that that would provide us with a little bit better  
9 understanding of what the layout is envisioned to be for  
10 Phase 2. That's all I have. Thank you.

11           CHAIRMAN HOOD: All right. Let's see.

12           COMMISSIONER MAY: Mr. Chairman?

13           CHAIRMAN HOOD: Yes.

14           COMMISSIONER MAY: Can I ask a follow-up question?

15           CHAIRMAN HOOD: Sure.

16           COMMISSIONER MAY: So I'm thinking about the issue  
17 of restaurants that are facing right onto the public space  
18 of the Wharf. This is a problem that we've experienced in  
19 Georgetown with Washington Harbor where the restaurants  
20 started out with like 10 feet of seating and then it was like  
21 the next year it was at 11-12 feet, and it kept pushing  
22 further and further out. And it becomes more and more of a  
23 problem.

24           Do you actually have -- and maybe it's in the  
25 drawings already, but do you have the defined limits of any

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1 of those restaurant outdoor seating zones designed as part  
2 of the PUD?

3 MR. SEAMAN: I don't know the answer to whether  
4 it's in the PUD. What I can tell you is in Phase 1 we have  
5 -- and I'll get the answer on the PUD question, but on Phase  
6 1 we have very clearly delineated cafe zones that I think  
7 were part of the original PUD, and it's also part of all of  
8 the retail leases that we've done.

9 COMMISSIONER MAY: Right.

10 MR. SEAMAN: So if you measure in the 20-foot zone  
11 immediately in front of the restaurant or retail space, 16  
12 feet is the cafe zone, and that's the limit of the retailer  
13 space. And then there's a four-foot walkway for -- it's  
14 actually a little bit more than four feet before you get to  
15 the parking lane. And that was specifically designed and  
16 documented during the PUD to allow for a sidewalk width  
17 walkway outside the cafe zone, outside the parking lane so  
18 you could get a wheelchair down the street. Like  
19 in --

20 COMMISSIONER MAY: In single file?

21 MR. SEAMAN: It -- yes, I -- but I mean, the  
22 walking surface was really meant to be on the other side of  
23 the street. I think this was just sort of an accommodation  
24 to get out of your car and get through a crosswalk. But the  
25 -- I think in our experience what we've been witnessing is

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1 the retailers without some sort of active management really  
2 kind of creep beyond the boundaries.

3 COMMISSIONER MAY: Right.

4 MR. SEAMAN: So we're -- right now we're going to  
5 go back and put tactile warnings at the 16 foot so that  
6 there's actually -- rather than put "private property here,"  
7 "public property there" kind  
8 of signs, it would just be a visual indicator for our  
9 regional property managers to actually do a better job  
10 enforcing that.

11 COMMISSIONER MAY: Yes.

12 MR. SEAMAN: And if you've down over the last 10  
13 days, it -- I'm not sure the condition that it's been in, but  
14 it's been sort of creeping out so it's almost in the parking  
15 lane, which makes it impossible for what we set out to do,  
16 which was to alleviate that. So we're aware of it and we're  
17 trying to enforce it with our retailers actively right now.

18 COMMISSIONER MAY: Yes, I mean, I think it would be  
19 a good idea to have it spelled out in the PUD that we approve  
20 this time around, or assuming we approve it this time around,  
21 because as you said it was probably in the last one. I mean,  
22 seem to recall this discussion --

23 MR. SEAMAN: Right.

24 COMMISSIONER MAY: -- how much was the restaurant  
25 seating space and where the walkways ran.

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1 MR. SEAMAN: Right. Okay.

2 COMMISSIONER MAY: So it would be good to define  
3 that here, in part because you're not -- you don't have the  
4 -- sort of the normal restraints that you get when you're  
5 doing sidewalk seating on a public street, right? You do not  
6 theoretically have the ability to enforce that and limit  
7 that. And they do a better job with it than we do with --  
8 at Georgetown Waterfront because we don't -- we're just not  
9 in the business of enforcing that and it's kind of been a  
10 little crazy. So thank you.

11 CHAIRMAN HOOD: Okay. Thank you.

12 Mr. Neely, do you have any cross-examination?

13 MR. NEELY: Yes, I have one question.

14 CHAIRMAN HOOD: Yes.

15 MR. NEELY: First of all, I just want to echo all  
16 the comments about the -- all the buildings. They look  
17 terrific and they really come together well. I know it's  
18 hard to please everyone. It is clear in listening to the  
19 comments there was a lot of thought given to the views. And  
20 I want to focus my question on Parcel 9.

21 When I hear the views from Arena Stage are terrific  
22 or the panoramic views of the District maximizing the  
23 southern and western light and angling Parcel 10 even  
24 provided better views because it pushed the upper floors  
25 away, as there any consideration given to what it did for the

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1 views for 525 Water Street when the tip of the building then  
2 moved closer to 525 Water Street and what that did to the  
3 views?

4 MR. SEAMAN: Yes, that was actually the primary  
5 motivating factor, or one of the motivating factors for  
6 angling the building at a 45-degree angle. What was approved  
7 in the Stage 1 PUD was a 60-foot wall across Water Street.  
8 And granted the point of the building was not as close as it  
9 is right now, but I think the views are arguably better from  
10 that entire southern face of 525 as what would have been  
11 approved if we took the Stage 1 PUD through Stage 2.

12 So it really was trying to -- it allowed us to keep  
13 the views for Arena Stage, which was an agreement that we had  
14 struck with the Arena Stage back in the Stage 1 PUD days.  
15 It provided a terminus for the Wharf Street, which we thought  
16 was good. And we also thought that it opened up views for  
17 525 Water Street. So instead of looking at the side of --  
18 the broad side of a building, you're actually have oblique  
19 views both to the north and to the south.

20 MR. NEELY: Okay. Except if you have a unit that  
21 happens to face the tip, which some residents have come  
22 forward about, unfortunately.

23 MR. SEAMAN: Yes, they got both views to the north  
24 and the south.

25 MR. NEELY: Okay.

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1 COMMISSIONER MAY: Mr. Chairman, can I --

2 CHAIRMAN HOOD: Yes.

3 COMMISSIONER MAY: -- follow up on that?

4 Yes, they get the views to the north and south, but  
5 they also have somebody sitting in their office cubicle 35  
6 feet away from their front window.

7 I do think this is an issue that you have to look  
8 at, because I -- it's a big difference with a building that's  
9 seven feet away from you, which is a fairly normal street  
10 width, and you've got the opportunity for street trees and  
11 things like that. You're not -- you feel like you have a  
12 little bit more privacy. But turning that building and then  
13 putting that so close -- I mean, 35 feet away is really,  
14 really close. And I think you should look at that a little  
15 bit more carefully.

16 I mean, I don't really want to mess with the shape  
17 of the buildings and I know you're going through the whole  
18 CFA thing and everything else, but this is really more in the  
19 zoning arena than in the overall design that we have. So I  
20 mean, maybe you can explain that the -- how much better it  
21 is for 525; you make that attempt, but I think you have to  
22 look at this issue because I think it's a pretty significant  
23 issue.

24 MR. SEAMAN: We'll take a look at it, sir, and  
25 we'll meet with Mr. Neely. I think the views are

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1 substantially better for Parcel -- for 525 --

2 COMMISSIONER MAY: Well, I --

3 MR. SEAMAN: -- and I think the -- I mean, the  
4 distance, I mean, that's something that we have at the Wharf  
5 already. Between Parcel 1 and Parcel 2 it's a similar  
6 distance. And what we did with Parcel 2, as you're facing  
7 an office building, is we actually canted at the 45-degree  
8 angle. And I mean, they now have spectacular views of the  
9 water and some privacy from the office. So it's a condition  
10 we've got.

11 I mean, it was all part of one record lot to begin  
12 with. It was all part of the same PUD. It's not as if this  
13 was a neighbor that existed before we started the project,  
14 and we're certainly sensitive given that I think five or six  
15 of the principals that work for our company live in that  
16 building and with views in that exact same direction. So  
17 it's -- I mean, it's not something that we took lightly as  
18 we designed it and think it is superior to what we could have  
19 ended up with before.

20 COMMISSIONER MAY: But I mean, these are all people  
21 who bought units, right? I mean, they're all -- it's a  
22 condo, right?

23 MR. SEAMAN: It is a condo, yes.

24 COMMISSIONER MAY: Yes. So I think what may not  
25 have been clear -- I mean, I understand what happens between

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1 Building 1 and 2. That's a condition that was known from the  
2 very beginning.

3 MR. SEAMAN: Sure.

4 COMMISSIONER MAY: Right? And this is one where  
5 Phase 2, the design of Building 10 evolved from what was  
6 originally approved. And so if you bought one that's right  
7 across from the tip, you may be very concerned about exactly  
8 what you're facing now and it wasn't what you thought you  
9 were buying. So, yes, they were -- it was all one  
10 development, but the condition changed. They bought in early  
11 and this is what they get as a result. So I think it's  
12 something you have to look at.

13 I mean, it's a tradeoff because it may be a lot  
14 better for 80 percent of the units along that side of that  
15 building, but for the 20 percent where it's not I think it's  
16 a legitimate concern.

17 MR. SEAMAN: Okay. We'll look at it.

18 COMMISSIONER MAY: Thank you.

19 CHAIRMAN HOOD: Okay. Let me just stop right here,  
20 because I want to try to get through. So I want to hear from  
21 the public. That's what I'm trying to get to, especially the  
22 parties in opposition. I don't know how much testimony, I  
23 mean how much of a presentation you have, but I would like  
24 to try to finish this tonight. I want you to know we're  
25 coming up on 9:30. I'm saying this for my colleagues as

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1 well. We have an opportune time for us to ask questions, but  
2 I want to hear from the public, so we will continue to move  
3 this thing forward.

4 It may get into Thursday. And then if we have to  
5 add another night, Ms. Schellin, from Thursday, then we'll  
6 just have to do that.

7 So I'm just trying to finish this tonight. That's  
8 my goal. Because it's 9:30, almost 9:30 now. So let me ask  
9 Ms. Van Mayer is not here, I don't believe.

10 Mr. Link, do you have any cross?

11 MR. LINK: I do.

12 CHAIRMAN HOOD: And, Mr. Brown, or Tiber  
13 Condominiums, is anyone here representing -- I don't see them  
14 either. Okay. So I'm still going to call him for the  
15 record. Okay.

16 MR. LINK: Thank you again for your time.

17 First GPSA would like to acknowledge the decision  
18 that the developer made to relocate WB2 and the fuel dock  
19 further down the bulkhead. We understand that was a  
20 significant change. We think it was a good change and we  
21 think eventually it will be borne out when it's all built  
22 out, so just an opening statement in that respect.

23 WB2 and M Street Landing are essentially our  
24 borders for --

25 CHAIRMAN HOOD: Mr. Link, what I want you to do,

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1 Mr. Link, I want you to get to the question.

2 MR. LINK: Okay. So I have a question specifically  
3 about the signage on WB2. Specifically there's three water  
4 sides and what if any limitations will be on not just the  
5 Channel-facing side, but the marina-facing side. Can you  
6 pull up that slide?

7 MR. STEENHOEK: Well, I mean, I think this is a  
8 very similar question to that raised perhaps by Commissioner  
9 Turnbull, but one of the questions regarding the signage  
10 there. I would need to get more information back to the  
11 Commission about exactly the size and lighting type of  
12 signage that we're proposing here. So that's something we'll  
13 complete.

14 MR. LINK: Okay. Also we'd like to also ask about  
15 the kiosks at potential stages along the bulkhead and M  
16 Street Landing. Will those be facing water or will they be  
17 facing landside generally from a view standpoint?

18 MR. STEENHOEK: For M Street Landing? Well, we  
19 didn't present on it tonight, but the kiosks are very similar  
20 to what you're familiar with in the first phase where they  
21 face towards the land. And I'm not -- the seat steps,  
22 perhaps that's what you're calling the stage; I'm not sure,  
23 in Parcel 10 that looks out. I mean, yes, it is more facing  
24 towards the marina inherently.

25 MR. LINK: So the follow-up question has to do with

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1 sound and how sound travels over water and what steps  
2 potentially the developer will be able to mitigate the travel  
3 of sound from the landside features over the water into the  
4 marina.

5 MR. STEENHOEK: There is no sound barrier or  
6 similar device intended along the bulkhead wall and -- I  
7 mean, I guess it would be an operational question.

8 MR. LINK: Would it be possible to consider the use  
9 of the actual elements, additional trees or grasses to  
10 mitigate the sound before it accelerates over the water?

11 CHAIRMAN HOOD: Let me ask this just to move this  
12 along: Has that question been considered, has it been  
13 thought out yet? If not, let's do it. Let's look at it.

14 MR. STEENHOEK: We'll look at it, yes.

15 CHAIRMAN HOOD: Because if we haven't got it,  
16 you're not going to be able answer. Let's think about it and  
17 let's come back with something addressing that question.

18 Next question?

19 MR. LINK: The same question has to do with the  
20 design elements in WB2 that would possibly minimize the noise  
21 propagation over water.

22 CHAIRMAN HOOD: So can we look at that?

23 (No audible response.)

24 CHAIRMAN HOOD: Okay. I'm hoping that somebody is  
25 keeping a record for the -- it's hard to -- somebody's

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1 keeping a record of this. I'm sure Commissioner May and  
2 others are. So, okay.

3 MR. LINK: With respect to Marina Way -- and I  
4 noticed on the slide there was dedicated loading and  
5 unloading areas. I think it was slide 17 and slide 63. Will  
6 there be any dedicated loading or unloading areas for the  
7 marina given the proximity to the entrance at WB2 and for X-  
8 STOP?

9 MR. STEENHOEK: As we've previously discussed  
10 outside of this room, there's going to be loading spaces in  
11 front of WB2 that are served by the marina. They're not  
12 going to be on Marina Way. They're anticipated to be on  
13 Wharf Street, similar to the condition we have at the Cafe  
14 Agua.

15 MR. LINK: Has the developer given any  
16 consideration right now of a focus for the marina parking  
17 which is in garage 3? Would you also consider a parking  
18 allocation in garage 2, again given the nearby access to X-  
19 STOP and WB2?

20 MR. STEENHOEK: We can be open to that  
21 conversation. That is part of our continued negotiations.

22 MR. LINK: Finally, just to make sure, the fuel  
23 dock is part of the presentation Thursday, or the review  
24 Thursday?

25 MR. STEENHOEK: All of the marina was covered last

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1 Thursday.

2 MR. LINK: Very good. Thank you.

3 CHAIRMAN HOOD: Okay. Let's go to the Office of  
4 Planning and I guess hopefully the DDOT report. Maybe I have  
5 to give it.

6 (Laughter.)

7 CHAIRMAN HOOD: So, Mr. Jesik?

8 MR. JESICK: Thank you, Mr. Chairman and members of  
9 the Commission. Like has been mentioned already, Office of  
10 Planning is also very excited about the design direction for  
11 these buildings. Commissioners, as I stated before, we  
12 appreciate when buildings go outside of the typical D.C. box,  
13 and that is certainly evident here. And so we're very  
14 excited about that.

15 We also support the proposed PUD modification to  
16 permit a hotel use on Parcel 8 and we strongly support the  
17 move of Water Building 2 to open up the views from M Street  
18 Landing. And so those are -- that's a positive move since  
19 setdown.

20 We have mentioned in our report a couple of  
21 requests for additional information and I just wanted to  
22 highlight a few of those this evening.

23 We understand the Applicant has examined their LEED  
24 levels. We just encourage them to continue to work with DoE  
25 on both LEED and solar. The Commission has seen before --

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1 again, 2100 Pennsylvania Avenue some smaller type solar  
2 arrays that DoE was still satisfied with. Although they  
3 didn't provide a large percentage of the building's electric,  
4 it is still a contribution. And I believe also on Parcel 9  
5 there is some height to play with above the penthouse level,  
6 so additional solar wouldn't violate the Height Act.

7 We still encourage the Applicant to look at  
8 balconies on the inside side of Building 8. The views to the  
9 water we don't feel would be impeded with the addition of  
10 balconies and it certainly make the units more liveable as  
11 well.

12 We greatly appreciate the Applicant committing this  
13 evening to reserve any portion of the grove for open non-  
14 paying public views, so that is a great positive. We think  
15 that will be a fantastic place for the public to just kind  
16 of sit.

17 On the plans for Building 9 in Exhibit 21 there  
18 seemed to be a note calling for potential tentative  
19 enclosures, and in the PowerPoint this evening that labeling  
20 seemed to have changed. Then that would be a concern to us  
21 if there is any potential expansion of the building at the  
22 ground plane. We would want that to be shown on the plans  
23 and we would not support any enclosures on moving away.

24 Regarding Water Building 2, we feel that anything  
25 affecting the appearance of the building should be shown in

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1 the plans. That would include any sort of suncreening or  
2 enclosures on the upper deck on the water side as well as any  
3 security fencing on the publicly-accessible walkway, although  
4 we do agree with the Applicant that at an appropriate time  
5 that walkway could be closed for security reasons.

6 And just quickly on the areas of zoning  
7 flexibility, the Applicant has asked for a restaurant or bar  
8 I believe in Building 8. As we saw in Parcel 1, the  
9 Commission had full details on hours of operation, lighting,  
10 noise, those sorts of issues, so we were able to fully  
11 support a use on that roof. At this time the record doesn't  
12 have any of those details for Parcel 8, so given that we feel  
13 that the Applicant could come back later. We support the use  
14 in concept, but I think we really need to have the details  
15 before we could fully recommend approval.

16 And then the Applicant had proposed some language  
17 regarding affordable housing in the flexibility portion of  
18 their documentation, and we propose some slightly revised  
19 language. At the time of setdown the plans showed a  
20 concentration of the lower-income units on the lower floors  
21 with Parcel 8.

22 The Applicant to their credit revised that, came  
23 back with a very good distribution, a mix of units throughout  
24 the building. The flexibility language that we proposed was  
25 not intended to constrain them at all, but simply to try and

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1 achieve a mix of their showing in the plans, the distribution  
2 of income levels throughout the building. So that was the  
3 purpose of the proposed language. And that is on page 20 of  
4 the Office of Planning report.

5 For the rest of my testimony I'll rest on the  
6 record, but would be happy to take any questions.

7 CHAIRMAN HOOD: Okay. Thank you. Mr. Zimmerman?

8 MR. ZIMMERMAN: We don't have anything in addition  
9 to our testimony from last Thursday. Our previous testimony  
10 was for the entirety of the property.

11 CHAIRMAN HOOD: Okay. Thank you.

12 Are there any questions of either the Office of  
13 Planning or DDOT?

14 (No audible response.)

15 CHAIRMAN HOOD: Okay.

16 PARTICIPANT: Mr. Chair --

17 CHAIRMAN HOOD: Yes.

18 PARTICIPANT: I don't have a question, but I would  
19 agree with Mr. Jesik. I think the Applicant could submit  
20 some better drawings on the restaurant showing lighting and  
21 light levels and hours of operation. I think that would be  
22 good to have.

23 CHAIRMAN HOOD: Any other questions or comments?

24 (No audible response.)

25 CHAIRMAN HOOD: Okay. Does the Applicant have any

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1 cross?

2 MR. GLASGOW: No cross, Mr. Chair.

3 CHAIRMAN HOOD: Okay. Chairman Litsky, any cross  
4 of the Office of Planning?

5 ANC CHAIRMAN LITSKY: (No audible response.)

6 CHAIRMAN HOOD: Okay. Mr. Neely?

7 MR. NEELY: No cross, Commissioner.

8 CHAIRMAN HOOD: And Mr. Link?

9 MR. LINK: No, sir.

10 CHAIRMAN HOOD: All right. Let's go to the parties  
11 in support. No, I'm sorry, the ANC. Chairman Litsky?

12 ANC CHAIRMAN LITSKY: Thank you, Mr. Chairman. I  
13 appreciate the opportunity to testify this evening.

14 My name is Andy Litsky. I live at 420 Grand  
15 Street, Southwest. I'm the chairman of the ANC. I am the  
16 single member district commissioner for all of the parties  
17 except for the party that's sitting to my left, the  
18 Applicant, and I represent the entire Wharf project that's  
19 in my single member district.

20 This is a hearing where ANC 6D ought to be throwing  
21 rose petals, and by and large we are. The major individual  
22 buildings put forth in the second hearing, reviewed in the  
23 second stage PUD, are the most visually compelling in  
24 Southwest, perhaps that's ever been put before this  
25 Commission.

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1           When ANC 6D held a large committee meeting at Arena  
2 Stage about a month-and-a-half ago, we had more than 300  
3 people show up and they were wildly positive about this. I  
4 mean, we -- there were no naysayers. Individually there were  
5 questions and that's -- we're still raising questions  
6 tonight.

7           But the buildings themselves, particularly Building  
8 9 and Building 8, absolute blowouts. I mean, extraordinary.  
9 You know our community is not the slightest bit reluctant to  
10 express its opinion, and they weren't that evening either.  
11 And it was virtually unanimously applause. I mean, it's a  
12 wow.

13           So as for this, I just want to applaud the  
14 Applicant for the design and professionalism, the level that  
15 they've brought these to us, brought to this Commission.  
16 This is something that should be coming to this community and  
17 certainly to this Commission more frequently. Everybody  
18 should be aspiring to this kind of quality.

19           In a packed auditorium, the old EPA Headquarters;  
20 I guess it is about 15 year ago, when we were first given a  
21 glimpse by Anthony Williams, his initial vision of the  
22 Anacostia River Redevelopment Plan, certainly this is what  
23 I'd envisioned, especially driving west along M Street. It  
24 will soon be turned, we hope, if DDOT does it, into the long-  
25 promised Grand Boulevard. Specifically Grand Boulevard. Cap

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1 G, cap B. That's from Andy Altman.

2           As one of the approaches to 6th and Maine there's  
3 going to be this enormous sweep of the roof and glass walls  
4 of the iconic Arena Stage counterbalanced by the dramatic  
5 sloping curves of the building on Parcel 9 tempered and toned  
6 by the granary at the grove. Is this how people want to  
7 enter Southwest first? You bet it is. It's pretty damn  
8 spectacular. So thank you. Thank you very much, gentlemen.

9           But enough of the glowing assessments. So such  
10 impressions are fairly subjective in any event, and as this  
11 Commission knows, ANC 6D usually focuses on operational  
12 aspects of the PUDs that come before us. So aside from the  
13 glowing first part of the testimony, we're going to do that  
14 tonight, focus on the operational aspects by and large.

15           Again, we beg your indulgence to incorporate into  
16 our remarks that normally would have been in the report to  
17 bring these aspects within our testimony tonight and our  
18 testimony on Thursday night because there's a lot of stuff  
19 before us. I mean, you've seen fit to break this up into  
20 three separate hearings. Zoning saw -- OP saw fit to have  
21 an initial report of one page because they couldn't get the  
22 stuff together. And I don't blame them. It's a lot of work  
23 and we're all volunteers. We don't come with a retinue of  
24 retainers. We don't come with experts. We're just the ANC.

25           So I hope that the comments that we put forth

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1 tonight and on Thursday will be met with no objections from  
2 the Commission, the Applicant or their counsel and what we  
3 present will be accorded great weight accordingly.

4           One item that the ANC has been insisting from the  
5 beginning of this project was maintaining as much of the  
6 viewshed along Maine Avenue as possible. Clearly as it  
7 pertains to the first phase, we're not totally successful.  
8 We hope that this will be rectified, especially as it  
9 pertains to the viewshed from Arena Stage.

10           I also want to thank the Applicant for moving the  
11 Water Building 2 out from blocking the path, the viewshed of  
12 the park. It's extraordinary that we now have a clear shot.  
13 But Arena Stage had literally set the stage, if you will, for  
14 the redevelopment of Southwest A, our crown jewel. We fought  
15 like hell to keep them and we want to make sure that the view  
16 toward the Washington Channel is preserved as much as  
17 possible.

18           It wasn't until I saw the drawings tonight and the  
19 architect's presentation that I failed to realize the scope  
20 -- that the slope of Building 9 and the re-siting of Building  
21 10 actually enhances the view corridors from Arena Stage, and  
22 I'm very glad that by doing so you're acknowledging the real  
23 reason why Bing Thom created his magnificent three-story  
24 glass curtain.

25           ANC 6D also appreciates that OP has noted the

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1 possibility that there might be other anticipated extensions  
2 of restaurants outside of the building envelope other than  
3 those that are shown in the plans. And that was just  
4 discussed in the report this evening.

5           As we're now noticing after Phase -- first phase  
6 activation is, as we stated in cross, we're finding a number  
7 of permanent and semi-permanent structures along the seawall  
8 that had been previously articulated simply as kiosks are now  
9 being addressed in due course, but they seem to be fungible.

10           ANC 6D would like to be better assured that what  
11 we're anticipating in Phase 2 is going to be more clearly  
12 defined, not simply in terms of a rather innocuous  
13 description, as OP points out that the Applicant's using the  
14 term "potential tentative enclosure," can be embellished  
15 later. This is our opportunity to get it down on word and  
16 in deed and on paper and in diagram, especially as such  
17 structures impact or may impact the view corridors to the  
18 water. Even what leads up to them may be lovely spaces, but  
19 let's get what's anticipated locked down now.

20           As was mentioned in Thursday's hearing, we the ANC  
21 would need a -- we're requiring a much clearer articulation  
22 of what's being proposed in terms of signage also have been  
23 raised by OP and raised by the Commissioners; thank you very  
24 much, along Maine Avenue and along the waterside as well.

25           As you know, our ANC has led the charge against

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1 unbridled after-the-fact digital signage in the city, and  
2 certainly within our ANC. As it relates to Phase 2, we  
3 predominantly had brought up only digital signage with the  
4 Applicant, but we also -- and we believe that we've reached  
5 an accommodation that such signage can be judicially used in  
6 smaller footprints and without animation, but it's the  
7 signage writ large that we urge the Commission to concentrate  
8 on.

9           There was broad discussion about signage in Phase  
10 1: illumination, uplighting, downlighting, impact upon the  
11 neighborhood, impact upon the drivers along the 14th Street  
12 Bridge, impact from the signage visible from Haine's Point.  
13 I would think that at least as much focus should carry over  
14 into Phase 2 because if we don't address it with some level  
15 of specificity as we saw with some signage that we discussed  
16 the other night, the vacuum will address it, and that's not  
17 a way to address it.

18           Similarly, ANC 6D and the greater Southwest  
19 community had always envisioned the waterfront as an audio  
20 refuge. We've never really brought this up before. I don't  
21 know that you've ever heard this before. Sure, there are a  
22 lot of people down there. They talk and they murmur and they  
23 laugh and they clink glasses and silverware. There are  
24 special events and there's music for celebration.

25           But what we've now discovered, much to our dismay,

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1 is that the Wharf is wired for sound. That was  
2 unanticipated. I mean, we knew that it was going to be  
3 wired. I guess we knew that there were going to be speakers  
4 placed across the Wharf, but that sound no longer provides  
5 us an opportunity to simply listen to the boat horns or the  
6 lines clinking against the masts or ducks quacking or the  
7 water lapping against the dock or simply the sounds of  
8 silence. This is important. This is important.

9           What we expected that they were going to be  
10 employed during special events and during emergencies.  
11 Instead we now have constant elevator music. It undermines  
12 the entire point of going to the waterfront to be closer to  
13 nature. It competes with the live music that drifts  
14 throughout the site and it's an unnecessary assault on the  
15 senses, especially in a world where we are already hyper-  
16 saturated with media.

17           Moreover, I've already received concerns from  
18 people at CYC who are right by Pier 7, or rather the 7th  
19 Street Pier, and others, from folks who are exposed to music  
20 whether they care to hear Steely Dan or not for hours on end.  
21 Folks who want to sit quietly with their loved one on a swing  
22 shouldn't have to expect that they need to hear light jazz  
23 to get a rhythm on. They'll get it on all by themselves.  
24 The rec pier really needs to be the rec pier and we need to  
25 take a better look at how sound and audio is used in this

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1 project.

2           And so, although I am discussing what we have  
3 currently in Phase 1, this most assuredly is meant to address  
4 Phase 2 as well. So I hope as you go forward you will  
5 question the Applicant as I am questioning them now broadly  
6 about the use of sound and speakers on the property extending  
7 all the way down to the police pier.

8           Regarding Marina Way, ANC 6D appreciates the  
9 articulation of the steps leading from the west building,  
10 Building 10, and how they create a potential for small  
11 performance space or lectures in that part of the project.  
12 We think it's terrific. We hope that there will be continued  
13 collaboration with Arena Stage and other of the cultural  
14 institutions in Southwest to provide new outdoor venues at  
15 water's edge. And we also welcome that the Applicant has at  
16 our request included on that same site three family  
17 bathrooms.

18           The ANC also notes that although M Street Landing  
19 has been put forward primarily as a pedestrian space, it has  
20 to be by necessity accessible to automobile traffic. As  
21 such, we want to ensure that should, as we addressed in the  
22 testimony on Thursday night, that should it be required to  
23 redeploy some of the larger vehicles that it has to be able  
24 to accommodate those larger vehicles if absolutely  
25 necessarily and only if absolutely necessary. I would hate

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1 to hear later on that we don't have turn radius required to  
2 be able to do that.

3           ANC 6D has no objection to the requested  
4 modification on Parcel 8 to apartment and hotel from the  
5 office space or residential that had been originally  
6 anticipated. We understand that the objections were to the  
7 larger project and agree that placing an even more high-end  
8 boutique hotel on that parcel will benefit the overall aims  
9 and objectives for both the Applicant and the District. It's  
10 a win/win.

11           We also concur with OP's suggestion that there  
12 ought to be more balconies added to Building 8. We're on the  
13 water. That's why the project is here. And that's the real  
14 draw in considering that so any of these units, at least  
15 elsewhere on the project, are smaller than what we're usually  
16 used to to have outside additional space I think facing the  
17 water. Not to have that would be unfortunate.

18           As far as Building 2, the ANC has never really  
19 quite gotten Building 2. We understand that it's got a  
20 water-dependent use. We understand that it's got marina  
21 function as part of it, but it's pretty big and -- but we do  
22 agree with the Office of Planning that it requires a bit more  
23 articulation in both design and operation.

24           Whatever it eventually is; and we're not sure  
25 exactly what it's going to be, I want to make sure that it

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1 will accommodate the marina services, but that -- I want to  
2 make sure that it -- I don't see why it needs to be -- jut  
3 out as far as it needs to jut out now. I just don't.  
4 Perhaps that's because you need it further into the  
5 Washington Channel in order to do those marina services.  
6 Maybe it's just to put restaurants further out in the water.  
7 I don't know.

8           Regardless, what we do know is that the Applicant  
9 hasn't provided clear indication of what the signage,  
10 illuminated or non-illuminated, is going to look like. We've  
11 -- you've brought that up before, as has OP. We concur.

12           In particular we'd like to know if there are going  
13 to be sunscreens as well. It seems to me now is the time to  
14 make a determination about what's going to be on top. It  
15 shouldn't be left open to the decision of a potential lessor.  
16 It should be a determination of the Zoning Commission about  
17 what these -- what any suncreening or umbrellas or something  
18 to temper the harsh sun would mean to the folks who are going  
19 to be eating or dining below.

20           Also, on page 47 it illustrates the granite  
21 pavers the ANC has expressed concern about. Again, I would  
22 ask to see those pavers so we have a better idea about where  
23 they're going to be placed specifically.

24           And as with the grove in Thursday's hearing the ANC  
25 sees trees and some siting, but really until it had been

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1 addressed by the architects I saw this as just a lovely place  
2 for visitors to sit, but I didn't really get a very clear  
3 understanding exactly how it was going to be divided, and I'd  
4 like to get a better understanding of exactly what the public  
5 space and the private space is going to be. Again, what's  
6 left in void is usually filled with unintended consequence,  
7 and that's not a way to proceed.

8           That concludes my testimony on behalf of ANC 6D.  
9 We appreciate the opportunity to testify this evening and  
10 thank you for your time.

11           CHAIRMAN HOOD: Okay. Thank you, Chairman Litsky.  
12 I think you bring up some very valuable points as always, but  
13 particularly with the sound, and you know, sometimes we don't  
14 know what's coming down the pike until we start experiencing  
15 it. So I would hope that we'll see all those issues -- which  
16 I'm sure you all are working on with the ANC and the folks  
17 who are right around the community.

18           Because I mean, when you're at home -- and these  
19 are their homes -- when you're at home sometimes, you want  
20 some quiet. A lot of times people sit in the house. They  
21 don't have the TV on or anything and they're just quiet. And  
22 that's how they think. So I'm not saying I know what's going  
23 on there, but I think we can find -- strike the balance and  
24 continue to work with Chairman Litsky and his constituents  
25 that he represents. And I think that's very important.

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1           That's a statement that -- and the way he presented  
2 I think is so important, because that is something that that  
3 neighborhood obviously is starting to realize now. Hey,  
4 look, we didn't think about all this wiring and electronic  
5 sound. We know it's the waterfront. Some waterfronts are  
6 quiet to some degree. But, so we need to work on that  
7 balance. I'm not saying take away all the music, because  
8 then nobody will come down here. We want to hear some music.  
9 But let's work on that and try to come to some type of  
10 balancing point for the community as well, as other points  
11 he made.

12           But let me do this: Let me open it up. Any  
13 questions or comments up here? Commissioner Turnbull?

14           COMMISSIONER TURNBULL: Chairman Litsky, did I  
15 actually hear you say Steely Dan?

16           ANC CHAIRMAN LITSKY: I actually didn't hear Steely  
17 Dan on the pier, but I just kind of threw that out there.

18           COMMISSIONER TURNBULL: I didn't think anybody  
19 would be playing Steely Dan on a pier. Okay. It just caught  
20 me in -- okay.

21           ANC CHAIRMAN LITSKY: It was the first name that  
22 came to me and I actually --

23           (Laughter.)

24           COMMISSIONER TURNBULL: Okay. All right.

25           CHAIRMAN HOOD: Any other questions or comments up

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1 here?

2 (No audible response.)

3 CHAIRMAN HOOD: Okay. Yes?

4 ANC CHAIRMAN LITSKY: And again, Mr. Chairman, I  
5 just want to make sure that we're not complaining about the  
6 noise. We are complaining about the wired environment, the  
7 unanticipated music that nobody expected. We expect to hear  
8 music from various places. This is an active environment.  
9 We expect to hear all kinds of sounds, but we didn't expect  
10 to hear elevator music. That's not part of the draw. So  
11 that's what we were referring to in particular, and that's  
12 what folks have come to me about, quite frankly. So this is  
13 a waterfront. They want to just sit there out on the water,  
14 sit peacefully.

15 CHAIRMAN HOOD: Okay. And I think we've heard you  
16 loud and clear. I know I have.

17 Let's see if we have any cross. Does the Applicant  
18 have any cross?

19 (No audible response.)

20 CHAIRMAN HOOD: So that would mean in my younger  
21 days I couldn't come down there with my boom box and listen  
22 to -- so anyway --

23 (Laughter.)

24 CHAIRMAN HOOD: Let's go to Mr. Neely. Do you have  
25 any cross?

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1 MR. NEELY: No, I don't.

2 CHAIRMAN HOOD: Okay. Again, I'm going to call the  
3 names. I know they're not here. Ms. Van Mayer and Mr.  
4 Brown?

5 (No audible response.)

6 CHAIRMAN HOOD: Let me see, Mr. Link, you have any  
7 cross?

8 MR. LINK: No, sir.

9 CHAIRMAN HOOD: Okay. Thank you, Chairman Litsky.  
10 We appreciate it.

11 So now we're going to go to the party -- two --  
12 well, the one party is here in support.

13 Mr. Neely, are you still in support?

14 MR. NEELY: Yes, I am.

15 CHAIRMAN HOOD: Okay. All right. What were  
16 concerns? So if you'd come forward and just identify  
17 yourself. Let me know how much time you think you need.

18 MR. NEELY: Less than five minutes. Probably two  
19 or three minutes. I just want to read a statement and refer  
20 to the letter and exhibits we sent.

21 CHAIRMAN HOOD: Okay. All right. Identify  
22 yourself and you may begin.

23 MR. NEELY: Again my name is Brad Neely, president  
24 of the board for 525 Water Street and I just want to confirm  
25 our letter and exhibits were received today, because I'll be

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1 referring to those.

2 CHAIRMAN HOOD: Yes. Yes, they were received and  
3 uploaded, yes.

4 MR. NEELY: Okay. So I want to echo the glowing  
5 comments from the ANC and others about the project. We truly  
6 support it. It's a wonderful project. And while we continue  
7 to support the development of Phase 2, we suggest a  
8 modification that will impact Parcels 9 and 10.

9 I call your attention to Exhibit 1 in what we  
10 uploaded showing how close the tip of Parcel 10 has been  
11 turned to Parcel 11, or 525 Water Street, with a 45-degree  
12 angle of the building. That, as stated before, was not shown  
13 in the model in the sales office. And if you look at  
14 Exhibits 2 and 3, it extends beyond the Phase 2 approved  
15 development line and the Parcel 10 property line as its  
16 stated in the exhibits.

17 If you turn to Exhibit 7, we support the angle of  
18 the building, but you can see by turning the property it cuts  
19 the distance almost in half between Parcel 10 and Parcel 11,  
20 525 Water Street. And if you happen to be a resident, which  
21 I've heard from them -- and per se it doesn't affect me, but  
22 I represent our residents. I happen to be in a unit facing  
23 the park. But a number of our residents are on the side of  
24 the building on Water Street where that tip is now half the  
25 distance that it was before in front of the window.

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1 We recommend Parcel 10 be moved closer to Parcel 9  
2 so the distance is equal on both sides, or at least moved the  
3 same distance that the tip protrudes into the street, and  
4 also recommend that the developer consider moving the garage  
5 entrance to Wharf Street between Parcel 9 and 10.

6 If Parcel 10 is allowed to proceed as proposed, we  
7 will watch the values of 525 Water Street decrease while the  
8 values of Parcel 9 for units yet to be sold by the developer  
9 continue to increase at our expense. Thank you for your  
10 time.

11 CHAIRMAN HOOD: Okay, Mr. Neely. Thank you.

12 Let's see if we have any questions up here.

13 (No audible response.)

14 CHAIRMAN HOOD: Okay. Does the Applicant have any  
15 cross?

16 MR. GLASGOW: No cross.

17 CHAIRMAN HOOD: Chairman Litsky, you have any  
18 cross?

19 ANC CHAIRMAN LITSKY: No, sir.

20 CHAIRMAN HOOD: And, Mr. Link, do you have any  
21 cross?

22 MR. LINK: No, sir.

23 CHAIRMAN HOOD: Okay. Mr. Neely, thank you very  
24 much. We -- it's definitely on our radar and we do have your  
25 submissions.

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1 MR. NEELY: Okay. Thank you for your time.

2 CHAIRMAN HOOD: Thank you.

3 Let's go to -- okay. Do we have a list of folks  
4 who are in support?

5 MS. SCHELLIN: Yes. Well, there were only -- we  
6 only had two opponents on the -- we have no one in support.

7 CHAIRMAN HOOD: So who is William Beale?

8 MR. BEALE: That would be me, Your Honor. I am a  
9 resident at 525 Water.

10 CHAIRMAN HOOD: Yes, are you going to testify  
11 individually in support?

12 MR. BEALE: No, Your Honor, I do not intend to  
13 testify.

14 CHAIRMAN HOOD: Thank you for calling me Your  
15 Honor. You can --

16 (Laughter.)

17 CHAIRMAN HOOD: You know I get called a lot of  
18 names, but Your Honor is very nice. Thank you.

19 Okay. Well, we were just looking at the list here.

20 So let's go to the party in opposition. Let me  
21 see. Gangplank, you want to come forward with your  
22 presentation?

23 And the other party is not here tonight.

24 MR. LINK: One minute, sir. Thank you for your  
25 time.

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1           Just want to reiterate again appreciate the  
2 listening, the time, your consideration. We hear the  
3 direction. We are eager to reach agreement with the  
4 developer on the pending issues. The devil is in the  
5 details, unfortunately. It's easy to get to 80 percent.  
6 It's hard to get to 100 percent. And that's what we're  
7 battling together with the developer. So we'll have meetings  
8 in the next couple of days, I'm sure, and hopefully Thursday  
9 night we'll come with a conclusion. So thank you.

10           CHAIRMAN HOOD: Well, we want to thank you for all  
11 the work you've put in, and we're going to encourage you to  
12 come back when you're -- or you might not be 100 percent, but  
13 let's come back closer than where we were. And we're looking  
14 forward to a favorable report on Thursday.

15           MR. LINK: Thank you.

16           CHAIRMAN HOOD: Last time I said that, I hit zero,  
17 but most of the time I say that. It happens. So I'm looking  
18 forward to that. I only messed -- I think I --

19           (Simultaneous speaking.)

20           MR. LINK: Yes, at least you set the bar reachable  
21 for me.

22           CHAIRMAN HOOD: Right. Okay.

23           MR. LINK: And for us.

24           CHAIRMAN HOOD: We're looking forward to that.

25           Let's see. Even though there wasn't a whole lot of

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1 testimony, let me make sure we don't have any cross. Does  
2 the Applicant have any cross?

3 MR. GLASGOW: (No audible response.)

4 CHAIRMAN HOOD: Chairman Litsky, do you have any  
5 cross?

6 MR. LINK: No.

7 CHAIRMAN HOOD: And, Mr. Neely, you have any cross?

8 MR. NEELY: No, I don't.

9 CHAIRMAN HOOD: And the other parties are not here.  
10 Thank you very much.

11 And again, we will balance all that on Thursday  
12 when we get to that point and see what kind of results we  
13 have.

14 Let's go to the -- wait a minute now. Okay. Let's  
15 go to the persons in opposition.

16 Ms. Sourady? And I messed that up. So you could  
17 come forward.

18 And John McLaughlin?

19 Is there anyone else here who'd like to testify in  
20 opposition to this case?

21 (No audible response.)

22 CHAIRMAN HOOD: Okay. All right. Mrs. Sourady,  
23 you may begin.

24 MS. EL-SOURADY: Thank you. Good evening. My name  
25 is Dida El-Sourady. I'm an organizer with UNITE HERE Local

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1 25 and a Ward 4 resident.

2           Our union is an organization of more than 7,500  
3 hospitality workers in the D.C. Metropolitan region. Our  
4 members are the hardworking individuals who scrub the tubs,  
5 change the sheets, cook the meals and provide hospitality in  
6 the District's 23 union hotels. We fight every day to create  
7 middle class jobs in the hotel industry here in the District  
8 of Columbia. We are opposed to the proposed modification of  
9 the first stage PUD as currently proposed.

10           In the first phase of this project the developer  
11 refused to make any commitment to create high-quality jobs  
12 at the Wharf. Since that time they've refused to even meet  
13 with us or our members. This refusal to commit to high-  
14 quality jobs is hurting our members and exacerbating any  
15 quality in the District.

16           When a developer like PN Hoffman builds and  
17 operates a hotel without paying fair wages or benefits, it  
18 isn't those workers alone who suffer. Our members and their  
19 families also suffer because such a project lowers working  
20 standards across the city. We see the harmful effects of  
21 low-quality jobs every week as we talk to workers from non-  
22 union hotels, but you don't have to take our word for it.

23           Several recent studies have documented how the real  
24 estate boom has failed to benefit many D.C. families,  
25 especially working class and African-American families.

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1 According to a report published last month by Georgetown  
2 University for the D.C. Commission on African-American  
3 Affairs, the primary cause of the growing inequality is the  
4 difference in wage growth rates between high-earning and low-  
5 earning workers.

6           As you've heard from our brothers and sisters in  
7 the construction industry, a recent report from the D.C.  
8 Fiscal Policy Institute makes clear that this project is  
9 itself a major culprit. This development with its low-  
10 quality jobs is pushing our families out of the District.  
11 This planned unit development cannot be lawfully approved if  
12 it is found to be inconsistent with the Comprehensive Plan  
13 and it is clearly not consistent with the letter or the  
14 spirit of the plan.

15           On its face this proposal likely conflicts with  
16 policy ED 4.2.7, Living Wage Jobs, which states: "Promote the  
17 attraction and retention of living wage jobs that promote  
18 employment opportunities for unskilled and semi-skilled  
19 workers, use marketing strategies and incentives to encourage  
20 the relocation of firms with such positions to the District."

21           There is really only one reason that any jobs like  
22 that exist at all in the District, and that is our active  
23 labor movement. We will not be able to present surveys  
24 tonight on the exact wages, benefits and working conditions  
25 of hotel jobs at the Wharf Phase 1, but we can say through

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1 our extensive experience is that having a union is the only  
2 way we've seen that consistently ensures living wages in the  
3 hospitality industry.

4           Unfortunately, PN Hoffman has refused to provide  
5 any assurance that workers won't be harassed and threatened  
6 if they attempt to join a union and they have failed to make  
7 any other commitment we are aware of to ensure that the hotel  
8 jobs or any jobs at the Wharf will conform to high standards  
9 for wages, benefits and worker protections. In truth, the  
10 Wharf second phase is well on track to exacerbate inequality  
11 here in the District, just as Phase 1 did before it.

12           Phase 2, as conceived in the first stage PUD was  
13 already poised to make our District less inclusive. Now with  
14 the proposed modification it is worse. By shifting from  
15 office and residential to hotel and residential the proposal  
16 only promises to create more jobs that won't pay enough money  
17 for D.C. families to live in the District and create more  
18 dwellings that few D.C. families can afford.

19           Our Comprehensive Plan is entitled, "Building an  
20 Inclusive City." An inclusive project would mean that  
21 workers are paid fairly, well enough so that they can afford  
22 to live in the District. It would mean that they are  
23 respected in the workplace. Therefore, this development  
24 program is inconsistent not only with an important policy of  
25 the economic development element of the Comprehensive Plan,

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1 but with the very spirit and intention of the plan itself.

2 We are aware that the Zoning Commission does not  
3 have the power to dictate anything about legal organizing of  
4 the project. We know you cannot deny approval because the  
5 developer fails to agree to a fair process for employees to  
6 organize. But what you can do is ensure the project complies  
7 with the Comprehensive Plan by declined to approve the  
8 proposal unless the developer agrees to enforce job quality  
9 standards in the construction and operation of the project.

10 We would be happy to work with the Commission and  
11 the developer to prepare a set of employment standards that  
12 would help ensure that Phase 2 of this development can  
13 succeed where Phase 1 failed and truly promote inclusive  
14 growth in the District of Columbia.

15 Thank you for your attention to the critical issues  
16 of equity and inclusivity in this proposal.

17 CHAIRMAN HOOD: Thank you.

18 Next?

19 MR. McLAUGHLIN: Hi, my name is John McLaughlin,  
20 resident of 600 Water Street, Southwest, and thank you, Mr.  
21 Chairman and the Commission, for the time tonight.

22 My wife Laura and I moved to Gangplank Marina over  
23 10 years ago and eventually realized this was the place where  
24 we wanted to raise a family. This caused us to go on a two-  
25 year search for the perfect vessel in which to do so. We

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1 located that vessel on Long Island, moved into Gangplank,  
2 transferred our liveaboard status. It has made a phenomenal  
3 home for our two sons.

4 Our four-year-old attends the local elementary  
5 school, one of two Gangplank residents who attend that  
6 school. And my wife serves on the Elementary Childhood --  
7 serves as the chair for the Elementary Childhood Education  
8 Working Group of the PTA. My one--year-old attends a non-  
9 profit day care in Northwest, on which I serve as the -- on  
10 the board.

11 We appreciate the opportunity this lifestyle has  
12 given us to be active members in our community, but we've  
13 come to the realization it requires access to a vehicle  
14 nearby, which pains me to say because I'm a bike commuter and  
15 I -- we chose D.C. because of the public transportation.  
16 However, the realities of the distance from the Metro and  
17 trying to bring two children there, as well as the inability  
18 to use car services such as Lyft or Uber, needing two car  
19 seats and having to lug at least one, if not two of them,  
20 from our boat down the docks to the car while trying to  
21 safely escort two young children doesn't make that feasible  
22 for us.

23 When one of us has to travel for work, it's  
24 extraordinarily difficult for the other one of us to get our  
25 two children to their respective day care and school and

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1 still make it to work and end up what's -- and maybe in the  
2 office for anywhere near a complete work day.

3           And if we had to bring our children another half  
4 mile before we'd even get to the car, that would be a serious  
5 issue, especially in winter time where you need to bundle  
6 them up in snowsuits, which then you have to take off before  
7 you can buckle them into the car. Summertime it's suntan  
8 lotion, sun hats, sunscreen to take them that far. That  
9 would basically make it near impossible for one of us to  
10 travel and the other to still work.

11           So this is my issue that I'm bringing forward. And  
12 I do also have a concern that this was a concern that could  
13 have been addressed through Zoning. There was a parking lot  
14 directly adjacent to the new entrance to the marina. That  
15 was turned into a park. That parking lot would have been a  
16 perfect spot for us, and a solution here.

17           So seeing this lack of a solution, seeing a -- and  
18 a stark increase in our slip fees and liveaboard fee. At  
19 that time we were living next to a construction zone. And  
20 I see artist renderings of boats that are all sailboats and  
21 sleek motor vessels instead of the type of boats we live on  
22 that we can raise families on. And a concern we have is this  
23 looks an action plan to displace people. And I love the  
24 waterfront. I'm very excited for the promenade. And I just  
25 want to be able to be there to witness it.

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1 CHAIRMAN HOOD: Okay. Thank you very much. Thank  
2 you both.

3 Let's see if we have any questions or comments.  
4 Any questions or comments, Mr. Turnbull?

5 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

6 Ms. El-Sourady, do you -- have you had any  
7 conversations with Elinor Bacon at all about any of these  
8 issues?

9 MS. EL-SOURADY: No, I haven't. We have requested  
10 to meet with the developers, but have been unsuccessful in  
11 getting a meeting.

12 COMMISSIONER TURNBULL: Okay. Mr. McLaughlin, if  
13 so you had a parking space, that's your big -- you would need  
14 a parking space is what -- a guaranteed parking space?

15 MR. McLAUGHLIN: A guaranteed parking space,  
16 correct. The loading zone will be helpful, but we go away  
17 on a weekend, we come on a Sunday night and all our neighbors  
18 are there in the parking lot as well and we have to get our  
19 children fed and to sleep quickly. And then I unload the  
20 car after they go to sleep and a small unloading zone with  
21 a couple parking spaces would be crowded on a Sunday evening.  
22 And waiting in line and more traffic to deal with to access  
23 one of those two spots would not be a complete solution for  
24 us.

25 COMMISSIONER TURNBULL: So do you feel that that's

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1 something that's missing in this whole setup with the  
2 Gangplank people, that the parking space is really a major  
3 issue for you?

4 MR. McLAUGHLIN: That is -- not in the current  
5 step. The current setup is phenomenal. We have a parking  
6 space built into our vessel slip fee and we've had that for  
7 10-plus years. It's during the construction phase, the  
8 uncertainty of where our parking will be and the talk of it  
9 being quite far away in an underground parking garage where  
10 it would be pretty difficult access our vehicle.

11 COMMISSIONER TURNBULL: Okay. Thank you.

12 MR. McLAUGHLIN: With two young children.

13 COMMISSIONER TURNBULL: Yes, right.

14 MR. McLAUGHLIN: And also for many other boaters.  
15 We have many people with mobility issues as well, so it would  
16 not just be for us. It's for the entire community.

17 COMMISSIONER TURNBULL: Okay. Appreciate you  
18 coming down. Thank you.

19 MR. McLAUGHLIN: Thank you.

20 CHAIRMAN HOOD: Okay. Mr. McLaughlin, a fact that  
21 came up the other night -- and I wasn't sure. Is that part  
22 of the negotiation, what Mr. McLaughlin just spoke about?  
23 Isn't that part of what you all are discussing?

24 MR. McLAUGHLIN: Yes.

25 CHAIRMAN HOOD: Okay. So I think that's -- are you

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1 working with Mr. Link?

2 MR. McLAUGHLIN: I am. I just wanted to lend a  
3 face to the issue, be able to speak to the --

4 (Simultaneous speaking.)

5 CHAIRMAN HOOD: Oh, so you just wanted to  
6 reiterate? Okay. Because I'm aware of that issue already,  
7 and I think some of that's supposed to be happening in some  
8 of those discussions. So thanks for adding it, seconding his  
9 comments and also Mr. Blumenthal's. So we got it. We'll see  
10 what happens.

11 I'm sorry, I forgot your last name. She took it  
12 off the board, so I  
13 can't --

14 MS. EL-SOURADY: I'm sorry. El-Sourady.

15 CHAIRMAN HOOD: El-Sourady?

16 MS. EL-SOURADY: Yes.

17 CHAIRMAN HOOD: Are you familiar with John  
18 Boardman?

19 MS. EL-SOURADY: Yes, sir.

20 (Laughter.)

21 CHAIRMAN HOOD: Who is -- somebody's laughing. Who  
22 is John Boardman?

23 MS. EL-SOURADY: John Boardman is the executive  
24 secretary-treasurer of our union. He's the head of our  
25 local.

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1 CHAIRMAN HOOD: All right. Local 25?

2 MS. EL-SOURADY: Yes.

3 CHAIRMAN HOOD: I'm very familiar with Local 25.  
4 Does he concur with your comments?

5 MS. EL-SOURADY: Yes, sir.

6 CHAIRMAN HOOD: Okay. So, well, let me -- I'm just  
7 curious, how come the letter didn't come from Mr. Boardman?  
8 Help me understand. I know a little bit about the union.  
9 Help me understand it.

10 MS. EL-SOURADY: John has authorized me to be here  
11 to speak on behalf of the union.

12 CHAIRMAN HOOD: Okay. I'm just curious. Okay.  
13 Because this is the second time I've seen Mr. Boardman --  
14 someone will come down from his union, but I never see his  
15 name anywhere. And I just wanted to know -- not discrediting  
16 you or not. I'm just curious why the top is not sending it  
17 down. That's all I'm saying.

18 Now let me ask this question: As Mr. Turnbull had  
19 mentioned, have you had conversations with Ms. Bacon? If  
20 not, they need to happen, because I think you're talking  
21 about a bigger issue than just the work. I think you're  
22 talking about something totally different. Bigger. I mean,  
23 this is a good place to do it, but I see a lot of projects  
24 coming out in the city where we can deal with that in the  
25 Comprehensive Plan. And also I need to -- do we have your

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1 testimony?

2 MS. EL-SOURADY: Yes, sir.

3 CHAIRMAN HOOD: Okay. Because -- yes, we do have  
4 your letter. My computer died. So I need to -- I'm not  
5 going to say it's not in our purview, but I'm going to do all  
6 I can to talk to my legal counsel to see exactly what it is  
7 and -- but again, I'm going to look at the Applicant; and I'm  
8 not just putting it on this Applicant, because the way I --  
9 from what I hear it's a bigger issue than just the  
10 waterfront. It's something city-wide as far as jobs. And  
11 maybe you might want to have a conversation, as Mr. Turnbull  
12 had mentioned, with Ms. Bacon and see. Have you already done  
13 that?

14 MS. EL-SOURADY: Yes. So we -- absolutely I agree  
15 that this is clearly a bigger issue. This is really about  
16 development and making sure that the narrative isn't just  
17 about creating jobs, but what kind of jobs? Quality jobs.

18 And as I said, we -- John Boardman; you mentioned  
19 him --

20 CHAIRMAN HOOD: Yes.

21 MS. EL-SOURADY: -- actually did reach out to Monty  
22 Hoffman over the course of probably 10 weeks to try to meet  
23 to talk about the standard of jobs at the Wharf through  
24 email, through phone calls, through letters, through an in-  
25 person attempt to set up an appointment as well. So we've

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1 certainly done our due diligence to communicate with the  
2 developer.

3 CHAIRMAN HOOD: Was it you that reached out or was  
4 it Mr. Boardman?

5 MS. EL-SOURADY: Mr. Boardman.

6 CHAIRMAN HOOD: All right. So he's with the AFL-  
7 CIO as well?

8 MS. EL-SOURADY: Our union UNITE HERE is affiliated  
9 with the AFL-CIO.

10 CHAIRMAN HOOD: All right. But he has a pretty  
11 steep position there, Mr. Boardman. I know what I'm talking  
12 about.

13 MS. EL-SOURADY: He does.

14 CHAIRMAN HOOD: I'm not just up here talking to be  
15 talking. I'm just trying to figure out what is on that level  
16 that should be happening.

17 MS. EL-SOURADY: Right, And that's our concern, is  
18 that we've seen so far that there hasn't been any sort of  
19 commitment or dialogue around quality jobs.

20 CHAIRMAN HOOD: Okay. Let me think on that one and  
21 see what's all within our purview. I'm not going to say it's  
22 not within our purview, but I want to see what is, because  
23 we're dealing with land use, size of the building, density,  
24 but that's also a part of it when you mention the  
25 Comprehensive Plan.

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1           Okay. All right. Any other questions up here?  
2 Vice Chair?

3           VICE CHAIR MILLER: Thank you, Mr. Chairman. Just  
4 as a follow up, has the union reached out to the hotel  
5 operator to try to meet?

6           MS. EL-SOURADY: Yes. Well, we don't have any type  
7 of agreement with the hotel operators. So we're trying to  
8 work directly with the developer.

9           VICE CHAIR MILLER: You already had meetings or you  
10 -- that were unsuccessful, or you haven't -- you didn't have  
11 any meetings with the operator?

12           MS. EL-SOURADY: I know Mr. Boardman can speak more  
13 about that. I'm not sure.

14           VICE CHAIR MILLER: And, Mr. McLaughlin, thank you  
15 for coming in. I think the Gangplank group is meeting.  
16 Thank you for putting a face to it and I hope -- I'm hopeful  
17 that the -- I think Mr. Link said that they're getting 80  
18 percent of what they wanted so far. Well, that's -- batting  
19 800 is pretty good. But hopefully you'll be able to resolve  
20 the parking issue, because we want families to be able to  
21 live on the Wharf and enjoy it and not just to rich folks.

22           MR. McLAUGHLIN: Well, I appreciate that and  
23 appreciate the time this evening.

24           CHAIRMAN HOOD: And let's see if we have any --  
25 Commissioner Shapiro?

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1           COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just  
2 one quick -- first of all, thank you for coming down, both  
3 of you for coming down, but specifically not just you, but  
4 also all the other members who came down here and spent a  
5 long evening here. Appreciate that.

6           MS. EL-SOURADY: Thank you.

7           COMMISSIONER SHAPIRO: But I'd also say -- and, Mr.  
8 Chair, this is something that you will often do, is we can't  
9 dictate outcomes, but we can certainly make it perfectly  
10 clear that we think there are meetings and conversations that  
11 need to happen.

12           And so, you're sitting here with the Applicants  
13 here. I would say please have the conversation. And I would  
14 walk over. And I don't think they'll walk away from you.  
15 Don't know that. But I'd like to hear that at least a  
16 conversation was occurring regardless of what the outcome of  
17 the conversation is.

18           And to your point, Mr. Chair, we have to be really  
19 careful about what is and isn't in our purview, but we  
20 certainly can encourage that conversation to happen.

21           MS. EL-SOURADY: Thank you.

22           CHAIRMAN HOOD: I actually have a lot of respect  
23 for Local 25. I've worked with them. I know the work they  
24 do. So we're going to do all that I can to try -- and not  
25 just here on the waterfront. I think it's a bigger issue,

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1 as I said. So anyway.

2 Any other questions up here?

3 (No audible response.)

4 CHAIRMAN HOOD: All right. Let's see if we have  
5 any cross. Mr. Glasgow, any cross? I'll bet you there's  
6 probably a Local 25 question.

7 (Laughter.)

8 MR. GLASGOW: Yes, and I've known John Boardman for  
9 many years.

10 I only had one question. Are you aware that  
11 Hoffman, PN Hoffman does not operate hotels?

12 MS. EL-SOURADY: I am, yes.

13 MR. GLASGOW: All right. That's it.

14 CHAIRMAN HOOD: Okay. We are too, Mr. Glasgow, so  
15 I'll answer that as well.

16 Does the Chair have any -- Chairman Litsky, you  
17 have any cross?

18 ANC CHAIRMAN LITSKY: I do, just a couple.

19 First I, too, want to thank Mr. McLaughlin for  
20 coming and putting a face on what is a challenging situation  
21 down at the Wharf and to be assured you and to the  
22 Commissioners that we brought this up on Sunday morning.  
23 Sunday afternoon, rather, when we were there. So this is  
24 something that is absolutely front and center.

25 To Mrs. Sourady, I'm wondering why labor has waited

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1 until the hearings to bring up some of these issues. I know  
2 you've come tonight and we had representatives here from the  
3 construction trades on Thursday.

4           And I guess it's concerning to me because I come  
5 from a labor family. My parents were union organizers. My  
6 grandmother helped start ALGWU. She -- needle trades.  
7 That's part of UNITE. So she's a very early founder.  
8 Friends of hers died in Triangle Shirtwaist. You've got  
9 friends all over the city. And it concerns me that folks  
10 show up at the last minute.

11           And so I would just urge you and caution other  
12 folks from the other unions. I said this to Steve Cordienne  
13 on Thursday night, who's -- we had told this to the  
14 representative Steve Lenning from the LAUNA who came to our  
15 ANC meeting the night we were voting on this to kind of  
16 discuss their concerns.

17           And I just think that all of us believe in  
18 fairness. All of us believe in providing worker protections  
19 and other things that the unions embrace. And it would  
20 behoove you and all of the other union brothers and sisters  
21 that as these projects move ahead, not just this one, but all  
22 of over the city, to start the discussions with the ANC, with  
23 the civic associations, with the developers earlier rather  
24 than later. And that's really all I wanted to say to you.  
25 And I want to thank you for the work that you do and that

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1 John Boardman does in this city.

2 MS. EL-SOURADY: May I respond?

3 CHAIRMAN HOOD: Sure.

4 MS. EL-SOURADY: I do appreciate the advice. The  
5 issue is we actually have been working on the Wharf for about  
6 eight years or so. We began working with Mayor Fenty on it.  
7 We've been working with the City Council, with politicians.  
8 We've been organizing around this to make sure that there  
9 were quality jobs. And here we are still no guarantee of it.  
10 So this -- I realize it appears that this is kind of the last  
11 moment, but it's really been eight or nine years in the  
12 making, for our union at least.

13 ANC CHAIRMAN LITSKY: I just want to make sure that  
14 you understand that are other -- there are all kinds of  
15 levels of organization within the political establishment.  
16 It's not just the City Council and it's not just the  
17 developers. There are folks at a local level who should be  
18 involved and should be reached out to and who are friendly  
19 faces. And so just take that as you will.

20 MS. EL-SOURADY: I do know that. Thank you.  
21 Appreciate it.

22 CHAIRMAN HOOD: I think what Chairman Litsky is  
23 saying is very important. Let me just ask: I'm trying to  
24 remember, did you all testify; I think you did, on the first  
25 stage, when we did the first stage?

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1 MS. EL-SOURADY: I believe so. I personally did  
2 not.

3 CHAIRMAN HOOD: I believe you all -- I know you all  
4 -- I know Local 25 was down here for something. I can't  
5 remember what it was. But I think it's -- his comments are  
6 very appropriate, because they're an ANC and they've been  
7 working on this for a long time, like you said you all have  
8 for eight years. So sometimes we got to connect the dots.  
9 But if we're working all in our different sides and we don't  
10 pull it together, then we would have a better outcome if we  
11 were working together in tandem. So I think we should take  
12 heed to his comments. And I appreciate all the work you all  
13 have done as well.

14 Okay. Mr. Neely, do you have any cross?

15 MR. NEELY: No, I don't.

16 CHAIRMAN HOOD: Did I do this already?

17 MR. NEELY: No.

18 CHAIRMAN HOOD: All right. Okay. Mr. Link?

19 MR. LINK: No, sir.

20 CHAIRMAN HOOD: Okay. Thank you all very much. We  
21 appreciate it.

22 MS. EL-SOURADY: Thank you.

23 CHAIRMAN HOOD: Okay. Mr. Glasgow, we can do  
24 rebuttal and closing, but it sounds to me like -- even though  
25 we've separated all this, it sounds to me like things are --

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1 rebuttal and closing all in the same night, but you can come  
2 up and tell me what you -- how you want to do it.

3 MR. GLASGOW: I think that we can complete our  
4 rebuttal and closing on Thursday.

5 CHAIRMAN HOOD: Okay.

6 MR. GLASGOW: And to the extent that we have to  
7 bifurcate anything into what applies to the three different  
8 pieces of this hearing, we can do that I think pretty  
9 readily.

10 CHAIRMAN HOOD: Whatever we need to work out, we'll  
11 work it out. I'm not going to -- because some of this is  
12 kind of running together now.

13 MR. GLASGOW: Sure.

14 CHAIRMAN HOOD: It's unanticipated. So anyway --  
15 but then again it wasn't anticipated. I'm not saying  
16 unanticipated.

17 So anything else, Mr. Glasgow?

18 MR. GLASGOW: No, sir.

19 CHAIRMAN HOOD: Do we have any follow up to  
20 anything, Ms. Schellin?

21 PARTICIPANT: Oh, actually yes.

22 CHAIRMAN HOOD: Well, I know we have plenty, but I  
23 mean anything that we need to discuss more further tonight?

24 MS. SCHELLIN: Nothing else tonight. Mr. Dettman  
25 was taking notes so there is --

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1 CHAIRMAN HOOD: Mr. Dettman, I know he took some  
2 great notes.

3 MS. SCHELLIN: Yes, he did.

4 CHAIRMAN HOOD: So, okay.

5 MR. GLASGOW: I think we would want to confirm with  
6 the staff later, because I know I've got a list. Shane's  
7 probably got by far the best list.

8 CHAIRMAN HOOD: Sure. Sure, you can do that.

9 All right. So I guess we'll get back together on  
10 Thursday night. I don't want to adjourn. What do I need to  
11 do? I need to just -- we'll reconvene --

12 (Simultaneous speaking.)

13 MS. SCHELLIN: This portion of the hearing is  
14 adjourned.

15 CHAIRMAN HOOD: This portion of the hearing, as Ms.  
16 Schellin said. Maybe I'll let Ms. Schellin start doing that  
17 from now on.

18 This portion of the hearing is adjourned and we'll  
19 be back again at 6:30 on Thursday.

20 All right. Thank you.

21 (Whereupon, the above-entitled matter went off the  
22 record at 10:27 p.m.)

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Wharf Phase 3 Case No. 11-03J

Before: DCZC

Date: 11-06-17

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



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