

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
	:
	:

Thursday,
November 9, 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 9, 2017.

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

6:35 p.m.

CHAIRMAN HOOD: (presiding) Okay. We are ready to get started.

Good evening, ladies and gentlemen. This public hearing of the Zoning Commission for the District of Columbia. Today's date is November 9th, 2017.

I am going to incorporate most of the opening statement from the previous hearings into this one. I going to ask that the record reflect it. But I have a few things that I want to read.

Joining me are Vice Chair Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnbull. We are also joined by Office of Zoning staff, Ms. Sharon Schellin, as well as the Office of Attorney General, Ms. Lovick; Office of Planning, Mr. Lawson, Mr. Jesick; District Department of Transportation, Mr. Zimmerman.

The following time constraints will be in this meeting: the Applicant, 40 minutes; organizations, 5 minutes; individuals, 3 minutes.

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

Would all individuals wishing to testify, whether you were sworn in previously or not, I ask you to stand and please take the oath one more time.

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

3 MS. SCHELLIN: Yes.

4 (Witnesses sworn.)

5 CHAIRMAN HOOD: I'm sure everybody knows no
6 display of signs, no gestures, and we're going to make sure
7 we're carry -- this is our third night, so I know we've got
8 it down. The other two nights were great. I didn't see any
9 signs or gestures, so I'm sure that we are going to follow
10 the same suit.

11 Ms. Schellin, do you have any preliminary matters?

12 MS. SCHELLIN: Yes. For this evening, the
13 Applicant is proffering two experts, William Sharples in
14 architecture for parcels 6 and 7, building and the oculus;
15 and then, Matthias Hollwich in architecture for the Water
16 Building 1. I ask the Commission to consider them. The
17 resumes are at Exhibits 30L and 30M.

18 MR. GLASGOW: And I think we have one other, Ms.
19 Faye Harwell, who is also for the landscape architect with
20 the oculus.

21 MS. SCHELLIN: Okay.

22 MR. GLASGOW: And I think she had been, it was
23 some time ago, but it a while ago. We just want to make
24 sure.

25 CHAIRMAN HOOD: Thank you, but I think, once we

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1 --

2 MS. SCHELLIN: Okay. We had them down as being
3 available for questions. So, that changed then.

4 CHAIRMAN HOOD: But we've already accepted her
5 previously, right?

6 MS. SCHELLIN: No.

7 MR. GLASGOW: I thought we did.

8 MS. SCHELLIN: Did we?

9 MR. GLASGOW: It was many years ago.

10 MS. SCHELLIN: Yes.

11 MR. GLASGOW: Yes, I think Ms. Harwell has been
12 before us many, many years ago. She's a respected architect.

13 CHAIRMAN HOOD: These guys have been around here
14 a long time.

15 (Laughter.)

16 Okay. Now who are the two that we're dealing
17 with?

18 MS. SCHELLIN: Exhibits 30L and 30M.

19 CHAIRMAN HOOD: Okay. Let's do 30L first.
20 Comments? The name is William Sharples, architecture.
21 Correct, Mr. Glasgow?

22 MR. GLASGOW: Yes, sir.

23 CHAIRMAN HOOD: Any objections?

24 Okay, so no objections. Mr. Sharples will be an
25 expert witness in front of us.

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1 The next one, Ms. Schellin, was

2 MS. SCHELLIN: 30M.

3 CHAIRMAN HOOD: Okay. Hollwich? Am I pronouncing
4 that right? Hollwich?

5 MS. SCHELLIN: Yes.

6 CHAIRMAN HOOD: Okay. Okay. Any objections?

7 Okay. So, both of them we will give expert
8 status.

9 Anything else, Ms. Schellin?

10 MS. SCHELLIN: I have nothing else, unless Mr.
11 Glasgow has something.

12 CHAIRMAN HOOD: I have a preliminary matter, and
13 I want to say this. I want to congratulate the person that's
14 up here who is 26 years old. They have a birthday coming up
15 tomorrow. No, it's not me. I know everybody thinks it's me,
16 but it's not me.

17 (Laughter.)

18 My secretary, Ms. Sharon Schellin, we want to wish
19 her a happy birthday tomorrow. We were going to sing to you,
20 but we didn't want to spoil your birthday.

21 (Laughter.)

22 But happy birthday on behalf of all of us.

23 MS. SCHELLIN: Thanks for thinking it's 26. My
24 kids are both older than that.

25 (Laughter.)

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1 But I appreciate it.

2 (Applause.)

3 CHAIRMAN HOOD: See, they applaud for you.

4 MS. SCHELLIN: Thank you.

5 CHAIRMAN HOOD: Thank you all. Thank you very
6 much.

7 And again, I hope you enjoy your birthday.

8 MS. SCHELLIN: Thank you.

9 CHAIRMAN HOOD: I'm sure you will. Text me and
10 let me know what's going on.

11 MS. SCHELLIN: I might.

12 (Laughter.)

13 CHAIRMAN HOOD: Okay. All right. All right. Mr.
14 Glasgow, we're ready to get started.

15 MR. GLASGOW: All right. Thank you, Mr. Chairman.

16 For the record, I'm Norman M. Glasgow, Jr., the
17 law firm of Holland & Knight. There were some matters that
18 the Commission wanted us to follow up between now and the
19 previous hearing, and I'd like to have Mr. Matt Steenhoek,
20 who is going to cover part of that, and Shawn Seaman is going
21 to cover part of that.

22 So, if you would both proceed with those updates
23 for the Commission?

24 MR. SEAMAN: Sure. Good evening, Chairman Hood
25 and Commissioners. I will be brief.

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1 Before we begin tonight's presentation, I wanted
2 to provide an update on several of the larger outstanding
3 items that we had discussed over the last two hearings.

4 Last Thursday we mentioned we were in general
5 agreement with DDOT, and tonight I'm happy to say that we're
6 now in complete agreement. Several documents were uploaded
7 into the record, reflecting this, each reviewed and agreed
8 to by DDOT.

9 We've also had positive news to report on
10 discussions with our neighbors at the Gangplank Marina and
11 525 Water Street. Matt will elaborate on those.

12 And then, finally, Elinor Bacon will provide a
13 quick update on jobs, information that was requested on
14 Monday.

15 So, to start, I'll let Matt get into the
16 discussions with our neighbors.

17 MR. STEENHOEK: Commissioners, I'm pleased to
18 report that we've made significant progress with the GPSA.
19 Since our last hearing, we've had two meetings with members
20 of the GPSA Board as well as with Commissioner Andy Litsky.
21 These meetings started in the seven o'clock hour and were
22 very productive. This last one, actually, this morning
23 included a live editing of the documents, working together
24 to get to a document that we could both support.

25 Through this, we have reached agreement with the

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1 GPSA Board on a version of the letter agreement and the
2 attachments that the Board would recommend for approval
3 through a vote of the slipholders.

4 And we thank the GPSA Board, represented tonight
5 by Mr. Bob Link, for their continuing to work with us in a
6 collaborative, open, and engaged manner. They have been
7 great stewards of the slipowners' interests, and I think the
8 GPSA membership owes them gratitude for their volunteer
9 service.

10 We are pleased to have reached consensus with the
11 Board and look forward to continuing to work with them.

12 Also, this morning I had a very productive phone
13 call and WebEx with Mr. Nealley from 525 Water Street, where
14 we discussed the various concerns that have been raised by
15 him and his constituents. We reviewed the items related to
16 the existing roadway configuration and the loading and garage
17 entry. I explained some of the constraints that exist there
18 and that there weren't going to be modifications that we
19 could make to those conditions, reiterated that.

20 But we discussed the places where we could make
21 changes, and that was with the design of the tower. We took
22 the charge from this Commission very seriously and have made
23 some significant modifications to be responsive.

24 We're able to bring back Mr. Morris Adjmi, bring
25 him back down here to work on a proposed solution. He's here

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1 to take you through the modifications that we've made to the
2 massing, in direct response to the concerns raised by the
3 residents of 525 Water Street.

4 Again, Mr. Nealley and I had a very positive
5 conversation regarding this adjustment, and we look forward
6 to his testimony.

7 Morris will now just sort of quickly take you
8 through the changes that we've made.

9 Thank you.

10 MR. ADJMI: Good evening. Morris Adjmi.

11 I have six slides, three plan and three view
12 studies, to explain why we did what we did originally and
13 some of the changes that we've made to accommodate 525, or
14 parcel 11.

15 The first image that you see shows the approximate
16 massing that was shown at Stage 1 PUD, and you can see the
17 building stretches about 190 feet across and is approximately
18 66 across from 525.

19 The original design rotated the mass of the
20 building, which we felt and does create better views for both
21 parcels, but that placed the point approximately a little
22 over 36 feet away from 525. We studied this and we studied
23 a number of options, and we have clipped the end of the
24 building, which increases the distance by about 20 feet, for
25 a total of 56 feet away, which we feel also maintains the

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1 view corridors that we originally had proposed as well as
2 maintains the integrity of the other three sides of the
3 building.

4 And here are the views. That's the original
5 massing from the Stage 1 and the proposal that we had at the
6 last hearing, and the adjusted portion.

7 MR. SEAMAN: Okay. And then, we'll just have
8 Elinor touch briefly on the jobs discussion from the last
9 hearing.

10 MS. BACON: Yes, thank you, Shawn.

11 Commissioner Hood and Commissioners, I was asked
12 a number of questions at the last hearing, and we've prepared
13 responses in writing that we will be submitting in the post-
14 hearing submission package. But I just want to touch on it,
15 to make sure that I'm covering all the questions that you
16 did, in fact, ask.

17 One of them was about the representatives and the
18 organizations from Wards 7 and 8. I have completed a list
19 of all of the organizations and individuals from those Wards
20 that I have record of since we were awarded the project many,
21 many years ago.

22 The second had to do with the issue of the
23 operator managers and what they are required to do in First
24 Source. I've got the excerpt from our First Source agreement
25 which explains exactly what our First Source requirements are

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1 during operations; and, also, have put together a list of all
2 of our operator managers.

3 We met today, as a matter of fact, with DOES, and
4 it was an excellent meeting about submitting reports and what
5 they have to do. So, we had a very positive meeting today.

6 The third issue that you raised was questions
7 about the hotel and their hiring and the kinds of jobs, et
8 cetera. And I put together or we put together a list of all
9 of the good-faith efforts that they have taken to reach out
10 to D.C. residents, a very, very impressive list.

11 We have information about their hiring statistics
12 further, in addition to what I told you before, that 73 D.C.
13 residents were hired and 40 from Maryland, 19 from Virginia,
14 and we have all the percentages of what that means. And
15 also, from Wards 7 and 8, you were particularly interested
16 in that. From Ward 7, it is 25 percent of the D.C. residents
17 hired were from Ward 7 and 21 percent from Ward 8. So, this
18 is information that we will be submitting to you later.

19 And then, you asked about the types of jobs that
20 they were hired for. They break the jobs into three
21 different categories of line, supervisor, and manager. In
22 fact, D.C. residents were hired for all of those different
23 levels, not as many for the manager, of course. The
24 overwhelming number were in the line jobs, but, as you know,
25 those are the kinds of jobs you can enter the business and

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1 grow in. So, I have that information for you.

2 Another question you raised was about verifying
3 the employment and the location of where people actually
4 live. And I have a copy of the monthly report that's
5 submitted that lists the employees and their addresses. So,
6 the businesses are submitting these directly to DOES, and
7 they can choose to verify it or not, but, you know, they go
8 through very detailed background checks and also do checks
9 to make sure that the live, in fact, where they say.

10 And then, I gave you a summary of all the data
11 that we talked about and a more complete description of all
12 of the community benefits efforts that we have undertaken
13 since we were awarded the project.

14 And then, finally, in addition, we will give you
15 a number of letters that people have written in support of
16 what we are doing with them.

17 So, that's what we have to submit to you. Thank
18 you.

19 MR. GLASGOW: Mr. Chairman, with that, we are
20 ready to go to the direct presentation. We assume that there
21 are no questions at this point in time. If there are, then
22 maybe we would want to stop the clock, of course, and, in
23 fact, put something back on, because that's not --

24 CHAIRMAN HOOD: So, you don't want us to use any
25 of your time, right?

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1 (Laughter.)

2 MR. GLASGOW: Correct.

3 CHAIRMAN HOOD: Okay. You know we wouldn't do
4 that.

5 Let's see if we have any questions on anything
6 thus far. I do have one, Ms. Bacon.

7 I know we asked for 7 and 8, but can you give me
8 the whole gamut, all over the city, 1 2, 3, 4, 5, 6, 7, 8?
9 I'd like those percentages.

10 MS. BACON: Yes.

11 CHAIRMAN HOOD: And the reason we asked 7 and 8
12 is because in the testimony you all said you had been working
13 very vigorously with 7 and 8, but I think it would be good
14 if we could just see all the Wards, including the percentage
15 of Virginia and Maryland as well.

16 MS. BACON: Yes.

17 CHAIRMAN HOOD: Okay. Thank you then.

18 MS. BACON: That will be in the first
19 submission --

20 CHAIRMAN HOOD: We already have that?

21 MS. BACON: Yes, we will get that to you.

22 CHAIRMAN HOOD: All right. Thank you.

23 Vice Chair Miller?

24 VICE CHAIR MILLER: I don't have a question, Mr.
25 Chair.

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1 I just wanted to thank you for your efforts since
2 Monday to reach agreement with the Gangplank Slipholders
3 Association and 525 Water. And I think the modification
4 looks like a good solution, and I appreciate the jobs
5 information that we will be seeing. Maybe it's in an exhibit
6 that I can't load up right now, but --

7 MR. GLASGOW: It's going to be submitted post-
8 hearing.

9 VICE CHAIR MILLER: Oh, okay. I look forward
10 to --

11 MR. GLASGOW: All of that. We've got a number of
12 post-hearing things to submit.

13 VICE CHAIR MILLER: Okay. Well, I look forward
14 to seeing that. Thank you very much for your efforts.

15 CHAIRMAN HOOD: I also would say that, but I'm
16 going to wait until I hear from others before I go out and
17 say that. But I want to concur with the Vice Chair, but I'm
18 going to wait a minute until I hear from Mr. Nealley and
19 others as well. Then, I'll verify and solidify my comments
20 as well with the Vice Chair.

21 Any other comments or questions?

22 (No response.)

23 Okay.

24 VICE CHAIR MILLER: I may need to revise and
25 extend my remarks.

1 CHAIRMAN HOOD: No, no, no. Well, let's hold it.

2 (Laughter.)

3 Let's hold it until the end because, then, if we
4 concur, I want to join you.

5 VICE CHAIR MILLER: Yes.

6 CHAIRMAN HOOD: If not, I'm going to have to --
7 so, we'll see.

8 VICE CHAIR MILLER: Okay.

9 CHAIRMAN HOOD: Okay.

10 MR. GLASGOW: And then, Mr. Chairman, we'd like
11 to excuse Mr. Adjmi at this point because he needs to get
12 back up to New York.

13 CHAIRMAN HOOD: Oh, I thought you were going to
14 see the Lakers game. I didn't know. The Lakers and Wizards.

15 (Laughter.)

16 Okay. I'm sorry. I didn't mean to tell
17 everybody. No, no.

18 Any questions for him?

19 (No response.)

20 Okay, we're good. Thank you.

21 Hold on.

22 Oh, let's do this. No, no, let me just say,
23 because he won't be here. He's not a part of the second --
24 what we're getting ready to hear, right?

25 MR. GLASGOW: That's right.

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1 CHAIRMAN HOOD: So, let's do this. Let's just do
2 this. Mr. Litsky, do you have any cross-examination of just
3 this gentleman here that's getting ready to leave, just of
4 him?

5 And what's your name again? I'm sorry.

6 MR. ADJMI: Morris.

7 CHAIRMAN HOOD: Morris?

8 MR. ADJMI: Yes.

9 CHAIRMAN HOOD: Okay. That's your first name?

10 MR. ADJMI: Yes.

11 CHAIRMAN HOOD: No, I want your last name.

12 MR. ADJMI: Oh, Adjmi.

13 CHAIRMAN HOOD: Adjmi?

14 MR. ADJMI: Adjmi, yes.

15 CHAIRMAN HOOD: Okay. I'm just too lazy to look
16 it up.

17 Okay, 525 Water, Mr. Nealley, do you have any
18 cross?

19 MR. NEALLEY: No, cross, sir. I will make a
20 comment.

21 CHAIRMAN HOOD: You can do that when you come up.

22 MR. NEALLEY: Okay.

23 CHAIRMAN HOOD: Do you want to cross on something
24 that he said?

25 MR. NEALLEY: No.

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1 CHAIRMAN HOOD: Okay. All right.

2 Ms. Vanlear? Is Ms. Vanlear here? Ms. Vanlear,
3 they must be okay.

4 Mr. Link? Okay.

5 And Mr. Brown? Is Mr. Brown here? Okay.

6 All right. Thank you.

7 Yes, you're good. Thank you very much.

8 Okay. Mr. Glasgow, you may begin.

9 MR. GLASGOW: Yes, sir. Okay.

10 I'd like to have the first witness come up, Bob
11 Sharples.

12 MR. SHARPLES: Bill.

13 MR. GLASGOW: Bill. Sorry.

14 MR. SHARPLES: Commissioner Hood, Commissioners,
15 yes, I'm William Sharples, partner at Shop Architects in New
16 York City. I'm here to talk about parcel 6 and 7 today, the
17 architecture. Faye Harwell, Rhodeside & Harwell, landscape
18 architect, will talk about the landscape portion, parcel 6
19 and 7.

20 Parcel 6 and 7, it's a 10-story with a penthouse,
21 a commercial office building. Its base program, ground-floor
22 program is retail, but the rest of the building is primarily
23 office space.

24 It's located on the western end of phase 2. So,
25 it actually kind abuts adjacent to 7th Street Park and phase

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1 1. So, it's kind of the entry point into phase 2 from the
2 west side.

3 It's approximately half-a-million square feet.
4 And what we focused on in this project is really exactly how
5 do you start to take a building of this scale and really
6 develop an architecture that really addresses the edge
7 condition, the pedestrian. I mean, it's a waterfront,
8 beautiful waterfront, very active waterfront. And how do we
9 take the scale of the building and kind of break that down?
10 That's kind of what I'm going to talk about in the initial
11 phases of this.

12 The building is composed of three kind of primary
13 components: the street activation. This is kind of the 30-
14 foot zone on the lower portion of the building. The soft
15 monument, which is kind of the body of the building. That's
16 where primarily all the office floors are. And then, the
17 landmark, which we use as an element at the base, which we
18 call it the belt that connects the two towers or two
19 structures, and then, crown on the top, which is
20 representative; it's the penthouse. These elements, these
21 three elements together help us to try to rationalize the
22 scale in a way that starts to really relate it to the
23 pedestrian experience.

24 The other aspect is how the building touches the
25 ground and organizes itself around the pedestrian movement

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1 patterns, not only from Main Street to the Wharf, but also
2 east-west as you move across the site. And there's three
3 critical open spaces that really organize this experience:
4 the grove to the east in front of parcel 8; the 7th Street
5 Park, which is currently completed on the west side adjacent
6 to phase 1, and then, what we call the Oculus Plaza, which
7 is really the organizer focal point, kind for us the civic
8 gesture of the project.

9 And this is really where kind of everything
10 intersects. This is a place where people are dropped off to
11 enter the buildings, but also this is where people come and
12 pass through, kind of in these laneways, retail experiences,
13 this idea of transparency, this idea of materiality, this
14 idea that people really feel a presence, a vibrancy of
15 activity at this moment. And even though this building is
16 a commercial office building, it really is about how this
17 building engages the streetscape and the pedestrian.

18 The other element that was critical was
19 understanding how we can also start to break down the scale
20 of the soft monument. This is where we really looked in
21 terms of kind of texture and reflection and, then, thinking
22 about how that played off in terms of the idea of
23 transparency where the pedestrian was in the base or in the
24 landmark penthouse at the top.

25 And how do we start to think about that in more

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1 detail? This is a corner of parcel 6. The upper portion in
2 blue framed in this kind of lustrous metal is the commercial
3 office place. What we have done here is we've actually
4 created, exaggerated the frame of the facade and, then,
5 tilted the glass from the top down in.

6 There's a couple of reasons we did this. One is
7 it improves like the daylight quality in the office, cutting
8 down glare, cutting down thermal radiation into the space.
9 And then, adding a very reflective glass to really cut down
10 on the noise of the office experience out from the building.
11 And then, finally, staggering the frames and the glass to
12 create this kind of texturing detail that plays off the kind
13 of smoother, more transparent elements of the base of the
14 belt and the retail.

15 And then, at the ground plane, the idea here is,
16 again, this idea of not only authenticate materials such as
17 wood and a bronze in terms of that element band that kind of
18 caps the top of the belt and separates it from the office
19 facade, but also in terms of how it comes in contact to this
20 idea of how people inhabit not only the ground plane, but
21 also this section of the building. So, we've incorporated
22 these terraces off the belt. It really enhances the idea
23 that the building really for the pedestrian is 30 feet. It's
24 not compressed just at the base of the retail. And then, how
25 glass and metal and the stone pavers all kind of come

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1 together to create this kind of palette of what we call very
2 natural, authenticate materials.

3 And then, in terms of how the building kind of
4 sits itself within the development of the Wharf and
5 organizes, you know, in the case of the penthouse, these
6 views back to the city, back to these monuments, in a sense
7 kind of a compass of experience when you're up there. So,
8 this is in parcel 6, the southwest corner. This is a
9 conference room. You can see the Jefferson Memorial. You
10 can see planes taking off from National. But, again, when
11 you're up in the penthouse, you really get an idea of what
12 is around you, but, more importantly, looking back at the
13 landmarks of the city.

14 And then, just a little about how the building
15 breaks itself in terms of its elevation. The parapet of the
16 commercial office is at 130 feet. The penthouse, then, sits
17 back at a one-to-one. It's 16-feet tall and, then, on top
18 of it, it's capped by a 4-foot parapet, which on top of that
19 is located the solar array PV field.

20 As you can see, in terms of transparency, the
21 penthouse, the belt, and the retail are represented as more
22 transparent glass, less reflectivity, and, then, the center
23 bay where you have the staggered glass frame is more
24 reflective.

25 This is the view looking from parcel 7 -- or I'm

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1 sorry -- 7th Street Park. You see the laneway passthrough
2 that takes you through oculus. You can see, again, the
3 transparency of the penthouse at the top.

4 And then, the ground plane. The focus here is
5 really, as I stressed before, about the pedestrian
6 experience. Lots of retail. The laneways that pass through
7 north-south reinforcing this idea of public experience as
8 they pass through parcels 6 and 7.

9 And then, you move up to the second level, which
10 we call the belt. And this is kind of sinuous, smooth glass
11 surface that's set back to create these breakout spaces and,
12 again, separate this kind of public realm from the more
13 private realm of the office above.

14 And then, the office floor is on level 3. Parcel
15 7 steps back from the north because there's a tunnel
16 underneath that corner. So, parcel 7 is slightly shorter
17 than parcel 6. We have a breakout on the north side of
18 parcel 7 overlooking Main Avenue and, then, of course, the
19 oculus in the middle that's open air.

20 And then, we move up to a basic floor plate as we
21 move up into the body of the building. The base facing
22 between the envelop is, of course, 46 feet, giving very good
23 daylight to all the office space on each floor.

24 And then, we reach the penthouse where we
25 incorporate a wraparound terrace and breakout space,

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1 stressing placing the mechanical spaces on the interior band,
2 really accentuating all of the public views and beauty of the
3 building as you look/approach it from the north, south, east,
4 and west.

5 And then, on the very top, a solar PV field that
6 basically inhabits, more or less, all the top surface of the
7 penthouse.

8 Just a few sections. You can see this is through
9 the commercial floor plate. You can see the retail down at
10 the bottom, the solar PVs on top, the cores running up
11 through each of the building. The lobbies, one on the left
12 actually passes from 7th Street Park all the way into the
13 oculus and across to the next lobby.

14 The materials of the building, we really looked
15 at two kind of palettes here, a warm, smooth palette for the
16 public areas. That would be the lower retail belt and at
17 certain parts of the belt and the penthouse, and then, the
18 more office elements, which is more reflective glass, more
19 texture. I'm going to talk about that a little further in
20 a minute.

21 The oculus area, here again, we really want to
22 celebrate ornament experience, really craft. So, we're
23 looking at a metal panel system here. We're looking at many
24 choices here, ideas of perf, folded, pressed metal,
25 introducing light fixtures into this surface. That will be,

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1 obviously, designed within coordination of the retail
2 lighting as well as the lighting for the landscape. Again,
3 the idea not to overlight the space, but to find the right
4 medium that really creates the appropriate atmosphere for any
5 time of the day.

6 And again, looking at the areas where it is more
7 open, where we want more transparency, we are using butt
8 glazed glass that is from the floor to the bottom of the
9 soffit. This would occur in the penthouse, the retail
10 levels. And again, this would be butt glass that would run
11 from the ground to the underside of the soffit with a
12 structure inboard. The same as that would occur in the
13 penthouse.

14 And then, as I said, under the oculus we're
15 looking at some kind of metal system, folded potentially, but
16 ornamental in its state and really creating a vibrant texture
17 within the space.

18 And then, on the belt, again, a sinuous kind of
19 smooth surface, very transparent. Again, in this case, butt
20 glass with the structure behind.

21 And then, creating a very distinct contrast
22 between that in terms of a very textured office floor facade
23 where we introduce a modular frame that's about 5-foot in
24 width, 11-foot-9 in height, with the glass tilting out from
25 the top down in. Again, very reflective. We're looking at

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1 around 30-percent reflectivity here, really to create a
2 strong contrast between the retail and the more public areas
3 below. And then, looking at how we can soften the edge of
4 the corners, not harsh corners, but very soft, curved
5 surfaces.

6 Faye?

7 MS. HARWELL: Thank you, Bill.

8 Faye Harwell, a founding partner of Rhodeside &
9 Harwell, landscape architects. And we've been working very
10 closely with Bill and the team on the landscape for this
11 site.

12 As you can see, it is a space that has a lot of
13 potential to be a real little jewel in this project. In the
14 center of the space you can see the oculus and the drive
15 surfaces, which are very much in keeping with the rest of the
16 development at the Wharf in terms of materials and colors and
17 tones.

18 The plantings in the central space of the oculus
19 are primarily native species and easily adaptable non-
20 natives. Under the ellipse that's in the center of the
21 oculus we are using a layer of low ground covers, native
22 plants, autumn fern, sweet woodruff, foamflower, and in the
23 areas that push towards the streets on both sides, north and
24 south, some zoysia grass.

25 The tree that we've selected for the central part

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1 of the oculus is the river birch, and it has a very long
2 season of interest, delicate foliage that will pop through
3 the top of the opening of the oculus. So, it won't create
4 a dense shade, but it will create some interest as people
5 look up. Again, the idea is to make a place that is
6 enjoyable at the pedestrian level and that will really bring
7 beauty and dignity to the space.

8 Bollards and the furnishings throughout the
9 project are in keeping with the bronze-color materials that
10 Bill was mentioning. As you get to the edge of the oculus,
11 you see a pavement in a series of shapes that is reflective
12 of the roof overhead with the triangular and angular shapes
13 that start to break down in terms of the integration of
14 planting with paving as you get closer to the center of that
15 paved area and, yet, still are sturdy enough to carry the
16 traffic that surrounds it.

17 There would be lighting in the pavement as well.
18 And as Bill explained, it is something that would be
19 coordinated with the required foot candles of the whole
20 space, the retail, all of that. And the paving on the
21 surface would be the precast concrete.

22 Here you see the image that you've seen before of
23 the oculus. I'll focus on the trees. You can see the
24 spacing. There will be 12 trees in that central space.
25 Sometimes the river birch comes with single stem, sometimes

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1 multi. We're looking at the single-stem types and we feel
2 that it would be a very beautiful object to look at and look
3 through the stems at the water beyond the space.

4 On the belt-level terrace, you'll see the edges
5 of the space are primarily open for pedestrian access. We're
6 creating green roofs in some areas of decking, an opportunity
7 for people to go outdoors and enjoy the views of the water,
8 take a break from office life, and then, be able to come back
9 into the building.

10 Trees would be situated in pots. There are
11 opportunities for varied types of furnishings, and two types
12 of green roof, the extensive, which is the very thin panel,
13 primarily using sedums and, then, the intensive in areas
14 where we can mound up a little bit and create opportunities
15 for perennial plantings and some additional seasonal color.

16 The level 3 terrace is a very urban and urbane
17 space, again, using the same types of materials, the precast
18 concrete paving, introducing a small area of river gravel
19 here, almost a little sculptural piece, a place that also can
20 capture rainwater. And again, opportunities for furnishings
21 of various types.

22 And then, on the penthouse terrace, we have been
23 looking at the precedent materials, again, in keeping with
24 the overall design of the building and the materiality of the
25 building. And again, an opportunity for people. I think the

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1 whole emphasis here is to bring people out of the building
2 as well as allow them to have a pleasant experience in the
3 interior when they go back in.

4 But you can see that we've used green roof again,
5 the extensive green roof of sedums, the intensive area
6 mounded on the outside perimeter of these terrace with
7 somewhat narrower walkway, almost a garden type of experience
8 where we can add some perennials and more lush plantings.
9 And again, opportunities for various types of furnishing and
10 some deck areas, bringing the warmth of wood up onto that
11 surface as well.

12 Matthias?

13 We'll have a little shifting of computers here for
14 a moment.

15 MR. GLASGOW: Mr. Hollwich, would you please
16 identify yourself for the record and proceed with your
17 testimony?

18 MR. HOLLWICH: Yes. Hi. My name is Matthias
19 Hollwich. I am a cofounder of Hollwich Kusner, an
20 architectural firm out of New York.

21 And I am here to present to you the Water Building
22 No. 1. This is a two-story building with a roof terrace.
23 It's around 11,800 square foot.

24 You see it here in the context, where it's
25 actually off port of the Wharf. In context, you see it's

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1 really kind of the neighbor of the building that you just saw
2 in the presentation. It's aligning with the building on
3 parcel 7.

4 What we made sure is the building actually allows
5 for all the view corridors from the oculus and also from the
6 alley to go freely out into the water, except a little kind
7 of tiny, little corner, kind of indicating the building. So
8 that when you are in the alley, you can trigger a little bit
9 of curiosity with the building of what's coming.

10 In terms of our architectural context and the
11 concept, the idea is to take really the public space from the
12 boardwalk out into the water. And we take the surface that
13 we created and we're doubling it up and rising it into the
14 sky and filling it with life and with program.

15 And this is the expression now in the render view.
16 But we see, also, already a hint of the same materials and
17 the same material qualities from our neighboring building.
18 So that it really creates a beautiful ensemble in a very
19 harmonious fashion.

20 Here a little bit more a view from the back, where
21 you also see that the proportions actually that were
22 introduced with the retail base kind of continue out into our
23 building from our neighboring buildings.

24 Here now an elevation where you see the view from
25 the landside, and there's a fun detail we're very excited

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1 about, these trusses that really are part of the structural
2 system of the building, also engaging this ground, and it
3 allows people to sit onto them. So, that really people
4 occupy the building and people occupy the structure.

5 Here the view now rendered from the landside.
6 There's actually an unobstructed row of trees continuing all
7 the way on the boardwalk and having the building all on the
8 water side.

9 In terms of program, on the ground floor we have
10 tenant space and also a portion for the marina services. On
11 the second floor, we have tenant spaces and, then, on the
12 third floor, we see the terrace with the penthouse with the
13 setback from the 45-degree on the building edge.

14 Here we see the view from the terrace over the
15 marina, which will become an incredible, beautiful prime spot
16 for the public.

17 Here in the section now you see how it will be
18 fully aligned with, of course, the boardwalk and with the 45-
19 degree setback of the penthouse and our building height of
20 20 feet.

21 Here the additional section through the building,
22 now from east to west.

23 And in terms of materiality, you see that we are
24 really kind of siblings with our neighbors. We have the
25 bronze metal panels at the penthouse. We are also using

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1 bronze mullions around our glass system, a glass railing, the
2 painted steel, and a darkened, painted, gray-painted base.

3 In terms of elevation, you see how the kind of
4 truss engages with the building and always opens up, that
5 people can freely walk into the building.

6 In the next slide you see an indication of areas
7 where we can allow the signage. I just want to add that
8 there's actually one moment, which is not indicated here, but
9 an arrow is just about above the doors, with also one area
10 where we allow signage.

11 Now the setback, again, to the building. And
12 we're very excited that this is going to become a beautiful
13 member of the Wharf.

14 Thank you.

15 MR. GLASGOW: Mr. Chairman, that concludes our
16 direct presentation.

17 CHAIRMAN HOOD: All right. Thank you.

18 Let's see if we have any comments or questions up
19 here.

20 Mr. Shapiro?

21 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

22 Just a few questions for the landscape, and I
23 forgot your name.

24 MS. HARWELL: Faye.

25 COMMISSIONER SHAPIRO: Faye.

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1 MS. HARWELL: Yes, Faye Harwell.

2 COMMISSIONER SHAPIRO: Harwell. Thank you, Ms.
3 Harwell.

4 So, is the intention that folks will be walking
5 on the ground cover of the oculus?

6 MS. HARWELL: No. The intention is that they will
7 be walking past it. And the whole idea of having the paving
8 grade up a little bit and having that interplay of paving and
9 planting is a kind of a quiet cue that you wouldn't want to
10 walk there. And the textures of it will not be inviting for
11 people to walk on. I mean, it will look very much like a
12 garden.

13 COMMISSIONER SHAPIRO: Okay. And I don't how to
14 ask this without getting into probably a whole lot more
15 detail than I would want. But I've kept on thinking, how do
16 you manage the rainwater that comes in?

17 MS. HARWELL: Well, there would be a drainage
18 system for the whole courtyard. And the hope is that we'll
19 be able to incorporate some kind of draining to come into the
20 planter as well. And that's another reason for opening the
21 pavement up and having pieces of planting come in. So,
22 that's part --

23 COMMISSIONER SHAPIRO: So, it's permeable pavers
24 in that centerpiece?

25 MS. HARWELL: In that centerpiece, it's actually

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1 planting.

2 COMMISSIONER SHAPIRO: No, I mean, I'm sorry, the

3 --

4 MS. HARWELL: Around the edges --

5 COMMISSIONER SHAPIRO: Right.

6 MS. HARWELL: Around the edges, technically, you
7 cannot call it permeable pavement in terms of the
8 definitions, but it will catch water because there will be
9 openings between the pavers.

10 COMMISSIONER SHAPIRO: Okay. And then, I was
11 caught on where the transition is from those pavers to the
12 pavers, the interest geometric design that you have and the
13 pavers around it, and what happens to the water that isn't
14 going to stop?

15 MS. HARWELL: I think the whole civil and drainage
16 issue is one that we're still working on. The whole area is
17 going to be drained as a street would be drained. So, it's
18 not going to be rushing over the surface. It will have
19 individual drains as well as the planter. It's not going to
20 only come to the planter.

21 COMMISSIONER SHAPIRO: Okay.

22 MS. HARWELL: And it will be tied into the rest
23 of the storm system.

24 COMMISSIONER SHAPIRO: Thank you.

25 MR. SEAMAN: Can I just add one thing?

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1 COMMISSIONER SHAPIRO: Sure.

2 MR. SEAMAN: I think we addressed it last
3 Thursday, but the cistern system that we have in the first
4 phase where all the rainwater is diverted to trench drains.
5 So, if it had not gone through permeable pavers or LIDs, it
6 goes to the trench drain into the cistern, and then, it's
7 held onsite and, then, reused up to the 2-inch storm.

8 COMMISSIONER SHAPIRO: And this will all be built
9 into that system?

10 MR. SEAMAN: Yes.

11 MS. HARWELL: Yes.

12 MR. SEAMAN: So, the water that's not going
13 through the cracks in the pavement that she's talking about
14 would go to the cisterns and, then, be --

15 MS. HARWELL: Right, through the storm system.

16 MR. SEAMAN: Yes.

17 COMMISSIONER SHAPIRO: Thank you.

18 Then, just a few quick questions about Water
19 Building 1. First of all, I was struck by how it was just
20 a little bit off alignment. While I appreciate the idea that
21 it is interesting that it peeks around and gives you that
22 little piece, I am wondering if that is actually what the
23 experience of being there is going to be like if these two
24 buildings aren't aligned.

25 MR. HOLLWICH: Yes, I think, I mean, there's also

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1 the nature of our view, right, which takes different
2 alignments than the graphic alignment. So, I think it's just
3 going to get a little bit of a prominence, but very minor,
4 on the corner.

5 And I think what we like about it, also, that you
6 have all the boats around it, and the boats have also -- it's
7 kind of uncertainty where they stand. So, it actually feels
8 a little bit more boat-like and less architecture. And that
9 makes it a little bit more playful for us.

10 MR. STEENHOEK: Sorry, Matthias, correct me if I'm
11 wrong. The interior mass, the glass enclosure aligns with
12 the glass enclosure of 7?

13 MR. HOLLWICH: Yes. So, the truss --

14 MR. STEENHOEK: It is only the truss element, but
15 there is a relationship of the enclosures across, because the
16 truss on the short sides is outboard of the interior
17 enclosure. So, there is a planned relationship and they do
18 have a dialog there.

19 COMMISSIONER SHAPIRO: I see, I see. Thank you.

20 MR. STEENHOEK: Sure.

21 COMMISSIONER SHAPIRO: And just a few more
22 questions about the Water Building. Do you have a view from
23 the terrace of the office building -- what is that, building
24 7? -- looking at that building? Part of what I'm wondering
25 is I'm trying to make sense of the penthouse space. It's not

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1 clear, you probably said it, but it's not clear to me what
2 it's going to be used for.

3 As far as I could tell, it looks like you're
4 making a column all the way through the glass enclosure, but
5 that --

6 MR. HOLLWICH: Yes, it's actually we have
7 elevators and it's also stairs --

8 COMMISSIONER SHAPIRO: So, all mechanical?

9 MR. HOLLWICH: It's actually access mostly. So,
10 elevators and stairs, because we, of course, also want to
11 make it handicapped-accessible. But people would continue
12 up -- oh, yes, sorry -- here. And then, we have a few
13 support spaces, also, for bathrooms and a mechanical buff,
14 but all enclosed.

15 COMMISSIONER SHAPIRO: So, I imagine you want to
16 make sure that it's scaled appropriately, so it would be the
17 equivalent of a third floor. I just kept on having the
18 feeling that it's going to block the view.

19 MR. HOLLWICH: Uh-hum, yes, so I think --

20 COMMISSIONER SHAPIRO: Because it's a solid piece
21 of -- what kind of, bronze, or wood? Or I can't remember
22 exactly which material it is.

23 MR. HOLLWICH: It's bronze, yes. Yes. So, I
24 think, in terms of the dimension, there are just access
25 elements, like the stairs and the elevators that are crucial.

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1 And when you see the dimension, it's, more or less, like a
2 third of the overall dimension of the building.

3 COMMISSIONER SHAPIRO: Right.

4 MR. HOLLWICH: So, I think it --

5 COMMISSIONER SHAPIRO: I think it makes sense from
6 the building's perspective. I'm just not sure if it makes
7 sense from the building next to it perspective. I'm not
8 sure, it may be less of a question for you and more of a
9 question for you all, if you --

10 MR. STEENHOEK: Yes, I mean, that is, obviously,
11 something we took into consideration between the two
12 buildings and what the relationship is. That's 70-plus feet
13 away from the belt level. And, yes, so you're going to have
14 a visual interruption at the second floor of the office, but
15 we think you have to get an elevator up there. You have to
16 get stairs up there.

17 COMMISSIONER SHAPIRO: Sure.

18 MR. STEENHOEK: Those things have mass, and adding
19 the restrooms and the mechanical space was also really
20 important for the program. We made it as compact as
21 possible, and that's --

22 COMMISSIONER SHAPIRO: I mean, I guess that's the
23 question, though. Did you overbuild that piece because of
24 what it does for the design, for the look of it, rather than
25 --

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1 MR. STEENHOEK: No.

2 COMMISSIONER SHAPIRO: And I saw that when you
3 listed the tenant spaces in that Water Building, it wasn't
4 clear to me what your intention was around what kind of --
5 what the intended uses might be.

6 MR. STEENHOEK: Sure. I mean, I think the nature
7 of that sort of a building would lend itself to more of a
8 food service/restaurant there. But, sure, it could be
9 another retailer if it was the right kind of person that went
10 in, an iconic gesture.

11 COMMISSIONER SHAPIRO: Okay. Okay. I think
12 that's all the questions -- oh, actually -- no, that's all
13 the questions I have for now, Mr. Chair.

14 CHAIRMAN HOOD: All right. Any other questions
15 or comments up here?

16 Vice Chair Miller?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman.

18 Just to follow up on a couple of -- well, thank
19 you for your presentation, first of all.

20 Ms. Harwell, will the trees and the grass, I
21 assume that the trees, that you think that the trees and the
22 grass in the oculus will have enough natural light that
23 they're going to grow and thrive and not die because, I mean,
24 they have walls on all sides of them.

25 MS. HARWELL: Yes, they have walls, but they do

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1 have -- they have walls above, but they have -- I mean walls
2 adjacent, but they have enough opening to the sky. And
3 during the --

4 VICE CHAIR MILLER: What's the --

5 MS. HARWELL: The dimension?

6 COMMISSIONER SHAPIRO: The dimension.

7 MS. HARWELL: It's about 60 feet at the widest.
8 So, it's really quite generous.

9 VICE CHAIR MILLER: Yes.

10 MS. HARWELL: And the oculus itself, the planted
11 area is about 40 x 60 feet. And so, I think they will get
12 plenty of light from above, and that particular species is
13 going to be reaching up through the oculus as well. I think
14 in the one image that we showed you, you could see the trees
15 peeking up through the oculus. So, they will get plenty of
16 light and they will get enough water as well.

17 VICE CHAIR MILLER: You have experience with other
18 similar situations?

19 MS. HARWELL: I actually have, yes, I actually did
20 that, I tried that at home. And the birch tree that was in
21 quite dense shade managed to get quite tall, and the foliage
22 is such and the branching habit is such that it has a
23 tendency to reach up. And so, I'm quite sure that they will
24 survive.

25 And we are also planning to mound up the soil a

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1 little bit in that area, not enough to preclude views
2 through, but enough to get the right depth for the root mass.
3 And that still is being worked on through structural.

4 VICE CHAIR MILLER: Well, it looks, in the
5 renderings, it looks like a lovely space.

6 MS. HARWELL: Good.

7 VICE CHAIR MILLER: So, I am hopeful that it will
8 be.

9 MS. HARWELL: We have to make it such.

10 VICE CHAIR MILLER: Yes.

11 MS. HARWELL: We can't have a failure with it,
12 yes.

13 VICE CHAIR MILLER: Does the Applicant accept the
14 Office of Planning's recommendations that the tilted glass
15 of the windows of the buildings and the oculus design, since
16 both of those are such iconic parts of those two buildings,
17 that they be specifically called out in the zoning order as
18 required to be built in accordance with these renderings?

19 MR. STEENHOEK: I think our intention, as we've
20 responded in our previous comments, is that we're going to
21 submit some proposed alternative conditions that try to get
22 at the concerns raised and questions and intentions raised
23 by the Office of Planning, but also still allow us to develop
24 a window system, go through shop drawings, work through the
25 technical details and work through questions of the exact

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1 materiality underneath the oculus. Is it perforated or is
2 it not? And some of those things, they need more
3 development, and it's going to be a beautiful building. It's
4 going to have beautiful spaces, but we'll submit proposed
5 conditions that try to mediate between those two elements.

6 VICE CHAIR MILLER: Okay. And following up on the
7 penthouse structure, so you may have answered this in
8 response to Commissioner Shapiro's question, but I realize
9 the bronze metal panels are on the side, but we didn't see
10 a view from the top. So, is it bronze metal panel on the top
11 as well?

12 MR. HOLLWICH: Yes, it will be.

13 VICE CHAIR MILLER: Okay. It might be helpful to
14 see that view from above, from somewhere, from the buildings
15 I guess, building 7, as Commissioner Shapiro --

16 MR. STEENHOEK: I'm sorry, Commissioner Miller,
17 you're asking is the top of the penthouse structure metal
18 panel?

19 VICE CHAIR MILLER: Right. I was asking what the
20 material was.

21 MR. STEENHOEK: Okay. I mean, there are fans and
22 other equipment in there that are within approximately --
23 what? -- 3- or 4-foot well. So, it's not a solid, grooved
24 surface.

25 VICE CHAIR MILLER: Yes, so that's why I think we

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1 just need to see what it looks like from above.

2 MR. STEENHOEK: Okay.

3 VICE CHAIR MILLER: I assume that beautiful
4 meeting space on top of the -- was that building 7 or
5 building 6?

6 MR. SHARPLES: That was 6.

7 VICE CHAIR MILLER: Six?

8 MR. SHARPLES: Yes, that particular image was in
9 6.

10 VICE CHAIR MILLER: Six. Is there a meeting space
11 on 7 on the top, too?

12 MR. SHARPLES: Yes. Well, right now, I mean --
13 oh, I'm sorry. Yes, that was in 6. I mean, it was asked of
14 us by the client to develop images potentially of meeting
15 areas up there, but that's one idea of what --

16 VICE CHAIR MILLER: It might be something --

17 MR. SHARPLES: It might be something, yes --

18 VICE CHAIR MILLER: It might be a restaurant? It
19 might be --

20 MR. SHARPLES: No.

21 MR. STEENHOEK: It's office tenant space.

22 MR. SHARPLES: It's office, yes.

23 VICE CHAIR MILLER: Office tenant space.

24 MR. STEENHOEK: I don't know whether it's a
25 meeting room, an office, their fitness. There's a number of

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1 things that could go there, but it's commercial office space.

2 VICE CHAIR MILLER: And I assume that habitable
3 penthouse space doesn't trigger any affordable housing
4 production contribution, as it would in an inclusionary
5 zoning situation, because inclusionary zoning isn't applying
6 to you all. You have you own affordable housing and other
7 use requirements per the LDA?

8 MR. STEENHOEK: We are, as with our other office
9 buildings that have this condition, making the appropriate
10 contribution to the Trust Fund, yes.

11 VICE CHAIR MILLER: They are? So, the entire --

12 MR. STEENHOEK: But it relates to the office
13 structures. The determination of the Commission on the
14 residential and hotels was that it did not.

15 VICE CHAIR MILLER: Say that again? I'm sorry,
16 I didn't --

17 MR. STEENHOEK: We have had to make the -- or
18 maybe not the hotels.

19 VICE CHAIR MILLER: Okay.

20 MR. DETTMAN: Commissioner Miller, the residential
21 buildings, you're correct, because IZ does not apply, or at
22 least we have certification from DHCD that in phase 1 parcels
23 2 and 4 are not subject to IZ, and that extends to the
24 penthouse. And the Applicant is pursuing that same
25 certification for parcels 8 and 9 from DHCD right now.

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1 With respect to the non-residential buildings, any
2 penthouse habitable space on the non-residential buildings,
3 including the portion of the parcel 8 building that would be
4 devoted to hotel, would be subject to the affordable housing
5 provisions, which would be satisfied through a contribution
6 to the Trust Fund.

7 VICE CHAIR MILLER: So, I think if we don't have
8 it already somewhere in the record, it would be useful to
9 have a guesstimate of what that contribution is. I realize
10 it doesn't get calculated until the building permit is
11 issued. But I think applicants have begun to provide that
12 kind of information, which would be helpful.

13 MR. DETTMAN: We provided that --

14 VICE CHAIR MILLER: So, that's useful to know,
15 that what I said was wrong. My assumption was wrong. That
16 inclusionary zoning does apply to the non-residential.

17 MR. STEENHOEK: To the non-residential.

18 VICE CHAIR MILLER: Yes, thanks.

19 MR. DETTMAN: We provided a guesstimate in our 20-
20 day supplemental filing. And because the tax lots for each
21 individual building in phase 2 haven't been created yet,
22 there's no assessed value to work with. So, what we did is
23 we based this guesstimate on the assessed values per square
24 foot of land area for what was used in phase 1 for those non-
25 residential buildings.

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1 VICE CHAIR MILLER: And you're saying that is in
2 the record already?

3 MR. DETTMAN: It is, in our 20-day filing. I can
4 get you the exhibit number.

5 VICE CHAIR MILLER: Okay. And I think I have --
6 Commissioner May probably is going to ask this question,
7 maybe. I don't know.

8 The white-painted steel, what was the thinking
9 behind using the white paint as opposed to maybe the natural
10 steel? And is the white paint going to be streaky, and rain
11 and caked dirt, and look bad after it initially looks great?

12 MR. HOLLWICH: Yes, so, first, it was really to
13 create the kind of balance, also, with the buildings around,
14 sort of not become too rustic and make it actually more
15 architectural, in tune also with parcel 7.

16 And there are different paint applications that
17 make sure that, also, the dirt is repelled, but this is also
18 a subject for further elaboration now in our ongoing design
19 effort.

20 We, as architects, are equally interested that
21 this is going to look very beautiful over time.

22 VICE CHAIR MILLER: Yes, it does look beautiful
23 in the renderings. I just was hoping that over time it will
24 continue to look beautiful.

25 MR. HOLLWICH: Yes.

1 VICE CHAIR MILLER: And continuing, just my last
2 question on the Water Building was, that enclosed -- nothing.
3 The rooftop terrace, the lounge chairs around, is there any
4 intent to enclose that in the winter months?

5 MR. HOLLWICH: There's no intent to enclose it
6 during winter months.

7 VICE CHAIR MILLER: Okay. Thank you. Thank you
8 for your presentation.

9 CHAIRMAN HOOD: Okay. Mr. Turnbull?

10 COMMISSIONER TURNBULL: Thank you. Thank you, Mr.
11 Chair.

12 Thank you for your presentation tonight.

13 Ms. Harwell, let me just ask you, on the pavers,
14 are they fairly flat? I mean, one of the comments we've had
15 from people is that the current Belgian pavers that are there
16 are a pain in the neck, just like they were at Union Station,
17 or are. Are these fairly flat in that area?

18 MS. HARWELL: These are flat, yes. If you walk
19 around the Wharf to see what's existing there, it's a similar
20 condition, not to the cobble pavers but to the flat precast
21 --

22 COMMISSIONER TURNBULL: Right. Okay.

23 MS. HARWELL: The flat precast pavers.

24 COMMISSIONER TURNBULL: So, if I'm woman with 6-
25 inch heels, I can walk fairly well on that?

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1 MS. HARWELL: That would be me, yes. So, it's
2 definitely a concern, and we want to make sure that it's a
3 flat, but jointed pavement.

4 COMMISSIONER TURNBULL: Okay.

5 MS. HARWELL: Just as is in the --

6 COMMISSIONER TURNBULL: My wife reminds me of
7 these things all the time.

8 MS. HARWELL: Of course. But there are examples
9 throughout the Wharf that are existing today on the 7th
10 Street side --

11 COMMISSIONER TURNBULL: Yes.

12 MS. HARWELL: -- where it is precast concrete
13 pavers, very easy to walk on.

14 COMMISSIONER TURNBULL: Okay. Good. Thank you.

15 MS. HARWELL: Yes.

16 COMMISSIONER TURNBULL: I wonder if you could pull
17 up the second floor plan, page 16, on the office building.
18 Maybe it's just me, but if I'm on that second floor,
19 especially right by the oculus, I want be sitting down having
20 dinner. I just think that that curvilinear space up there
21 just looks like restaurant; enjoy yourself; look out over the
22 water, and just look down. And it just seems more inviting
23 to have, instead of sitting at a -- I mean, if I'm sitting
24 at a desk, I'm going to like it, right, but I just think it
25 would be as a place to visit.

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1 And as you're out on this Wharf, you want to be
2 up on that second floor looking out and enjoying. It just
3 seems like it's a missed opportunity. I'm not sure. I mean,
4 you're designing an office building, I understand, but it
5 just seems like this is such a strategic place that I would
6 like to have something more exciting to enjoy that. I mean,
7 you're designing an office building. I don't know what your
8 thoughts are, but it just seems like I'd love to be sitting
9 up there.

10 MR. SEAMAN: Yes, I think the restaurant on the
11 second floor would present some challenges --

12 COMMISSIONER TURNBULL: Yes.

13 MR. SEAMAN: -- for the office building. We're
14 in early discussions with potential tenants. I think the
15 area lends itself to --

16 COMMISSIONER TURNBULL: One whole tenant on that
17 floor?

18 MR. SEAMAN: Yes, potentially, and I think the
19 interest would be to put some of the Camino spaces for the
20 office use in there. So, if there was a restaurant/cafeteria
21 within the space --

22 COMMISSIONER TURNBULL: Yes, I could see if you're
23 going to do that, then --

24 MR. SEAMAN: -- or fitness, some of the areas
25 where people would come together --

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1 COMMISSIONER TURNBULL: Yes.

2 MR. SEAMAN: -- and less so, you know, desks and
3 chairs.

4 COMMISSIONER TURNBULL: Well, I could see that.
5 I could see that it lends itself to more of an open area, a
6 place where people could come together and just enjoy that.
7 It just seems that, if you're going to be looking down over
8 that oculus, I mean, I'd love to have my desk over there, I
9 guess, but --

10 (Laughter.)

11 But it just seems like it's kind of I'm cheating,
12 I'm depriving people in a whole group of looking down. But
13 that's just me. I like to share.

14 Mr. Hollwich, thank you for your presentation.
15 You've got a little jewel, sort of a more refined, elegant
16 version of your Fire Island Pavilion, kind of not quite as
17 woody as what you did there. But this the same kind. I
18 mean, was that a lessons learned here on that?

19 MR. HOLLWICH: Yes, it's obviously an amazing
20 opportunity to elaborate on something that we have done. But
21 I think this is a whole other level of architecture, but with
22 the same social ambition, really bringing people together,
23 giving them a prime spot at a prime location, being able to
24 look over the water and the Wharf. So, we're very excited
25 about it.

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1 COMMISSIONER TURNBULL: Okay. Then, I appreciate
2 it. Having seen what Fire Island looks like, it's a little
3 bit different geometry, but it's the same kind of feeling.

4 And they were talking about the finish of the
5 metal. It's a pre-finished, high-finished coating that would
6 be on this metal?

7 MR. HOLLWICH: Yes. Actually, since you know our
8 work, we have also created Wendy for the Museum of Modern
9 Art, PS1. That's a young architects program.

10 COMMISSIONER TURNBULL: Yes.

11 MR. HOLLWICH: We found a coating which is
12 actually titania nano particles that you can just --

13 COMMISSIONER TURNBULL: Is that that big blue --
14 yes. Okay.

15 MR. HOLLWICH: That big blue thing.

16 COMMISSIONER TURNBULL: Yes.

17 MR. HOLLWICH: And then, you spray it onto a
18 surface. Actually, when it's being hit by the sun, it
19 eliminates pollution, but it also repels dirt.

20 COMMISSIONER TURNBULL: Okay.

21 MR. HOLLWICH: So, it actually keeps it in that
22 kind of beautiful condition.

23 COMMISSIONER TURNBULL: All right. I'm familiar
24 with that. I heard your partner talk about that.

25 MR. HOLLWICH: Uh-hum.

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1 COMMISSIONER TURNBULL: So, it's something new
2 that's mainly European coating.

3 MR. HOLLWICH: Yes. Actually, the company which
4 we used for Wendy came out of New York.

5 COMMISSIONER TURNBULL: New York? Oh.

6 MR. HOLLWICH: And it was really the first
7 application. And now, they've been quite successful.

8 COMMISSIONER TURNBULL: Okay. All right. Thank
9 you very much.

10 MR. HOLLWICH: Thank you.

11 COMMISSIONER TURNBULL: Mr. Chair, those are all
12 my questions.

13 CHAIRMAN HOOD: Thank you, Mr. Turnbull.

14 Commissioner May?

15 COMMISSIONER MAY: Yes, I really have one area of
16 questions which has to do with signage. So, on Water
17 Building 1 there were signage zones that were identified.
18 I mean, the presentation is slightly different from what was
19 in the drawing that I reviewed. Do you mind bringing up that
20 slide?

21 All right. So, on the upper left, the north
22 elevation, there's a 4-foot-high signage zone that's not
23 colored in the middle.

24 MR. HOLLWICH: Yes. That got lost just the last
25 minute.

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1 COMMISSIONER MAY: That got lost? Okay.

2 MR. HOLLWICH: We still have that.

3 COMMISSIONER MAY: Okay. So, that's just a glitch
4 in that drawing.

5 MR. HOLLWICH: Exactly, yes.

6 COMMISSIONER MAY: So, can somebody tell me what
7 that signage is imagined to be? I mean, my concern is,
8 basically, lighting of the sign. I mean, the size, the areas
9 of these aren't really a concern and normally the materials
10 aren't. But, if it's lit in any way, that's what I'm
11 wondering about. So, who wants to --

12 MR. SEAMAN: I think we're working on a
13 comprehensive response for the signage.

14 COMMISSIONER MAY: Okay.

15 MR. SEAMAN: I think there were comments on all
16 the buildings related to the sign --

17 COMMISSIONER MAY: Yes.

18 MR. SEAMAN: -- not necessarily the size, but the
19 lighting and --

20 COMMISSIONER MAY: Yes.

21 MR. SEAMAN: -- the construction, and what types
22 of signage.

23 COMMISSIONER MAY: Okay.

24 MR. SEAMAN: So, we'll have something to put in
25 the record on that.

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1 COMMISSIONER MAY: That would be terrific, to get
2 me to understand that, because you know what our concern is
3 having to do with light and --

4 MR. SEAMAN: Sure.

5 COMMISSIONER MAY: -- particularly with light
6 facing across the channel.

7 And then, I didn't see a drawing that's similar
8 to this for buildings 6 and 7. Did I just miss that?

9 MR. STEENHOEK: It's in the documents we've --

10 COMMISSIONER MAY: It's not in this presentation,
11 though? It was in the original?

12 MR. STEENHOEK: No. We kind of realized as he was
13 going through that that didn't make it into the presentation.

14 COMMISSIONER MAY: Yes.

15 MR. STEENHOEK: But it is in the booklets.

16 COMMISSIONER MAY: Okay, because I thought I saw
17 it at some point, but I was just looking through this again,
18 and I didn't see it. So, I'll look again at that and look
19 forward the other comprehensive look at signage. That would
20 be helpful.

21 That's all for me.

22 CHAIRMAN HOOD: I only have one question. I think
23 you mentioned, you kept calling it a butt glass. I want to
24 make sure I -- what kind of glass was it?

25 MR. SHARPLES: It's basically the --

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1 CHAIRMAN HOOD: You need to be on a microphone.

2 MR. SHARPLES: Oh.

3 CHAIRMAN HOOD: I want to make sure I hear you and
4 understand.

5 MR. SHARPLES: You know, it's two kind of
6 conditions you can have where the frame is exposed on like
7 the exterior of the building where the glass is coming into
8 it. And then, there's a condition where the structure that
9 holds the glass is actually behind the glass and the glass
10 is actually joined with like a silicon joint, but you have
11 no metal. So, it's really in terms of the glass butted to
12 itself.

13 CHAIRMAN HOOD: Oh, okay.

14 MR. SHARPLES: So, it's kind of a continuous glass
15 surface.

16 CHAIRMAN HOOD: So, you mentioned something from
17 the top-down.

18 MR. SHARPLES: Yes.

19 CHAIRMAN HOOD: So, it slopes from the top-down?
20 Or is that an optical illusion I'm having?

21 MR. SHARPLES: Well, in the glass that we are
22 referring to as butt glass, that really occurs on the retail
23 level, the belt level, and the penthouse level. Those are
24 the three areas where we have butt glass.

25 The area where we have the tilted glass is in the

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1 office floors where we have those metal frames. The glass
2 actually is tilted in the metal frame. So, at the top of the
3 frame, it's actually, more or less, in line with the frame.
4 And then, it's a 5-degree slope with the glass as it comes
5 down. So, the frame actually is exposed at the bottom.

6 CHAIRMAN HOOD: So, with that type of glass, that
7 helps you get more light into the area?

8 MR. SHARPLES: Well, the thing is, when you tilt
9 the glass, there's a couple of two things happen. One is
10 reflected light is actually reflected away. So, you don't
11 get glare into the office space.

12 The other thing is you also cut down the amount
13 of actual radiant light that actually penetrates in the
14 building, because you're reflecting it away from the building
15 rather than it passing directly in.

16 So, those are the two elements. Obviously,
17 there's the texture effect that you get from it in terms of
18 angling it. That's really what's really driving a lot of
19 this.

20 CHAIRMAN HOOD: Okay. And I'm sure my other
21 colleagues have mentioned, I actually like that effect.
22 That's why I wanted to expound upon that, kind of get into
23 that. Some other people may ask. To make it look like I
24 know what I'm talking about, I'll say, "Well, maybe you need
25 to try butt glass."

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1 (Laughter.)

2 So, I appreciate that, because I actually like the
3 way that it makes the whole building look and what you're
4 trying to achieve there.

5 MR. SHARPLES: Okay.

6 CHAIRMAN HOOD: I don't have any other questions.
7 Any other followups up here?

8 (No response.)

9 Okay. Let's go to the ANC. Chairman Litsky, do
10 you have any cross-examination?

11 MR. LITSKY: We do.

12 CHAIRMAN HOOD: Come forward.

13 MR. LITSKY: Thank you. Thank you, Chairman. I
14 did have a number of questions.

15 As information had been provided to Mr. Nealley
16 about something that he brought up in testimony two days ago,
17 the ANC had also asked for a clear delineation on a foot-by-
18 foot of what the patio was going to be relative to the
19 Waterfront Park. And I don't think we've gotten that
20 information yet. I had hoped to have that this evening, so
21 that --

22 MR. GLASGOW: We're going to be submitting that,
23 but that was going to be a post-hearing submission.

24 MR. LITSKY: Okay.

25 MR. GLASGOW: There are a number of things, I

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1 think, that the ANC had asked for, but I don't think any of
2 these witnesses testified as to any of that. But we are
3 going to --

4 CHAIRMAN HOOD: Well, I think what he is asking
5 is, since you started off giving us some background, some of
6 the things that we asked for -- and I know that Mr. Nealley,
7 it looks like he's --

8 MR. LITSKY: Yes, that's what I'm asking about.

9 CHAIRMAN HOOD: That's kind of where he's going.
10 So, if you could just answer his questions? If you can't
11 answer it today, it's in the post-submission, you just need
12 the opportunity to be able to respond?

13 MR. LITSKY: Yes, exactly.

14 CHAIRMAN HOOD: Okay. Okay.

15 MR. LITSKY: Fine. I just thought we were going
16 to get it today.

17 Secondly, the ANC wanted to clarify with the
18 Applicant what the two small rectangles along the seawall are
19 in front of parcel 6, as represented in Exhibit 21AA4, I
20 think on page 2.9. I just want to find out whether those are
21 kiosks. I'm not quite sure what they are.

22 CHAIRMAN HOOD: Why don't we do this? I know
23 you're run into -- and actually, I do remember, Chairman
24 Litsky -- unless you all are prepared to answer tonight; if
25 not, answer in the submission and put the ANC issues --

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1 MR. LITSKY: And that's fine.

2 CHAIRMAN HOOD: -- do a one-pager, or how many
3 pages it takes. I can't tell you how many pages to put. So,
4 that way, they can go right to what their issues are and see
5 how you all have mitigated it or dealt with it. Okay?

6 Do they have a copy of that? They have it?

7 MR. LITSKY: Well, they could. I could type it
8 up.

9 But I did have a couple of things that I think --

10 CHAIRMAN HOOD: We'll run through it then.

11 MR. LITSKY: I can have them easily entered.

12 The ANC had liked the winter gardens a lot. And
13 I'm just wondering, in what I had seen that had been
14 produced, I suppose, in answer to questions that OP had put
15 forward, we were kind of disappointed they weren't carried
16 through on final submission.

17 But it seemed to be that they were removed as a
18 result of either conversation that you had potentially with
19 the prospective client -- I'm not sure exactly what killed
20 the winter garden.

21 MR. SEAMAN: The winter garden, for the benefit
22 of those -- I mean, I think we may have it in the earlier
23 submissions --

24 MR. LITSKY: Yes.

25 MR. SEAMAN: -- to the Zoning Commission. The

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1 winter garden was sort of an indoor/outdoor space within the
2 skin of the building. So, it brought some trees and greenery
3 into the building, and it was unconditioned space. So, you
4 know, it was dependent on the temperature outside how long
5 it was usable for different parts of the year.

6 And I think the feedback that we got from the
7 office brokers and the few tenants that we talked to is
8 there's really no interest in space that can only be used for
9 a portion of the year.

10 MR. LITSKY: Got it.

11 MR. SEAMAN: It's the unconditioned aspect of it
12 was challenging from a leasing standpoint.

13 MR. LITSKY: Okay.

14 MR. SEAMAN: And the two squares identified on
15 there are kiosks.

16 MR. LITSKY: They are kiosks? Great. Thank you.

17 Also, it's not clear to me if in the off-chance
18 that 6 and 7 are not build immediately, are the curb cuts
19 going to be put in as they have been currently proposed?

20 MR. STEENHOEK: Yes, that would probably make the
21 most sense, Commissioner.

22 MR. LITSKY: Okay. I was just curious.

23 And also, on Water Building 1, Mr. Hollwich said
24 that he had designed the building kind of as an extension of
25 the boardwalk. And especially as it pertains to the

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1 penthouse where we see very nice seating outside, is it
2 presumed that that's going to be for actual public use or do
3 you anticipate that one will require to purchase something
4 to sit up there?

5 MR. SEAMAN: It's part of the tenanted space. So,
6 it would be part of a retail or the restaurant space.

7 MR. LITSKY: Got it. Okay.

8 And then, we had also asked for a review of the
9 materials. I don't think that that's acceptable in post-
10 hearing submission. We've asked for that in our testimony.
11 We've asked for that in our report. And I haven't seen
12 anything yet. So, it would be helpful to see some of what
13 it is that you're going to be constructing phase 2 with.

14 MR. SEAMAN: The Wharf materials?

15 MR. LITSKY: Yes.

16 MR. SEAMAN: They're still up there from the first
17 hearing.

18 MR. LITSKY: Up where?

19 MR. SEAMAN: It's the same materials as the first
20 phase.

21 MR. LITSKY: Oh, I never knew --

22 MR. SEAMAN: Yes.

23 MR. LITSKY: I never realized they were there.

24 MR. SEAMAN: Yes, we can grab them, if you want.

25 MR. LITSKY: I'll look at them afterwards. That's

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1 fine.

2 And also --

3 MR. SEAMAN: No, there's a --

4 MR. LITSKY: Where they are -- I'll look at them
5 after.

6 I recall that in the first phase -- and I don't
7 know whether this relates to the second phase -- that the ANC
8 and the Southwest Neighborhood Assembly were to receive, as
9 a community benefit, offices and a conference room. And I
10 am curious where that is to be placed and when that will be
11 available. Is that in the second phase or is that in the
12 first phrase?

13 MR. SEAMAN: I don't recall the commitment. Let
14 me go back and review it and make sure that -- if it's there,
15 we've got it. I don't --

16 MR. LITSKY: Oh, it's there.

17 MR. SEAMAN: Yes.

18 MR. LITSKY: It's only a question of where it is.

19 MR. SEAMAN: Right.

20 MR. LITSKY: And again, I'm asking this question
21 particularly because, if 6 and 7, if there's a possibility
22 that they might be in 6 or 7, and 6 or 7 are pushed off,
23 we're going to be holding meetings out on the street.

24 MR. SEAMAN: Right.

25 MR. LITSKY: So, I just wanted to get that

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1 straight before we leave.

2 MR. SEAMAN: Okay.

3 MR. LITSKY: Great. Thanks.

4 MR. SEAMAN: We'll get back to you.

5 MR. LITSKY: Thanks. That's all I have, sir.

6 CHAIRMAN HOOD: Chairman Litsky, if you want to,
7 you can come on around and look at those now while we go
8 ahead.

9 Okay, let's go to -- Mr. Nealley, do you have any
10 cross-examination?

11 MR. NEALLEY: No, I don't.

12 CHAIRMAN HOOD: Okay. I'm going to call Ms.
13 Vanlear. I know she's not here. I think I'd rather be safe,
14 then, to call the name.

15 Mr. Link, do you have any cross?

16 MR. LINK: Yes, my questions relate primarily from
17 the water side. WB1 and by extension WB2 are raised building
18 on piles. And I'm just curious what the consideration was
19 for the view of those buildings from the water level, given
20 the recreation users around there, kayakers and stand-up
21 paddle-boarders.

22 MR. SEAMAN: Well, I can take it. I mean, it
23 would be a similar condition to what we had at the Capital
24 Yacht Club in the first phase, which is something that you
25 can actually see out there today.

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1 It would be a concrete-pile-supported structure
2 and a concrete platform. The building that Matthias has
3 designed, when we say it's an extension of the Wharf, the
4 wood fendering and timber is actually the base and the top
5 of the building. So, what you'll see is the sort of wood
6 fendering that would be similar to the Wharf condition as an
7 apron around the bottom side of that. You'd obviously see
8 underneath the structure because water comes up and down, and
9 beyond that apron, you can't really put anything underneath
10 there. But it would be similar in appearance to the CYC.

11 MR. LINK: Okay. And then, no access, either,
12 just like the CYC?

13 MR. SEAMAN: No, not for habitation, no.

14 MR. LINK: And I think, looking at the slides, I
15 want to ask, there's no direct connection to the water or
16 water-side access from WB1? I think that's what I saw on the
17 slides. Is that true?

18 MR. STEENHOEK: There is a gangway that's just to
19 the east of it, but nothing comes straight from the building
20 per se.

21 MR. LINK: And that gangway is for services or for
22 transients or?

23 MR. STEENHOEK: I mean, it's going to be general
24 marine access.

25 MR. LINK: Okay. Nothing from the WB1, though?

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1 So, there's not anything marine-based in WB1?

2 MR. STEENHOEK: That's not correct. There is a
3 marina services component on the lower level.

4 MR. LINK: Okay. You probably said that, and I
5 probably forgot.

6 Thank you.

7 CHAIRMAN HOOD: Okay. And I don't see Mr. Brown.

8 So, okay, let's go to the Office of Planning and
9 District Department of Transportation. Mr. Jesick? And
10 then, Mr. Zimmerman.

11 MR. JESICK: Thank you again, Mr. Chairman and
12 Members of the Commission. I can be pretty brief this
13 evening.

14 As with the other parts of phase 2, OP strongly
15 supports the design of buildings 6, 7, and Water Building 1.
16 We really appreciate the addition of the solar on the roof.
17 We also like the setback of building 7 from Main Avenue,
18 which helps to break up the streetscape.

19 We strongly support some of the crucial design
20 details in the new design. And the Commission has already
21 touched on these: the angled glass of the main portion of
22 the facade as well as the design of the oculus. And we felt
23 that these items were so intrinsic to the look of the
24 building -- I think it was mentioned tonight that the oculus
25 serves as a focal point, and even a civic gesture, and the

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1 facade of the building provides so much texture on parcels
2 6 and 7 that we felt that they were very important and that
3 they needed to be codified in the form of conditions, just
4 to help make sure that they were constructed as shown in the
5 plans and not modified at the time of the building permit.

6 We're happy to discuss with the Applicant any
7 proposals for revisions to our proposed condition language,
8 but our feeling is that what comes before the Commission
9 should largely be what is built. Because those items are so
10 critical to the look of the buildings, they should remain
11 largely as shown in the application. Any significant changes
12 we feel should have to come back to the Commission for a
13 modification.

14 Other than that, I will just rest on the record,
15 but I would be happy to take any questions. Thank you.

16 CHAIRMAN HOOD: All right. Thank you.

17 And, Mr. Zimmerman, do you have anything you want
18 to add?

19 MR. ZIMMERMAN: Yes. Good evening. My name is
20 Aaron Zimmerman with the District Department of
21 Transportation.

22 As you heard during the Applicant's presentation
23 earlier, they've uploaded three documents into the record.
24 One is the revised Transportation Demand Management Plan.
25 The other is a TDM Performance Management Plan, and the third

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1 is a response to our comments from our initial report and
2 regarding the different mitigations that we had been working
3 with them on.

4 And I can confirm tonight that the documents
5 they've uploaded, I've reviewed them and the language in
6 those documents is consistent with our discussions and our
7 agreements. So, we have no objections.

8 CHAIRMAN HOOD: Okay. I want to thank you both
9 for your reports.

10 Let's see if we have any follow-up questions or
11 comments.

12 Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair.

14 I thought I might have misread that, Mr.
15 Zimmerman, but I thought there were a few points where the
16 Applicant said that they were not agreeing to what was in
17 your report.

18 MR. ZIMMERMAN: That's correct. There were a
19 couple of items in the TDM Plan that we had requested, and
20 the agreement we came to is that those go in the Performance
21 Management Plan and would be triggered after reporting
22 starts. And after the trips that they count on the network
23 after a certain threshold of commercial and residential is
24 opened, if it's more than 10 percent over what was projected
25 in the traffic study, then that would trigger those two

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1 items.

2 COMMISSIONER SHAPIRO: Right. Thank you. So, you
3 are comfortable with the project as proposed?

4 MR. ZIMMERMAN: That's correct, yes.

5 COMMISSIONER SHAPIRO: Thank you.

6 And actually, a question for OP. Maybe this is
7 more for the Applicant, but I'll take advantage of the
8 opportunity. As I was listening to the description around
9 the oculus, and even around the angled windows, did it feel
10 to you that some of this was just a little -- I don't mean
11 this in a pejorative way; it's kind of exciting -- but some
12 of this was a little experimental? So, we're not quite sure
13 how it's going to end up?

14 MR. JESICK: I didn't get the impression, either
15 from the application documents or the presentation tonight,
16 that it was experimental. It sounded like maybe they were
17 unsure of what they actually wanted to do. But I think we
18 take the application documents somewhat literally, and we
19 expect that what we see on paper is what's going to be built.
20 So, that's the direction we were headed with those
21 conditions.

22 COMMISSIONER SHAPIRO: Thank you. I appreciate
23 that.

24 That's all I have, Mr. Chair.

25 CHAIRMAN HOOD: Thank you.

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1 Let's see any other comments or questions.

2 (No response.)

3 Okay. All right. I don't have any as well.

4 Let's go to the Applicant. Do they have any
5 cross? I believe the Office of Planning will do that.

6 MR. GLASGOW: Just one question for Office of
7 Planning. When I was hearing potentially needing to come
8 back to the Commission, we would be anticipating, if that is
9 the fact, and we'll see what language gets worked out, that
10 that would be something that's either a minor modification
11 or a modification of consequence. So, it's something that
12 would be a consent calendar item.

13 MR. LAWSON: Joel Lawson with the Office of
14 Planning.

15 That's certainly possible. We would have to see
16 what the nature of the revision was, however.

17 MR. GLASGOW: Thank you.

18 CHAIRMAN HOOD: That's it? Okay.

19 Chairman Litsky, do you have any cross of either
20 one?

21 MR. LITSKY: No.

22 CHAIRMAN HOOD: Mr. Nealley, do you have any
23 cross?

24 MR. NEALLEY: No.

25 CHAIRMAN HOOD: I'm going to keep calling.

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1 Ms. Vanlear?

2 (No response.)

3 Not present.

4 Mr. Link, do you have any?

5 MR. LINK: No.

6 CHAIRMAN HOOD: Okay. And Mr. Brown?

7 (No response.)

8 All right. Let's go to the ANC's presentation.

9 And the reason I do that is because one time some years ago
10 I didn't do something, and we had to come back down here on
11 a Monday night and have a hearing because I did not call.
12 So, I try not to make the same mistakes over. So, I'll keep
13 calling Ms. Vanlear and Mr. Brown.

14 Okay, Chairman Litsky, you may begin.

15 MR. LITSKY: Thank you, Chairman. I appreciate
16 the opportunity to testify this evening.

17 For the record, my name is Andy Litsky. I will
18 be delivering testimony tonight on behalf of ANC 6D, where
19 I serve as Chairman. I'm also the Commissioner for ANC
20 6D-04, and the Wharf Project is located entirely in my
21 single-member District.

22 The ANC is very appreciative of the design quality
23 in parcels 6 and 7 because they kind of carry forth the wow
24 factor of what we've seen in 8 and 9. And so, I want to
25 thank you for designing 6 and 7 and the oculus. It's pretty

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1 spectacular. That's a wonderful addition to the project and
2 a wonderful addition to the neighborhood.

3 I'm not going to go into detail about all of the
4 spectacular portions of the building, and there are a lot,
5 but I do appreciate greatly that what could have been one big
6 mass has been broken up. And I think that that is probably
7 the greatest addition you could have to that building at all.
8 So, thanks.

9 We also understand that the Applicant has needed
10 flexibility on parcels 6 and 7, given the size and complexity
11 of the entire build, and also the fact that, at least so we
12 have been told, the office market isn't easy at this point.
13 So, if there are going to be some challenges, we understand,
14 but we wanted to make sure, if there's a timeline, perhaps
15 we can understand how long these parcels may remain unbuilt.

16 Our Commission, as you know, in other PUZs and our
17 ANC are perfectly content to leave large PUDs not completely
18 built if what we're getting on that unbuilt site isn't what
19 we bargained for. In this instance, I hope that we don't
20 ever achieve a point or reach a point where it's decided that
21 we're going to have to turn that spectacular building,
22 buildings 6 and 7 and the oculus, into something else,
23 because the office market is still hanging tough. I don't
24 know. I just would hate for that to ever come to pass.

25 As was stated by one of the Commissioners and

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1 stated by the Office of Planning, what we see in the book
2 before you is what at least this ANC and the community
3 expects is going to be built. But, if the parcel is to
4 remain vacant for a period of time, we would like to ensure
5 that the Applicant has agreed to a number of things.

6 First, we agree with the Office of Planning that
7 they ought to be set back, the parcels, to 60 feet from the
8 seawall, to ensure that we've got not only the visual from
9 the eastern, the southern -- good God, my directions are gone
10 -- the completed second phase of the project all the way to
11 the first phase of the project.

12 But it's not just about the visual. It's not just
13 about line of sight. It's also about the ability to access
14 that promenade. So, I didn't get to ask the question -- I
15 should have -- but if, indeed, 6 and 7 are not going to be
16 built, I just want to make sure that we're going to be able
17 to have an open pedestrian walk between the two. We have to
18 produce the seawall, and I just hope we're going to have
19 cobblestones and everything else put down there before we
20 wind up perhaps building 6 and 7. That's something that I
21 would like to clarify.

22 We would also like to have --

23 CHAIRMAN HOOD: Why don't you do that now?

24 MR. LITSKY: Okay. Well, let's do it now.

25 CHAIRMAN HOOD: Yes. Let's do it now. Let's try

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1 to do that now. If you're not ready, just let me know, but
2 let's --

3 MR. SEAMAN: No, no. Just so I understand, along
4 the promenade, so the 20 feet closest out to the -- there's
5 some portion of it that can be built.

6 MR. LITSKY: Clearly.

7 MR. SEAMAN: And then, there's some portion that
8 can't, up close to the building. But there would be a
9 connection from the completed and built parcels 8, 9, and the
10 Main Street Landing --

11 MR. LITSKY: Yes.

12 MR. SEAMAN: -- up to 7th Street Park. So, there
13 would be a connection with cobbles on some portion of it.

14 MR. LITSKY: Yes, that's really what I wanted to
15 make sure of.

16 MR. SEAMAN: Yes, yes.

17 MR. LITSKY: Yes, I realized that 60 feet probably
18 weren't going to happen for complete access.

19 We also wanted to get a better understanding
20 about, should that occur, the delay, about how these sites
21 will be used and managed throughout this interim period while
22 the rest of the Wharf at large is going to be fully
23 constructed and active. We appreciate that the Wharf has
24 provided at least two thoughts for temporary use in the event
25 that that takes place. And that would be used for event

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1 space and parking, but it's still kind of nebulous, in my
2 mind, from what I had read.

3 Our Commission is particularly interested in
4 learning whether the Applicant has had any contact with the
5 Washington Kastles since they previously had been provided
6 with temporary space along the Washington Channel several
7 seasons ago. And I know that they wanted to come back to the
8 waterfront.

9 ANC 6D loves the Kastles, but it would be
10 particularly opposed to providing space on those two unbuilt
11 parcels that might require additional significant use to pay
12 for the construction of such a venue that might regularly
13 include outdoor concerts. We weren't hoping to have an
14 outdoor concert venue. So, if that's in your mind, let us
15 know now because we don't want to have to be surprised.

16 And we especially didn't want to have to have that
17 unbuilt office building remain unbuilt if the payout for a
18 partial stadium, renting or building, was meant that that
19 would have to be delayed for an even longer period of time.

20 That's using it as an event space and building
21 something to create an event space. If it's just an open lot
22 and we can bring circuses in, that's a different story and
23 that's fine.

24 ANC 6D also suggests that, should there be a delay
25 in the construction of 6 and 7, that the current plan for bus

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1 loading and unloading, especially during heavy season,
2 tourist season, March through July, be moved further east
3 away from the new 525 residential site and St. Augustine
4 Church. I think that's only fair.

5 Additionally, should those unbuilt parcels be
6 built for surface parking, the ANC suggests that these lots
7 might also be used for entertainment cruises, bus pickup and
8 dropoff, moving them perhaps off Main Avenue until such time
9 as the ground is broken for construction of the buildings on
10 those parcels.

11 The ANC doesn't feel that this property simply
12 ought to be monetized, perhaps turning it over to Colonial
13 or some other manager, while the rest of the neighborhood has
14 to deal with the crazy quilt of buses on Main Avenue. We
15 would like to see you step up to the plate if, indeed, this
16 is how you're going to use that space in the interim.

17 Additionally, should this become a monetized
18 parking area, ANC 6D wants to assure that, if any of these
19 spaces are made available to other Wharf tenants, either
20 residential or office, that any Gangplank slipholder who at
21 the time does not have parking spaces, and may wish to obtain
22 one, must be accorded equal footing on any list to obtain
23 such a space alongside and equal to other landside occupants
24 at the Wharf or any other group provided such access.

25 ANC 6D agrees with the Office of Planning with

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1 regard to the materials on buildings 6 and 7. I'm glad that
2 I had a bit of a chance to take a look at those documents.
3 I hope that the explanations that were provided by the
4 Applicant and the designers and the architects are going to
5 be what's going to happen because they are pretty
6 spectacular.

7 ANC 6D would also like a clear articulation about
8 how the signage, as you had spoken before, is going to be
9 placed on 6 and 7, where in particular, and not just the
10 brightness of it, but the activation perhaps, if it's going
11 to be activated. Buildings 6 and 7 have -- and I may be not
12 reading the documents properly -- but it looks as though
13 you've got this ribbon that perhaps could contain signage all
14 the way around. And I just want to make sure that, if that's
15 the case, that we don't have animated signage kind of like
16 the Times Tower that used to be in Manhattan. I want to make
17 sure that's not what is intended at any point. So, we would
18 like to make sure that the signage isn't going to be animated
19 as well, and that, in particular, if it is going to be
20 animated, only on the interior; and then, in particular, on
21 Main Avenue, anything facing into the community, that that
22 is static and not moveable.

23 The view along the promenade toward the seawall
24 in front of building 7, depicted on page 7, shows four
25 tabletops, rather four top tables in single row along the

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1 building line. As OP had stated that they would like to see
2 what's put in these documents, what's built and what's
3 provided, so would we. We have had a little bit of a concern
4 about the slalom effect in phase 1, where pedestrians have
5 to move along the Mall in a zigzag fashion because of where
6 tables are placed or kiosks are placed. And we would like
7 to make sure that, if what is being demonstrated are single
8 tables along that building 6, that that's what we wind up
9 having along that building 6, and we don't wind up having
10 several rows of tables cascading into what is the public
11 space.

12 Again, what's provided in visuals should be
13 provided in actuality. We like to contribute to the visual
14 stimulation of walking down the promenade, but not contribute
15 to making second phase an obstacle course potentially.

16 Commissioners, I want to thank you for the
17 opportunity to testify, and I hope you will give our comments
18 great weight as you consider this case.

19 That concludes my testimony.

20 CHAIRMAN HOOD: Okay. Thank you, Chairman Litsky.
21 And again, thank you and the ANC for all the hard work you
22 all have done, and have been doing, in that area, especially
23 in this case and other cases as well. I can't just limit it
24 to this case. You all have worked hard in many cases over
25 the years.

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1 Let me see if we have any questions or comments
2 up here. Okay, I'm not seeing any.

3 MR. GLASGOW: No cross.

4 CHAIRMAN HOOD: No cross? Okay.

5 Mr. Nealley, do you have any cross?

6 MR. NEALLEY: No.

7 CHAIRMAN HOOD: Ms. Vanlear is not here.

8 Mr. Link, do you have any cross?

9 MR. LINK: No.

10 CHAIRMAN HOOD: And again, Mr. Brown is not here.

11 Oh, we have one question. Commissioner Shapiro?

12 COMMISSIONER SHAPIRO: I just have to ask, how
13 many residents in your single-member District? Typically,
14 an ANC has about 2,000, right?

15 MR. LITSKY: Typically, we do. When it started
16 out, I was, I think, 1735.

17 COMMISSIONER SHAPIRO: What are you up to, about
18 5,000 now?

19 MR. LITSKY: No, hardly. Hardly. First of all,
20 everybody hasn't moved into the Wharf yet. I have 525 as new
21 residents. And so, it's still under, it's under 2,000 just
22 about --

23 COMMISSIONER SHAPIRO: Okay.

24 MR. LITSKY: -- at this point. It will be bigger,
25 by the time next Census comes --

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1 COMMISSIONER SHAPIRO: Yes, but at a certain point
2 you're going to not be able to say what you're saying, right?

3 MR. LITSKY: Thank goodness.

4 COMMISSIONER SHAPIRO: They'll have to split it
5 up?

6 MR. LITSKY: My single-member District is nothing.
7 If you take a look at Commissioner Fascett's over in
8 Southeast, she has virtually all of Southeast.

9 COMMISSIONER SHAPIRO: Okay.

10 MR. LITSKY: It's huge. She's really got service.

11 COMMISSIONER SHAPIRO: Thank you.

12 Thank you, Mr. Chair.

13 CHAIRMAN HOOD: Okay. Thank you.

14 Okay. Let's go to the party in support. Let's
15 start off with Mr. Nealley.

16 And again, Ms. Vanlear is not here. Ms. Vanlear
17 was in support. Her party is in support? Yes. Okay.

18 Okay. All right. You may begin.

19 MR. NEALLEY: Okay. For the record, my name is
20 Brad Nealley, Board President for 525 Water Street.

21 I just want to thank the Commissioner for
22 listening to the concerns of the residents of 525 Water
23 Street. I also want to support and echo all the comments
24 made by Chairman Litsky from the ANC and representing our
25 interests, including the walkways, the bus traffic, use of

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1 the parcels for 6 and 7, signage, all the comments that he
2 made.

3 We appreciate the developer taking our concerns
4 seriously. We did have a very productive conversation today
5 and better understand the limitations of moving the parking
6 and loading dock entrances to a different point.

7 We appreciate the changes made to the building for
8 parcel 11 and to address our concerns by changing the angle
9 and the point that was facing 525 Water Street, and support
10 the changes as well as the rest of phase 2.

11 Thank you for your time and the opportunity to
12 share our concerns with the developer and the Commissioner.

13 CHAIRMAN HOOD: Great. Let's see if we have any
14 questions or comments up here.

15 Okay. I see now why you say you were looking
16 forward to his testimony. I would have been, too, if it was
17 like that.

18 (Laughter.)

19 But that shows the hard work that you all have
20 done in working together, so we can balance it and coexist.
21 And I really appreciate all the work that you all did today.

22 Was that seven o'clock that one of the meetings
23 started? Was it 7:00 yesterday evening or was it 7:00 in the
24 morning?

25 MR. STEENHOEK: It was 7:00 a.m. yesterday and

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1 7:30 today. That was Gangplank.

2 CHAIRMAN HOOD: Was it in the morning?

3 MR. STEENHOEK: That was Gangplank. We did a
4 10:30 WebEx.

5 CHAIRMAN HOOD: Oh, okay. Were any of those at
6 7:00 in the morning?

7 MR. STEENHOEK: The two ones that start with "7"
8 were at 7:00 in the morning.

9 CHAIRMAN HOOD: Oh, okay.

10 MR. STEENHOEK: Yes.

11 CHAIRMAN HOOD: Good. Okay. All right. Well,
12 again, I want to thank you for all the work that you all have
13 done in working together and making sure that, like I said,
14 we coexist, those residents and, also, the new development.
15 Great job. We appreciate that. We appreciate that.

16 Let's see, does the Applicant have any cross? You
17 probably don't have any cross?

18 MR. GLASGOW: No cross.

19 CHAIRMAN HOOD: Okay. I can answer that one for
20 you.

21 Let me go through this again.

22 Ms. Vanlear?

23 (No response.)

24 Mr. Link?

25 MR. LINK: No.

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1 CHAIRMAN HOOD: Okay. And then, Mr. Brown is not
2 here.

3 Thank you very much. I appreciate all your hard
4 work.

5 MR. NEALLEY: Thank you.

6 CHAIRMAN HOOD: Okay. I know you all are tired
7 of this, but Ms. Vanlear is not here.

8 So, let's go to the person -- do we have any
9 persons signed up in support?

10 MS. SCHELLIN: No.

11 CHAIRMAN HOOD: Okay. So, we don't have any
12 persons signed -- is there anyone here who would like to
13 testify in support who has not signed up?

14 (No response.)

15 Okay. Let's go to the party in opposition. Let
16 me start off with Mr. Brown. Is Mr. Brown here?

17 (No response.)

18 Okay. So, that won't take long.

19 Let's go to Mr. Link. Can you come forward? This
20 is your time to give your presentation. But you need to tell
21 me what you were going to tell me on the microphone. That's
22 fine.

23 MR. LINK: I don't have any specific presentation
24 regarding 6, 7, and WB1, but I do have a presentation
25 regarding the status of our discussions.

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1 CHAIRMAN HOOD: Okay. Go ahead and give that to
2 us now.

3 MR. LINK: Yes, sir.

4 Again, my name is Robert Link, and I'm speaking
5 on behalf of GPSA.

6 Mr. Chairman, Members of the Commission, thank you
7 for allowing the time for me to speak again on behalf of the
8 residents of Gangplank Marina. Thank you also for your time
9 and work on this project. We all appreciate your commitment
10 to building a better D.C.

11 Given the vast array of information presented over
12 the disconnected time we've spent at these hearings over the
13 last week, I wanted to take just a few moments to recount the
14 GPSA community's core requests as follows:

15 First is affordability. As previously stated, the
16 GPSA Board had proactively suggested to the Wharf, and they
17 agreed, that a staged increase in set fees, which is
18 equivalent to our rent, totaling approximately 42 percent
19 over the next four years, could be warranted, given the
20 improvement in marina facilities that we will be receiving.
21 Coupled with the additional cost for market-rate parking to
22 be assumed in 2019 by Marina residents, the effective rate
23 increase is actually much higher.

24 Unfortunately, change is never easy, and GPSA
25 acknowledges that some of our current neighbors will likely

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1 be displaced as a result of these increased costs, even
2 before the new marina is completed. In addition, the GPS
3 community has some concerns that the uncertainty associated
4 with the undisclosed market rate, as previously described in
5 these hearings, absent any industry standard, checks-and-
6 balances methodology, potentially provides for the
7 possibility of even greater displacement of existing
8 community members upon completion.

9 Accessibility and livability. As previously
10 stated, we have consistently asked the developer to continue
11 the 2012 commitment for continuity of services, as provided
12 in the phase 1 letter of agreement. For better or worse, the
13 negotiators for each party to date have never been able to
14 reach a mutual agreement on how that general commitment from
15 the phase 1 letter of agreement manifests itself in specific
16 services and conditions to be provided to the GPSA community,
17 both during transition and after completion.

18 That being said, the developer has provided
19 concessions on the space allocated for permanent parking to
20 the GPSA community. However, the GPSA community that
21 actually lives on boats and understands the associated
22 logistics believes the general application of landside
23 parking regulations might be inconsistent in the development
24 of a world-class marina with 94 total live-aboard residents.

25 Similarly, it is a well-known statement that,

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1 often, in order to take two steps forward, you sometimes have
2 to take one step back. I only mention this cliché to
3 underscore the tangible and daily challenges and impacts the
4 GPSA community faces during an active construction period of
5 phase 2. We will live adjacent to and all around active
6 construction zones for several years. And for about 50
7 percent of that time, our parking will be located at some
8 distance from the entrance to our marina community.

9 While the developer has provided a baseline
10 commitment plan and approach to meeting our accessibility and
11 livability requirements during this period, as you heard in
12 the individual testimony of John McLaughlin Monday evening,
13 the GPSA community has concerns about how this will all work
14 out and the continued opportunities to finetune and treat the
15 plan as the work continues.

16 Finally, sustainability. Throughout the
17 negotiations to date, the GPSA Board has continued to ask the
18 developer to provide the transition plan that it includes the
19 same level of detail and specifics as the one provided as an
20 attachment to the phase 1 Durable Letter of Agreement. As
21 ANC Chairman Litsky said in his previous testimony, what's
22 left in a void is usually filled with unintended consequence.

23 The GPSA Board and the developer have actively
24 worked together to develop such a plan. And the GPSA Board
25 acknowledges the significant marina construction sequencing

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1 modifications that have been made to relocate the marina at
2 one time upon completion of the new docks.

3 Similar to the above, however, the GPSA community
4 has concerns about how other aspects of the transition plan
5 will all work out, and looks forward to having continued
6 opportunities to finetune and tweak the plan as the work
7 continues.

8 As stated earlier, the developer and GPSA have
9 continued to actively meet and work during the course of
10 these hearings, despite schedule conflicts, illness, and
11 fatigue. A meeting this past Sunday, a meeting yesterday,
12 and a two-and-a-half-hour meeting earlier today, all meetings
13 were attended by our ANC representative, Mr. Litsky, to
14 assure they remain focused on what is important and fair to
15 all parties who will sign the agreement, including Mr.
16 Litsky, and to ultimately arrive at a bilateral agreement
17 between the parties to provide us a path forward for the
18 successful completion of the phase 2 development.

19 As Matt stated earlier, this week's meetings have
20 been positive, and the GPSA Board is looking forward to
21 immediately sharing the latest developments on the phase 2
22 letter of agreement with the GPSA community for input and
23 eventual vote.

24 It is with these needs in mind that we ask this
25 Commission to leave the record for this case open, as

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1 required to permit the parties more time for the GPSA
2 community to formally review and, if acceptable, vote on the
3 proposed complete letter of agreement, cross all the "t's"
4 and dot all the "i's," and reach a final executable agreement
5 that is good for all parties, per the excellent direction
6 provided by the Zoning Commission through this hearing.

7 Indeed, we believe this process corresponds to the
8 final orders for ZC 11-03 and ZC 11-03a, issued by this
9 Commission, where the Gangplank live-aboard community was
10 provided with some limited protections to ensure our
11 survival. Additionally, we strongly believe having the GPSA
12 community review the documents will ultimately make the final
13 marina a better and more successful endeavor.

14 Our community hopes the sustainability of the
15 historic Southwest waterfront live-aboard community at
16 Gangplank Marina is consistent with the actions and
17 accommodations made by the developer in phase 1 for the other
18 historic entities on the Southwest waterfront. You may
19 recall from the phase 1 hearings that the community was
20 similarly endangered in 2012, and in large part it was thanks
21 to this Zoning Commission and the ANC that we even continue
22 in any form today.

23 We just don't want a large portion of our existing
24 GPSA community to be displaced due to insufficient thought
25 or rushed planning with respect to our previously-described

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1 core issues -- affordability, accessibility, livability, and
2 sustainability -- before ever having a chance to be part of
3 the new Southwest waterfront.

4 In the meantime, we're willing to tough it out
5 through another four years of construction, dirt, noise,
6 traffic, and vermin, to contribute to the future community
7 that the Wharf will grow into. As Mayor Bowser said earlier
8 this year, "If you live on the water now, you should be able
9 to continue to live on the water."

10 We may not be wealthy yachters pictured in the
11 marketing materials. Really, we are a family, a family of
12 diverse ages, jobs, races, beliefs, and backgrounds, who have
13 come together to see each other through births, deaths,
14 weddings, divorces, birthdays, boat fires, illnesses,
15 graduations, severe storms, setbacks, and successes. We love
16 Southwest and we don't want to disrupt the Wharf Project.
17 We know it can and will be a great boon to the quadrant and
18 the city.

19 Thank you again for your time and attention, and
20 your service to our entire community.

21 CHAIRMAN HOOD: Okay. Thank you very much, Mr.
22 Link.

23 Let's see if we have any questions or comments up
24 here.

25 Mr. Turnbull?

1 COMMISSIONER TURNBULL: Yes, thank you, Mr. Chair.
2 Mr. Link, thank you for your presentation.

3 I hope you have plenty of coffee at these
4 meetings. Nothing? Water?

5 MR. LINK: I haven't been able to drink coffee
6 this week, sir.

7 COMMISSIONER TURNBULL: Oh.

8 (Laughter.)

9 God love you.

10 You went over a lot, but did you get -- I mean,
11 you went through a lot of things, but let's just talk about
12 parking. The big issue was no guaranteed parking, and we had
13 an impassioned -- you had Mr. McLaughlin here talking, and
14 he brought his little baby along. And it was very heart-
15 wrenching. It was a very dramatic presentation, and you felt
16 very much that there was a very strong need for families with
17 children to be able to get to their boats and not have to
18 take a bus, and that they should be able to park somewhere.

19 What happens with that? Tell me what was resolved
20 from that.

21 MR. LINK: So, let me ask a question first. I
22 know answering a question with a question is not right. But,
23 previously during the hearings, I believe we've not wanted
24 to talk about the specifics of the discussions between the
25 developer and the GPSA. Now we want to go ahead and talk

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1 about some of those?

2 COMMISSIONER TURNBULL: What I'm saying is there
3 was a discussion about no parking, no guaranteed parking.
4 We had one of your people from Gangplank here, came here
5 saying, "I have a problem. I have an issue." And now you
6 say, "We've solved everything," or "We're pretty close to an
7 agreement." And I just want to know, are you at an
8 agreement? Are we there yet? Is there any way that some of
9 these people are going to be accommodated? I'm not asking
10 for the details. I thought it was a simple question.

11 MR. LINK: Sorry. I didn't mean to be -- so,
12 agreement involves, as I said in the statement, agreement
13 involves disbursement of the final documents -- really, some
14 of those were just finalized today -- to our community. Our
15 community has a set of bylaws and processes that involve
16 notice and discussion and, then, a vote for approval.

17 COMMISSIONER TURNBULL: All right. I understand.
18 I'm not going to get an answer. That's fine. You're not
19 going to answer. I'm not going to get an answer tonight from
20 either the Applicant or you. I understand. We'll decide at
21 some point in time, though.

22 MR. LINK: The answer is, sir, that there's two
23 answers to your question regarding parking. During the
24 transition period, accommodation has been made consistent
25 with Mr. McLaughlin's testimony the other night that will

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1 require community members to walk up to 0.5 miles to a
2 parking garage to access their vehicle. That's during the
3 transition period.

4 COMMISSIONER TURNBULL: Okay.

5 MR. LINK: The permanent parking, quite honestly,
6 is a little better picture. The permanent parking that's
7 currently in the draft agreement grandfathers all of the
8 existing active parkers in our surface parking lot, which is
9 a total of 79 vehicles. So, that when garage 3 that we
10 looked at last Thursday, when garage 3 opens, all of those
11 individuals, all of those live-aboard members that remain
12 residents in the community will have a shot at a parking spot
13 in an allocated area for the live-aboard community in garage
14 3.

15 In addition, the developer has made a baseline and
16 permanent allocation of 47 parking spots in the same garage,
17 garage 3, that carries on, to my understanding -- and this
18 is a challenge, right? -- to my understanding, forever.

19 So, does that answer your question, sir?

20 COMMISSIONER TURNBULL: Well, yes. I mean, it
21 wasn't hard to pull that out, was it, to get through all
22 that? I don't think it was that complicated.

23 MR. LINK: Unfortunately, I've been living it.

24 COMMISSIONER TURNBULL: Maybe the Applicant issue
25 is not quite sure, but -- all right. So, maybe by the time

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1 we take final action on this, we'll have a more consistent,
2 defined situation as to what's going to be developing out of
3 this.

4 But thank you.

5 CHAIRMAN HOOD: Okay. Let me just say, though,
6 your comment about why we didn't want to discuss it was
7 exactly the reason why we didn't want to discuss it, because
8 there were so many outstanding issues still going on. We
9 wanted to give you the opportunity to come with exactly what
10 you just said.

11 And I always caution people to say, be careful of
12 what you say when you say it in front of us. Some of the
13 things that we lived in our neighborhoods you would not --
14 it wouldn't even be such a good-smelling conversation of what
15 you're having here. So, trust me, you're very fortunate of
16 even what you're doing now.

17 Because the reason I got here, because I heard
18 what you said at the end, was -- nobody really wants me to
19 go into that; I'm not going to go into that. But there's a
20 reason I'm sitting here, and I can tell you, it was not a
21 very good-smelling situation that I had to live near.

22 But I can just tell you, a lot of people think we
23 come from neighborhoods that are glorious and don't have
24 issues. We all have issues. It just depends upon what kind
25 of issue. And sometimes you might have a nicer issue than

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1 some of the rest of us. So, I always tell people, when I
2 hear certain statements, be very cautious of what you say
3 because you don't know what we've been through.

4 But I'm actually glad that you all have gotten
5 there. So far, you've closed the gap so far. I know the
6 final document has not been done, but I don't think it's
7 going to be deviated from whatever you're doing.

8 And then, also, we have to be careful as well
9 because some of those agreements, if I have to look to my
10 legal folks, are not something that we necessarily -- we
11 point to them. We may expound upon it some, but some of it
12 is not -- I hate to say this word -- not in our jurisdiction
13 and some of it is.

14 But we push and we're going to keep pushing to try
15 to make sure those who live there are treated fairly. And
16 that's what we've all, I think, pretty much been about up
17 here. And that's why he asked you that question, because he
18 wants to know. So, when we get ready to deliberate, we'll
19 know kind of what we're talking about.

20 I hope that my comments do not add onto Mr.
21 Glasgow's rebuttal or any closing, because that was not the
22 intent. I just want you to know that we live it, too. We
23 understand the issues, too. We may have some different ones,
24 but we also have some impacts as well.

25 All right. Anything else up here?

1 Mr. Shapiro?

2 COMMISSIONER SHAPIRO: Just briefly, Mr. Chair.

3 You said you were asking for more time to keep the
4 record open, so you could go through your process. How long
5 is your process?

6 MR. LINK: Yes, sir. Thank you.

7 So, we have a seven-day notification for the
8 special meeting. We'll issue that tomorrow, along with the
9 documents that the developer described that came to fruition
10 earlier today.

11 As you can already imagine if you know your
12 calendar, the Thanksgiving week makes things a little
13 challenging. So, we probably will not be able to convene a
14 membership meeting where we have the necessary quorum until
15 the week after Thanksgiving. And then, probably another
16 couple of weeks after that, just to flesh through to get to
17 the final vote. So, all told, sir, I think, if I am doing
18 my math right, that's about four to five weeks from now.

19 COMMISSIONER SHAPIRO: Thank you.

20 Thank you, Mr. Chair.

21 CHAIRMAN HOOD: Any other questions or comments
22 up here?

23 (No response.)

24 All right. Does the Applicant have any cross?

25 MR. GLASGOW: No cross.

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1 CHAIRMAN HOOD: Okay. Mr. Nealley I think has
2 left. So, he's definitely satisfied.

3 Chairman Litsky, I'm sorry, I should have called
4 you first. Do you have any cross? You do? You don't?
5 Okay.

6 Ms. Vanlear is not here.

7 Mr. Link? Oh, you're -- (laughter.)

8 You know, you get a habit of looking at something.

9 Do you have any cross for yourself? I don't know.

10 (Laughter.)

11 Again, Mr. Brown is not here.

12 Okay. Thank you.

13 I have one person who signed up in opposition.
14 And I'm going to ask if anyone comes. I'm going to call this
15 one name. And if anyone else is in opposition, they can come
16 forward as well.

17 Steve Lanning from LiUNA!.

18 Anybody else who is in opposition come forward.

19 Okay, come forward. Come forward. Anybody else who's in
20 opposition.

21 Okay. I need two seats.

22 No one else is in opposition? Okay.

23 You can hand that to Ms. Schellin. And why you're
24 doing that, young lady, you may begin.

25 MS. COX: Good evening. My name is Laura Cox, for

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1 the record. I'm a resident of the Gangplank Marina at 600
2 Water Street, Southwest.

3 Thank you for the opportunity to speak tonight.
4 I'm here speaking in full support of our Board, of the GPSA's
5 Board's negotiations with the developer and with the work
6 that they have done on behalf of our community. We really
7 appreciate all the meeting and all the time that has been put
8 in by both parties.

9 What I wanted to come to do tonight, though, is
10 to answer a question, Mr. Chairman, that you asked at the end
11 of the GPSA testimony in the first night's hearing. You
12 asked the question whether any residents of Southwest had
13 been displaced thus far in this development, and the answer
14 was no.

15 And I think, as Mr. Link just spoke, the answer,
16 at least for me and for me, is not yet. So, I wanted to just
17 humanize this conversation and put before the Commission a
18 face of a family that's about to be economically displaced.

19 We moved to Gangplank Marina in 2005. That puts
20 my family 15th in longevity in the marina at this point in
21 time, out of the 89 residences, not the oldest, but we've
22 been there a while.

23 We've raised our children there from kindergarten
24 to college. My daughter who was here the other night, you
25 saw, is a junior in high school now. With her broken ankle

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1 on crutches, parking a half-mile away would be tough right
2 now. She broke it playing soccer.

3 But she first moved in when she was five and she
4 fell in the water before she even knew how to swim. This has
5 been our life and our home and our opportunity to raise our
6 family.

7 And we're not a wealthy family. I'm a school
8 teacher. I make less than \$50,000 a year gross income. My
9 husband is 72 years old and, as I said, our oldest daughter
10 is a freshman in college.

11 The fees and the affordability that Bob Link just
12 about, I mean, it really is the difference for so many of us,
13 at least for my family, from being able to live there and
14 remain in our home that's going on 13 years or not. It's a
15 big difference to small families like us, maybe not to a big
16 development company, but a few hundred dollars worth of
17 parking fees and a 42-percent raise in slip fees and things
18 over four years, that's enough to price us out.

19 We're part of an amazing and extraordinary
20 community. We're in a strange, crazy niche where we don't
21 have the rights of property owners that might have rights of
22 eminent domain with the development coming in, nor do we have
23 rights under tenancy rights because we have these license
24 agreements, or at least so we've been told.

25 And so, we find ourselves sort of in this place

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1 where we're working with the developers and everybody is
2 trying to come to agreements, but I think I've had to become
3 resigned to the fact that our family is not going to survive
4 this wonderful new development for Southwest and for this
5 city.

6 The cost of parking and increase in slip fees, as
7 I say, to some may be insignificant, but for us it's not.
8 And what that leaves us is our children's lives are about to
9 change. The saying that it takes a village to raise a child
10 has been proven so true by our neighbors and in the lives of
11 our children. We all know each other well, and I'll never
12 forget -- there's two stories I'll tell.

13 And one is the night when I had a parent evening
14 with my class as a teacher. My husband was out as well. And
15 our daughters must have been about 12 and 14, and it was
16 ladies' night out on the waterfront and they were all going
17 to the new Station 4 restaurant to celebrate. Happy hour.

18 And as my daughters walked down their dock, two
19 or three different women invited them to come. In fact, some
20 of them are behind me here this evening. And I came home and
21 saw a posting of a picture on social media of ladies' night
22 out, everybody with their glasses of wine at a long table,
23 sitting outside at Station 4. And there were my girls with
24 their Sprite and their apple juice right at the end of the
25 table.

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1 And they came home with stories and they were just
2 so inspired. They talked about Captain Cathy who had been one
3 of the first undercover police detectives in D.C. as a
4 female. And they talked of Nancy, who was in the third class
5 of women at the Navy Academy ever admitted. And they were
6 inspired by Jodie's story. She was a lieutenant in the Coast
7 Guard, being down in Guatemala with her sister who was being
8 mugged and how she broke the perpetrator's arm in that
9 instant.

10 And, "Mom, these ladies are bad ass." Excuse me.
11 But they were touched and moved by their community members,
12 and they've been part of the community for so long.

13 When Galina went off to college, we had a
14 gathering on a Thursday night. And of the 89 residences, I
15 would say at least 60 or 70 people came to send my kid off
16 to college, because they all claimed her. They said, "She
17 was our first college," you know, to graduate high school and
18 to be going to college.

19 They've loaned her clothes and given them hand-me-
20 downs. Our daughters have had their nails done and hair for
21 prom by our neighbors. They went on their first roller
22 coaster ride with a neighbor who took them out. And it's
23 just these people have been part of the fabric of our lives,
24 and we're about to lose that.

25 You know, we give back to the community in so many

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1 ways, not just the boat open houses, but my kids, my family,
2 and our community members as a community, not as individuals,
3 have volunteered countless hours for the Cherry Blossom
4 Festival. We have painted the old fire call boxes that
5 needed painting and we redid the District. We painted the
6 sewer drains to say where the stormwater goes into. We've
7 worked with the Conservation Corps on the Anacostia River,
8 the cleanups. We come together as a community to contribute
9 and give back.

10 And unfortunately, with the progress that's
11 happening, we're being disbanded. We come together to help
12 each other and to serve each other. When about 10-11 years
13 ago in February it was so cold that it never got over 32
14 degrees, our pipes froze and we couldn't put freshwater in
15 our tanks. And if you know anything about living aboard, you
16 cannot have running water on the docks during winter. And
17 we were weeks without water.

18 And then, one day it crept above 32. And so, we
19 were able to get water, but our pipes had burst on B dock
20 where I live. We strung together about 30 hoses and we
21 filled every single boat with the slow trickle of water in
22 the distance that it had to travel. It took until 4:00 in
23 the morning, but everybody had what they needed. And that's
24 who our community is and that's how we are, and that's part
25 of the shame of what's happening for us.

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1 We've had people with chemo, with bald heads as
2 a result, loss of hair, have their heads henna tattooed to
3 feel beautiful. Or when Julie, who is sitting back there,
4 had her knee surgery, meals were provided because she
5 couldn't take care of herself.

6 We just have looked out for each other and have
7 become, I think, in so many ways exemplary. And I just
8 wanted to put a face to the loss and the cost that I think
9 we're becoming more and more resigned to.

10 I think the Board has done a wonderful job of
11 trying to be advocates for what we need. We feel like what
12 they've asked for time and time again is what we need, not
13 wants, not whims, not wishes, but things that are critical
14 and important to the unique lifestyle that we have.

15 And I think there are so many benefits to the
16 development and I don't regret the benefits to many others,
17 but I do regret the loss of our home and of our lifestyle and
18 of our community.

19 Thank you for the chance to speak to that.

20 CHAIRMAN HOOD: Okay. Thank you.

21 Any questions or comments up here?

22 (No response.)

23 I will say that -- and I've said this not just at
24 the waterfront; I've said this around the city -- that I
25 align myself with Mayor Bowser's comments. I think I've care

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1 exactly what she said. She said, if you live in there, you
2 should live here afterwards, I think is what I've heard a few
3 times.

4 But what I've said in other developments around
5 the city is I believe that, if you lived there through, in
6 some areas, if you lived there through the tough times when
7 nobody wanted to come there, you should be there through the
8 good times. And I believe that.

9 So, Ms. Cox, you have a new neighbor, and your new
10 neighbors want to find a way to make sure that you stay
11 there. I believe that. I believe that because, you know,
12 I understand the plight, and it's real. But I also, when I
13 asked that question, I asked it for the exact same reason
14 that you came and testified for, because I actually know
15 that's what happens a lot. But we have to try to do what we
16 can here, at least from my little promise that we have, to
17 put a little emphasis on that and make sure that no one is
18 left out.

19 I don't like to say, "Leave nobody behind,"
20 because I think a lot of folks in the school system and
21 around the country have got left behind.

22 MS. COX: Please no.

23 CHAIRMAN HOOD: So, I don't want to use that
24 cliché. I'm just saying that, if you were there during the
25 times that it was previously, you should be there during the

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1 good times. So, I'm sure that your new neighbor -- and I'm
2 not going to look at them -- but I'm sure that your new
3 neighbor -- I don't know how to exactly grapple around
4 everyone's issue, but I'm sure that there's a way that we
5 could make sure that people like you, and others who live
6 there now, should be able to remain. I mean, that's the way
7 I feel.

8 MS. COX: I'm hopeful.

9 CHAIRMAN HOOD: Okay.

10 MS. COX: Thank you.

11 CHAIRMAN HOOD: I am, too. I am hopeful. Not
12 only am I hopeful, I believe it will happen.

13 MS. COX: And with your help, perhaps it will.

14 CHAIRMAN HOOD: Well, I'm not going to go with
15 what my record is on that.

16 (Laughter.)

17 Actually, it's been pretty good.

18 MS. COX: Yes, yes.

19 CHAIRMAN HOOD: I think we've been pretty good at
20 trying to balance things out. And I think that's kind of
21 where, again, Mr. Turnbull was going.

22 MS. COX: Yes.

23 CHAIRMAN HOOD: Because we do understand the human
24 side of it. Sometimes we get all wrapped up in the
25 development. We all enjoy that, but we can't really keep

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1 progress and the people who were there just forget about, you
2 know. As Mr. Barry used to always say, "The lost, the least,
3 the left out." I may have it all twisted up and turned
4 around, but I learned that from him. And that's what made
5 him so successful.

6 MS. COX: Yes, sir.

7 CHAIRMAN HOOD: And I honored that he actually me
8 first on the Zoning Commission. So, I'm honored. That's
9 something I will take with me for the rest of my life, being
10 appointed by the Mayor for life.

11 So, anyway, enough of that. I can go into a whole
12 lot of stuff. But, you know, when you have been here for
13 almost 20 years, you see a lot, you learn a lot, and you
14 still continue to learn a lot. I've learned even during this
15 hearing.

16 But, hopefully -- and I'm saying this for the
17 developer -- hopefully, they can find a way. I know that the
18 ask is a lot, but I'm sure that the developers, they've been
19 working, it looks like, with the community a great deal, and
20 I'm sure they will continue.

21 And I know Mr. Litsky and all the work that he's
22 done. I know he doesn't want to see his neighbors have to
23 depart as well.

24 And I know we were very successful when we did
25 National Stadium, because we had some of the same issues.

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1 And that developer was able to work that out. So, I am
2 hoping the same thing happens here. Okay.

3 MS. COX: Thank you.

4 CHAIRMAN HOOD: All right.

5 MS. COX: Fingers crossed.

6 CHAIRMAN HOOD: Okay. All right. Any other
7 comments up here?

8 (No response.)

9 Okay. Chairman Litsky, do you have any cross?

10 MR. LITSKY: No.

11 CHAIRMAN HOOD: Mr. Nealley has left and Ms.
12 Vanlear.

13 Mr. Link, do you have any cross?

14 MR. LINK: No, sir.

15 CHAIRMAN HOOD: Okay. And Mr. Brown is not here.
16 Okay. Thank you.

17 The Applicant, do you have any cross?

18 MR. GLASGOW: No cross.

19 CHAIRMAN HOOD: All right. All right.

20 Mr. Glasgow, can you tell me how much time you
21 need?

22 Who is there? Oh, I'm sorry. You know what? How
23 could I forget LiUNA!? Vicky Chambers would kill me.

24 Okay, you may begin.

25 MR. LANNING: All right. Yes, sir, thank you.

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1 Good evening. My name is Steve Lanning. I live
2 at 1736 Columbia Road, Northwest, in Washington, D.C. I'm
3 the Director of Organizing for the Laborers International
4 Union of North America, Mid-Atlantic Regional Organizing
5 Coalition, and I'm testifying here today representing LiUNA
6 Local 11, which is out of Fort Totten in Northeast D.C.

7 The modifications to the first stage planned unit
8 development and the second stage PUD application cannot
9 lawfully move forward if they are inconsistent with the
10 District's Comprehensive Plan. The proposals in front of you
11 contradict numerous Comprehensive Plan policies, including
12 ED 2.5, the Production, Distribution, and Repair Economy;
13 ED 4, Increasing Access to Employment, and ED 4.2.7, Living
14 Wage Jobs.

15 As the Living Wage Job Policy explains, the plan
16 seeks to, quote, "promote the attraction and retention of
17 living-wage jobs that provide employment opportunities for
18 unskilled and semi-skilled workers, use marketing strategies
19 and incentives to encourage the relocation of firms of such
20 positions to the District." Unquote.

21 Projects like the Wharf should help to address
22 widening inequality in our city. The Comp Plan itself is
23 entitled, quote, "Planning Inclusive City," unquote. Trading
24 high-quality, living-wage jobs is an essential part of the
25 vision for inclusivity in D.C. that is the essence of the

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1 plan.

2 In the rebuttal responses to questions from the
3 Commission on Monday, November 6, related to the testimony
4 offered by our partners at Choice and the D.C. Fiscal Policy
5 Institute and the first hearing on November 2nd, the
6 Applicant did not provide any information about job quality
7 on the first phase.

8 The Wharf is one of the largest publicly-supported
9 projects ever constructed in D.C. The lack of job quality
10 standards on this project affects all of us in the
11 construction industry. Our members and their families suffer
12 because projects like the Wharf lower working standards in
13 our industry across the city.

14 Through decades of extensive experience in the
15 construction industry, we can say that having a union is the
16 only way we've seen that consistently ensures construction
17 jobs are careers of living wages, decent working conditions,
18 and a safe working environment. When our members walk
19 through cities, they can point with pride at the buildings
20 they were part of constructing over decades. They receive
21 world-class training, good wages, health insurance, and
22 retirement benefits that are key parts of creating the career
23 jobs in construction that are called for as part of the
24 Comprehensive Plan policies I previously listed.

25 We are here today fighting to ensure commitment

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1 to high-quality job standards on projects and ensure
2 construction crews exist for D.C. residents. The developer's
3 representative at the last hearing stated that they want to
4 create, quote, "career paths in construction". We encourage
5 them to do that by working with the labor movement and sign
6 a project labor agreement that the bottom line is PLAs are
7 a proven tool to create middle-class careers and deliver
8 quality projects on time and on budget.

9 We are aware that a PLA cannot be mandated on this
10 project, but the Zoning Commission must ensure that the
11 project complies with the Comprehensive Plan. The Applicant
12 should thoroughly document that it has, and will create, the
13 creation of quality jobs in construction which are living-
14 wage careers for District residents and which have career
15 advancement opportunities.

16 We call on you to decline to approve the proposal
17 unless the developer agrees to enforce job quality standards
18 in the construction and operation of the project. We and our
19 partners would be happy to work with the Commission and the
20 developer to prepare a set of employment standards that would
21 help ensure that phase 2 of this development can succeed
22 where phase 1 failed, and truly promote inclusive growth in
23 the District of Columbia.

24 Thank you very much for your attention to the
25 critical issues of inclusive living-wage jobs and the

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1 proposal under consideration.

2 CHAIRMAN HOOD: As always, we will always make
3 sure that we're not inconsistent with the Comp Plan. That's
4 what we'll do when we start deliberating.

5 I think, though, that we have some of your
6 counterparts; Local 25 were here Monday, I believe.

7 MR. LANNING: Yes.

8 CHAIRMAN HOOD: Yes, it was Monday. And we put
9 out some measures, some responses that we asked for from the
10 developer on this case.

11 Again, and I'll say this to you like I said to
12 Local 25, the issue that you bring up here for the most part
13 about quality of jobs, that's a bigger issue than this
14 development. This is a good development to approach, but
15 it's a much bigger issue than this.

16 And I'm familiar with LiUNA. I'm familiar with
17 Local 25. I'm familiar with AFSCME. I'm familiar with AFGE.
18 I'm familiar with all of them.

19 MR. LANNING: Uh-hum.

20 CHAIRMAN HOOD: I've worked closely with a lot of
21 them and been standing next to some of your colleagues as
22 well in some different events.

23 So, I think that we have some stuff that we've --
24 I don't know if word got back to you, but we have some stuff
25 that we put out there, some stuff that we're looking at, I

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1 believe. Am I speaking correctly? I want to make sure,
2 because, you know, Monday was a couple of days ago.

3 (Laughter.)

4 So, I think that we've tackled that issue exactly.

5 MR. LANNING: Okay.

6 CHAIRMAN HOOD: And I think you're synonymous and
7 running tandem with what Local 25 also testified to.

8 But let me open it up. Any questions or comments
9 up here?

10 (No response.)

11 Okay. Does the Applicant have any cross?

12 MR. GLASGOW: No cross-examination.

13 CHAIRMAN HOOD: Okay. Chairman Litsky, do you
14 have any cross?

15 MR. LITSKY: No.

16 CHAIRMAN HOOD: Mr. Nealley has left. Ms. Vanlear
17 is not here.

18 Mr. Link?

19 MR. LINK: No, sir.

20 CHAIRMAN HOOD: And Mr. Brown is not here.

21 Thank you very much.

22 MR. LANNING: Thank you.

23 CHAIRMAN HOOD: We appreciate your testimony.

24 MR. LANNING: Thank you, everyone.

25 CHAIRMAN HOOD: Okay. I think, Mr. Glasgow, we

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1 could do rebuttal and closing. How much time do you need for
2 rebuttal?

3 MR. GLASGOW: Well, I think what we're thinking
4 about doing, there are a number of different things that are
5 out there that have been raised by a number of different
6 people, including environmental, a lot of things. And we've
7 got a lot of information to submit to the record.

8 And I would like to have Mr. Dettman give about
9 a five-minute overview of rebuttal, and then, there are a
10 number of things that we want to submit for the record in
11 rebuttal.

12 CHAIRMAN HOOD: So, let me ask you, are you
13 responding to Ms. Margaret Gentry's letter where she
14 mentioned -- when you said environmental, I think she had a
15 lot of environmental issues, if I'm not mistaken.

16 Oh, that's a form letter? Okay. Well, maybe.
17 I've mentioned her name because it was one. Okay. All
18 right.

19 MR. GLASGOW: With respect to environmental
20 concerns, yes, there have been a number of environmental
21 studies. You don't build 2 million square feet right there
22 on the waterfront --

23 CHAIRMAN HOOD: Well, for some reason, Margaret
24 Gentry's name stays with me. I seem to have run into her
25 before. But, anyway --

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1 MR. GLASGOW: So, we're going to be submitting all
2 the environmental reports that have been done on this
3 project.

4 CHAIRMAN HOOD: Okay.

5 MR. GLASGOW: Including work with the Corps of
6 Engineers and everybody else that's been done.

7 CHAIRMAN HOOD: Let's go ahead and get the
8 rebuttal and what's you're going to do.

9 MR. GLASGOW: Right.

10 CHAIRMAN HOOD: And then, we'll go from there.

11 MR. DETTMAN: Good evening, Mr. Chairman and
12 Members of the Commission.

13 For the record, Shane Dettman with the law firm
14 Holland & Knight.

15 As Mr. Glasgow said, we have a number of documents
16 that we would like to submit into the record demonstrating
17 the extent of the environmental analysis that's been
18 conducted not just on phase 2 and phase 1, but the entire
19 project which goes back some time, just after the first stage
20 PUD.

21 So, what I would like to do is just kind of
22 summarize the contents of those documents because, again,
23 they are extensive. And then, you'll have the full documents
24 in the record as part of our post-hearing submission. So,
25 that's environmental impacts.

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1 And then, what I would like to do is just spend
2 a couple of minutes addressing some of the Comp Plan issues
3 that have been addressed, specifically the economic
4 development policy, living-wage jobs that's been cited
5 tonight and in prior hearings.

6 With respect to environmental impacts, on the
7 waterside, as I mentioned, the entire waterside development
8 component of the project has been fully analyzed. The
9 Waterside Development Program is subject to a permit that has
10 to be issued by the U.S. Army Corps of Engineers and, then,
11 subsequently certified by DDOE.

12 The Army Corps' permit is issued in accordance
13 with Section 10 of the Rivers and Harbors Act, as well as
14 Section 404 of the Clean Water Act. And in order to issue
15 that permit, the Army Corps has to satisfied, or has an
16 obligation under the National Environmental Policy Act.

17 The Environmental Assessment was prepared by the
18 Army Corps, dated July 2012. Again, the scope of that
19 environmental analysis was the entire waterside development.
20 Just to summarize the impacts that were identified in the
21 Environmental Assessment, in terms of beneficial impacts, the
22 Environmental Assessment found that there would be beneficial
23 impacts to economics, shore erosion, recreation, and the
24 needs and welfare of people.

25 Negligible impacts were identified as the general

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1 environmental concerns, wetlands, flood hazards, floodplain
2 values, land use, water supply and quality, and safety.
3 Again, negligible impacts.

4 There were several areas of no adverse impacts
5 and, then, neutral impacts to historic preservation and
6 navigation.

7 The Environmental Assessment also identifies
8 several Executive Orders that were relevant with respect to
9 the Army Corps' analysis, including the Executive Order that
10 was mentioned at hearing one by Mr. Shickler, Executive Order
11 11988, Floodplain Management.

12 In the end, the Environmental Assessment ended in
13 a finding of no significant impacts stating, by the Army
14 Corps, "Having reviewed the information provided by the
15 Applicant and all interested parties, and an assessment of
16 the environmental impacts, the permit action will not have
17 a significant impact on the quality of the human environment,
18 and no EIS is required."

19 The Army Corps also conducted a thorough analysis.
20 An Essential Fish Habitat Assessment was prepared, and no
21 adverse impact was found.

22 On the landside development, DCRA issued a report
23 dated August 7, 2013, containing the results of the
24 District's environmental impact screening process, based upon
25 plans submitted by the Applicant for the entire Wharf

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1 Project.

2 The report, again, issued by DCRA, found that
3 there would be no substantial impact to the environment,
4 based upon several recommendations and reports submitted by
5 DDOE, an extensive Environmental Assessment by DDOE, DCOP,
6 DPW, DDOT, as D.C. Water, again, all finding that no
7 significant impacts would result from the entire project and
8 no EIS is required.

9 Just quickly on the DDOE report, because that was
10 an extensive environmental analysis, it looked at impacts to
11 water quality, both groundwater and surface water;
12 sedimentation and stormwater -- in fact, noting the benefits
13 of the project to stormwater management -- vegetation and
14 wildlife; air quality; underground storage tanks; toxic
15 substances, and hazardous waste.

16 And just quickly on air quality, because I know
17 Mr. Shickler at the first hearing mentioned the impacts on
18 air quality. As you may already know, when DDOE does an air
19 quality analysis, an extensive air quality analysis is
20 prepared and submitted by DDOE. And it looks at whether or
21 not a project will violate any kind of federally-established
22 National Ambient Air Quality Standards.

23 And the finding by DDOE was that, based upon that
24 extensive analysis, which is kind of conducted like a
25 transportation report, where there are receptors put out

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1 around the specific project area; it establishes a baseline
2 of air quality; it factors in a background growth. And then,
3 it factors in the project, including the transportation
4 analysis that was prepared by Grove Slay during the first
5 stage PUD. So, it does take into account existing baseline
6 and projected growth in air quality, and the determination
7 was that the project would not violate any established
8 National Ambient Air Quality Standards.

9 With regard to flooding and development in the
10 floodplain, Mr. Otten testified that the major buildings in
11 the project were subject to, the first floors were subject
12 to flooding and that was going to result in these building
13 being converted from luxury penthouses to low-income housing.
14 I forget exactly what was stated, but there was definitely
15 testimony about flood risk.

16 FEMA, for the project, has issued what's called
17 a Conditional Letter of Map, the firm MAP Revision. Because
18 of the new seawall construction, the seawall will be extended
19 out a little bit and increased in height a little bit. And
20 so, it requires some analysis by FEMA.

21 Again, they found that, while there may be some
22 minor change to the Firm Maps, that that change was actually
23 inconsequential. They issued that, again, that Conditional
24 Letter of Map Revision.

25 In addition, the major buildings in the Wharf

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1 Project will actually end up not being located in the 100
2 Year Floodplain as a result of the seawall reconstruction and
3 the slight increase. In addition to that, the actual first
4 floors of those buildings are located approximately 18 inches
5 above the base flood elevation. That's a federal
6 requirement. And then, my understanding is that DDOE adds
7 another 6 inches to that requirement. So, the first floors
8 of the major buildings are actually 18 inches above the base
9 flood elevation.

10 Just turning to the Comprehensive Plan quickly,
11 as the Commission already knows, at the first stage PUD is
12 when the Commission really takes a close look at the
13 Comprehensive Plan and a project's consistency with the
14 Comprehensive Plan. And so, in Zoning Commission Order
15 11-03, approving the first stage PUD for the Wharf Project
16 and its associated map amendment, the Commission, through a
17 detailed analysis, found that the project was not
18 inconsistent with the Comprehensive Plan.

19 Of course, we have a first HPUD modification. So,
20 it certainly does warrant whether or not the first stage
21 modification is consistent with the spirit of the
22 Commission's approval of the first stage PUD and perhaps a
23 reassessment of specific areas of the Comprehensive Plan.

24 The policy ED 4.2.7, Living Wage Jobs, I believe
25 the way it has been incited and interpreted in the last three

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1 hearings is this is a slight misread of that policy. If we
2 look at the specific language of that policy, "promote the
3 attraction and retention of living wage jobs that provide
4 employment opportunities for unskilled and semi-skilled
5 workers, use marketing strategies and incentives to encourage
6 the relocation of firms with such positions to the District,"
7 I think there was some testimony that sort of tied the
8 language of that policy to a position where the jobs, perhaps
9 the hospitality jobs and the construction industry jobs that
10 are taking place or being created at the Wharf Project were
11 under-wage jobs that were low-paying jobs, not living-wage
12 jobs.

13 But I think what that policy is actually looking
14 to promote is actually the retention and attraction of jobs.
15 It's the creation of these types of jobs, not necessarily
16 dealing with what those jobs are paying or what the wages of
17 those are paying.

18 And I think that this project actually does
19 promote the attraction and retention of living-wage jobs that
20 provide employment opportunities for unskilled and semi-
21 skilled workers. I think that the first proposed first stage
22 PUD modification to take parcel 8, which was approved under
23 the first stage as an office or a residential building, to
24 allow parcel 8 to be a residential and a hotel building will
25 actually further the advancement of that particular policy

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1 because of the hotel component. That's additional living-
2 wage jobs and additional hotel jobs that will be placed
3 within this project that would not otherwise be allowed under
4 the first stage PUD.

5 But, also, as the Commission knows, you don't just
6 look at one single policy in the Comprehensive Plan. You
7 look at whether or not a project is consistent or
8 inconsistent with the Comprehensive Plan, sort of on a
9 holistic basis across all of the policies and all of the
10 elements.

11 But, just sticking closely within the policies of
12 the economic development element of the Comprehensive Plan,
13 I think that the project overall and the proposed
14 modification certainly advance many economic development
15 policies, in addition to the one that I've just cited.

16 There is ED 1.1.1, Core Industries, which talks
17 about continuing to support the growth of the District's core
18 industries, one of which being the hospitality industry.
19 There is ED 1.1.2, Economic Linkages, talking about how, if
20 you grow the hospitality industry, it also has linkages to
21 other industries that create jobs elsewhere in other
22 industries.

23 There is diversification. Diversify the
24 District's economy by targeting industries with the greatest
25 potential for growth, including jobs in building trades.

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1 ED 2.3.1, Growing the Hospitality Industry; 2.3.4,
2 Lodging and Accommodations, "Support development of a diverse
3 range of hotel types." This is a smaller hotel type that
4 will take place within the Wharf.

5 2.3.9, Hospitality Workforce Development,
6 "Recognize the potential for the hospitality sector to
7 generate entry-level jobs and opportunities for upward
8 mobility for District residents by promoting vocational job
9 training and job placement." That ties directly to the
10 testimony you heard this evening from Ms. Bacon.

11 4.2.1, Linking Residents to Jobs, Ms. Bacon talked
12 about some of the hiring, the big job fair that took place
13 at Arena Stage and the number of District residents
14 throughout the District, but also specifically in Wards 7 and
15 8. And I think it was 70-some District residents were hired.

16 4.2.2, Linking Job Training to Growth Occupations;
17 4.2.3, Focus on Economically-Disadvantaged Populations, and
18 Ms. Bacon talked a little bit about that in her testimony as
19 well, targeting or noting the number of District residents
20 living in Wards 7 and 8.

21 And also, she talked about, at hearing No. 2, the
22 program that was developed with CSOSA and looking at
23 returning District residents and how we can provide job
24 opportunities in the Wharf Project for those individuals as
25 well.

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1 That concludes the points that I had on the
2 Comprehensive Plan side of things. I think with respect to
3 the testimony provided by Mr. Otten at hearing No. 1
4 regarding gentrification displacement and destabilization of
5 land values, we would like to include information. We had
6 a lot of information that we need to pull together on that
7 issue. We would like to just kind of package it in a way
8 that goes directly to the points that Mr. Otten made, and we
9 would like to submit that, in addition to the environmental
10 studies and additional Comprehensive Plan information that
11 we might have as part of our post-hearing submission.

12 CHAIRMAN HOOD: All right. Mr. Glasgow, do you
13 have any more rebuttal?

14 MR. GLASGOW: No, I don't think that we have any
15 more rebuttal, other than everything that we want to submit
16 post-hearing in writing.

17 CHAIRMAN HOOD: Okay, and I've got to talk with,
18 I'm going to talk with them, because I ran into this problem
19 once before, about making sure if the parties have to
20 respond. If you're going to respond -- and I can't remember
21 how we dealt with that, but I will leave this open, leave my
22 rights open. Well, I can do that anyway with the Commission.

23 But I'm not sure. Once before, we had rebuttal
24 come in writing, and we have to give parties an opportunity
25 to respond. So, I know that came up once before, and I want

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1 to make sure that that's being said, if that needs to be
2 done. And we'll figure out at a later time how to get that
3 done, if I have to get it done.

4 MR. GLASGOW: Okay.

5 CHAIRMAN HOOD: But let me do this right now.
6 That's all the rebuttal you have for tonight?

7 MR. GLASGOW: That's all the rebuttal we have for
8 tonight, but --

9 CHAIRMAN HOOD: Okay. Well, hold tight. Hold
10 tight. Hold tight.

11 MR. GLASGOW: Okay.

12 CHAIRMAN HOOD: Is there any cross? Does anybody
13 have any cross on rebuttal?

14 Mr. Litsky?

15 MR. LITSKY: No.

16 CHAIRMAN HOOD: I need these now.

17 Mr. Nealley has left and Ms. Vanlear.

18 Mr. Link?

19 MR. LINK: No, sir.

20 CHAIRMAN HOOD: Okay. And Mr. Brown?

21 (No response.)

22 Okay. So, I covered those bases. Now you can
23 continue.

24 MR. GLASGOW: All right. And then, I was going
25 to, one quick thing on closing, because I was going to

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1 essentially do the rebuttal and closing in writing, so that
2 we would move forward.

3 One of the things with respect to a second stage
4 PUD, I don't think anybody has submitted any evidence that
5 we have not complied with the first stage PUD. And, of
6 course, the second stage PUD follows on the first stage as
7 to what it is that we're doing there. And essentially, the
8 baseline is set by the first stage PUD, and we've only asked
9 for one modification of that, and that is to add the hotel
10 in.

11 The other piece was how the building was rotated
12 on parcel 10. That's been resolved. And I think everything
13 else that we have submitted is consistent with the first
14 stage PUD.

15 CHAIRMAN HOOD: Anything else?

16 MR. GLASGOW: No, sir, other than to submit in
17 writing.

18 CHAIRMAN HOOD: Okay.

19 COMMISSIONER MAY: Can I have a question?

20 CHAIRMAN HOOD: Sure.

21 COMMISSIONER MAY: Is the information that you're
22 going to submit actual rebuttal or is it responses to
23 questions that came up from the Commission where we requested
24 additional information?

25 MR. GLASGOW: It's both. It's both, because there

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1 were a lot of assertions made that we want to make sure to
2 respond to.

3 CHAIRMAN HOOD: And that's why I want to kind of
4 work with our counsel on that. I like it better that way,
5 but I want to make sure we do it right and do it across the
6 board.

7 Oh, sorry, Mr. Turnbull?

8 COMMISSIONER TURNBULL: Well, yes, I've got a
9 question for Mr. Dettman. He went through all this Comp
10 Plan. And you mentioned gentrification. How are you dealing
11 with, how does this answer or come to grips with people such
12 as Ms. Cox who testified?

13 You need a group of people on the Gangplank, and
14 the sort of following between the cracks as residents of this
15 area who have been there a long time, and we've got a very
16 serious issue from my standpoint because these people are
17 being -- she's going to lose her home. And how does that fit
18 in with your Comp Plan policies, the analysis?

19 MR. DETTMAN: Mr. Turnbull, my testimony kind of
20 focused on the economic development process.

21 COMMISSIONER TURNBULL: Yes.

22 MR. DETTMAN: I understand. I understand it's an
23 issue that we need to --

24 COMMISSIONER TURNBULL: You've got a loophole.
25 I just want an analysis that says how the Gangplank Marina

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1 people are going to be satisfied, and that you're not going
2 to be gentrifying this and these people are going to be
3 kicked out.

4 I'm really concerned that this is a wonderful
5 project, beautiful buildings. I don't have any issues with
6 the architecture. I think you're doing a fantastic job going
7 forward with this, but you need to answer the social issues
8 of the people that are living there. I think it's a key
9 issue for the development of this site.

10 This is a historic development. These people have
11 been there. It's unique. I need an answer. I want an
12 answer that's going to somehow satisfy and preserve some of
13 the people that are there. This is a dangerous situation.

14 And I think for a site that's going to be as well-
15 developed as this, that's going to speak volumes about this
16 city. I think there's going to be a shortfall if we don't
17 address the people who are going to be -- who have lived
18 there and are going to be losing their homes.

19 I would like that answer, Mr. Hood.

20 CHAIRMAN HOOD: Okay. And I don't think that can
21 be answered now. So, I think I didn't put it as eloquently
22 as Mr. Turnbull did, but I kind of was alluding to the same
23 thing. But I am sure that will be taken care of.

24 COMMISSIONER TURNBULL: Okay.

25 CHAIRMAN HOOD: All right. Anything else up here?

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1 (No response.)

2 All right. Ms. Schellin, do we need to do
3 anything else?

4 MS. SCHELLIN: We need to schedule some dates.

5 CHAIRMAN HOOD: Okay.

6 MS. SCHELLIN: How much time do you need?

7 MR. GLASGOW: Well, I think Mr. Link said that he
8 needs, I think it was four weeks.

9 MS. SCHELLIN: Four to five weeks, yes.

10 MR. GLASGOW: Right.

11 MS. SCHELLIN: Right, but how much time does the
12 Applicant need?

13 MR. GLASGOW: Well, we're going to want to see
14 what he submits.

15 MS. SCHELLIN: Okay.

16 MR. GLASGOW: Obviously, four to five weeks is a
17 long period of time for that. We were hoping that he would
18 be able to get the slipholders' actions faster, but --

19 CHAIRMAN HOOD: Let me ask this: can we move a
20 little faster? Because this is fresh on this Commission's
21 mind. I know the holidays are coming up. And the thing
22 about us is we have -- how is our schedule?

23 MS. SCHELLIN: Yes, and --

24 CHAIRMAN HOOD: Do we have any time off?

25 MS. SCHELLIN: We do at the holidays.

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1 But I think if Mr. Link could come to the table,
2 I mean, he said seven days' notice. And so, exactly what is
3 that process? So, if you only give seven days' notice, how
4 long do they have to submit their vote?

5 MR. LINK: That's seven days' notice for a special
6 meeting of the membership.

7 MS. SCHELLIN: Uh-hum.

8 MR. LINK: At that point we'll review and hear the
9 concerns and discussion by the membership. And then, the
10 vote can occur at that time.

11 MS. SCHELLIN: At the same night?

12 MR. LINK: Yes, ma'am.

13 MS. SCHELLIN: Okay. So, it doesn't really need
14 four or five weeks then quite.

15 MR. LINK: The problem is with the holiday week
16 that Mr. Hood was just talking about --

17 MS. SCHELLIN: Okay.

18 MR. LINK: -- getting a quorum of the membership.

19 CHAIRMAN HOOD: Well, two or three weeks, you
20 don't get into the holiday.

21 MS. SCHELLIN: Yes, you don't, right.

22 CHAIRMAN HOOD: If we have to, we'll do a --

23 COMMISSIONER MAY: Thanksgiving. Seven days out
24 from your notice tomorrow is the weekend before Thanksgiving,
25 right?

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1 MS. SCHELLIN: Right.

2 COMMISSIONER MAY: That's the problem. So, if you
3 do it the week after Thanksgiving, then it all should be
4 wrapped up by December 1st.

5 MS. SCHELLIN: It's not an issue.

6 CHAIRMAN HOOD: Right, sometime in December.
7 Sometime in December.

8 COMMISSIONER MAY: Or, no, before --

9 MS. SCHELLIN: It would be the week after
10 Thanksgiving.

11 CHAIRMAN HOOD: The first week in December.
12 What's wrong with the first week in December?

13 MS. SCHELLIN: It's the last week of November.

14 COMMISSIONER MAY: That's three weeks, within
15 three weeks.

16 CHAIRMAN HOOD: Well, whatever it is; it's the
17 last week of November, the first week of December, it's all
18 the same week, at least on my calendar, unless I'm looking
19 at an outdated calendar.

20 MS. SCHELLIN: Well, there's a whole week in
21 there. It's a whole week.

22 CHAIRMAN HOOD: Okay. So, the week of the 27th.

23 MS. SCHELLIN: Uh-hum.

24 CHAIRMAN HOOD: Okay. Is that going to be a
25 problem? I'm not necessarily saying the 27th.

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1 MR. LINK: The only caveat is I don't have the
2 bylaws perfectly committed to my memory. That's the only
3 caveat.

4 CHAIRMAN HOOD: And you're right, if you don't
5 have those bylaws right, somebody is going to come in and
6 tell you you're not in compliance and your meeting will be
7 a waste. I know; I've had that. Because if you don't
8 announce it, at least in some bylaws I've read, if you don't
9 announce it twice, you only announce it once, somebody is
10 going to come in and tell you that you only did it once.

11 That's why I say the first week of December.

12 MR. LINK: The GPSA Board commitment is to
13 facilitate the process.

14 CHAIRMAN HOOD: Okay. So, the first week in
15 December will give you an opportunity to make sure you're in
16 compliance with whatever proper notice you need to give,
17 right? If we did the first week and not the last week in
18 November?

19 MR. LINK: Yes, sir.

20 CHAIRMAN HOOD: Okay. What do we have the first
21 week in November? I mean, the first week in December? Ms.
22 Schellin?

23 MS. SCHELLIN: We have two hearings. For us?

24 CHAIRMAN HOOD: Yes.

25 MS. SCHELLIN: We have two hearings, but we're

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1 still trying to get to a date of just getting submissions.

2 CHAIRMAN HOOD: Oh, okay. Well, let me back up.

3 MS. SCHELLIN: So, we haven't gotten the
4 submission dates yet. So, if they're not going to meet and
5 get a vote until the first week of December, Mr. Glasgow,
6 you're saying you want to have their vote before you make
7 your submission?

8 Mr. Link, I take it that if you can do it earlier,
9 you're going to do it earlier, at the earliest?

10 MR. LINK: What I was hoping to suggest is, rather
11 than do this on memory and speculate, if we can just -- just
12 like there's going to be submittals, if we can just submit
13 and inform what we can do and how fast we can do it, and keep
14 you advised, I guess, through --

15 MS. SCHELLIN: Well, we have to schedule now.

16 CHAIRMAN HOOD: We have to have notice. We have
17 to serve notice.

18 Let me ask my colleagues, are we looking at
19 January?

20 MS. SCHELLIN: Yes.

21 CHAIRMAN HOOD: I'm asking my colleagues right
22 now.

23 COMMISSIONER MAY: December 11th is the last
24 public meeting.

25 MS. SCHELLIN: Yes.

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1 COMMISSIONER MAY: And the week after that I'm
2 out.

3 MS. SCHELLIN: Yes.

4 COMMISSIONER MAY: So, we couldn't even do a
5 special public meeting --

6 MS. SCHELLIN: That's correct.

7 COMMISSIONER MAY: -- in December.

8 CHAIRMAN HOOD: Okay. So, we won't have a full
9 Commission.

10 What about the first week in December? So now,
11 we're going to January, if we don't do the first week of
12 December, because we have others up here who are going to be
13 out. No, we have somebody who's going to be out.

14 MS. SCHELLIN: Shapiro is out.

15 CHAIRMAN HOOD: Okay.

16 MS. SCHELLIN: Right. If it can't be finalized
17 the first week of December, it has to go to January.

18 CHAIRMAN HOOD: Okay. Good. January. All right.

19 MR. GLASGOW: Mr. Chairman, with respect, because
20 we do have a -- this is phase 2 and it's an ongoing project.
21 We do have some constraints on our end, obviously. We
22 understand they have their constraints. So, they're saying
23 that they can file, that they can respond December 4th, that
24 week or that day?

25 MS. SCHELLIN: No, they were going to have their

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1 meeting that week to get their vote, is my understanding.

2 CHAIRMAN HOOD: If everybody can be patient with
3 us? Because sometimes this kind of stuff, it takes longer
4 than the hearings.

5 (Laughter.)

6 MS. SCHELLIN: Right.

7 Mr. Link, did you submit a copy of the bylaws when
8 you requested party status, when you guys requested party
9 status? Do you remember what --

10 MR. LINK: I did not handle that specific
11 submission.

12 MS. SCHELLIN: Okay.

13 MR. LINK: We certainly have that and can --

14 CHAIRMAN HOOD: Commissioner? I'm going to turn
15 to my colleague Commissioner May because I think he has a
16 solution. I sure don't have one.

17 COMMISSIONER MAY: I don't know if I really have
18 a solution, but I have a thought on this, which is that we
19 could wait on the vote from the GPSA until we take final
20 action. So, between preliminary and final.

21 VICE CHAIR MILLER: I think there's only one
22 action on this now.

23 COMMISSIONER MAY: Oh. You're right.

24 CHAIRMAN HOOD: Okay. So, we probably need to go
25 change that again.

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1 COMMISSIONER MAY: Right. I forgot about that.
2 New rules. See, that's why you've got to carry the bylaws
3 with you everywhere.

4 (Laughter.)

5 CHAIRMAN HOOD: So, it's either going to be the
6 first week in December or we're going to January.

7 MS. SCHELLIN: Let me check --

8 COMMISSIONER MAY: Let me ask this: Mr. Glasgow,
9 if the Gangplank was able to have their vote in the last week
10 of November, would you be able to submit whatever you're
11 going to submit by -- what? -- the 4th of December? Oh, we
12 can't put it on the 11th because you're not going to be here
13 on the 4th and the 11th. We could do a special public
14 meeting on the 7th? On the 7th?

15 MR. GLASGOW: We would respond to that like the
16 next day. So, yes, we can do that.

17 COMMISSIONER MAY: The next day?

18 MR. GLASGOW: Because all the rest of our material
19 we're going to be getting together.

20 COMMISSIONER MAY: Yes.

21 Mr. Link, I mean, do you think it's feasible that
22 this could all be done, you could have your report to us by
23 the end of November, November 30th or December 1st?

24 MR. LINK: Since I actually have a calendar in
25 front of me, yes.

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1 COMMISSIONER MAY: Yes, you definitely can?

2 MR. LINK: I think it's possible.

3 COMMISSIONER MAY: Okay. So, I mean, I think we
4 should make that assumption. And then, if for some reason
5 it's a horrible problem for GPSA, then we can work toward a
6 rescheduling or something. But I think if we aim for that,
7 and then, do a special public meeting on December 7th?

8 MS. SCHELLIN: So, GPSA is going to get their
9 information to us by the 30th? Well, actually, it's not us
10 that they need to get it to. They need to get it to the
11 Applicant because that's what the Applicant is waiting for.
12 Okay?

13 COMMISSIONER MAY: Well, whatever.

14 MS. SCHELLIN: And so, then, the Applicant is
15 saying that they would get, based on that, they would make
16 their submission by December 1st. Correct?

17 COMMISSIONER MAY: The Applicant by December 1st?

18 MS. SCHELLIN: He said the next day.

19 COMMISSIONER MAY: Well, if you get it on the
20 30th.

21 MS. SCHELLIN: Okay. December 4th.

22 COMMISSIONER MAY: Yes, give them the weekend.

23 MS. SCHELLIN: Okay.

24 COMMISSIONER MAY: We want to make Mr. Dettman
25 work very hard.

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1 MS. SCHELLIN: So 12/4.

2 MR. LINK: Right, we can respond on the 4th.

3 CHAIRMAN HOOD: And let me ask, how much time do
4 we need? Do we need an hour or so? Because we have a
5 hearing that night. So, we need to start at 5:30, Ms.
6 Schellin.

7 MS. SCHELLIN: And let me ask the Commission this:
8 are you expecting a draft order prior to taking action?
9 Because OAG prefers to see that two weeks ahead.

10 COMMISSIONER MAY: Oh, we're also going to need
11 to have all of your other submissions further in advance for
12 the parties to respond, for the ANC to respond.

13 MS. SCHELLIN: Exactly. So, that does not work
14 out.

15 COMMISSIONER MAY: No, but the only thing, we
16 could hold off on the GPSA submission --

17 MS. SCHELLIN: That doesn't work out --

18 COMMISSIONER MAY: -- until the 30th, right?

19 MS. SCHELLIN: -- because the parties are
20 entitled, referring to the regulations, seven days to file
21 a response.

22 CHAIRMAN HOOD: Okay, okay. Here's what we're
23 going to do. Here's what I'm going to do. Here's what I'm
24 going to do.

25 MS. SCHELLIN: So, it doesn't work.

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1 CHAIRMAN HOOD: I don't want to do this, but I'm
2 going to have to go to January because it is sounding to me
3 now like we're having organized chaos.

4 (Laughter.)

5 MS. SCHELLIN: Yes, it doesn't work.

6 CHAIRMAN HOOD: Yes. So, what we need to do, we
7 need to go to -- I thought we were making this, but I'm
8 hearing that this doesn't work; OAG needs something two weeks
9 ahead of time.

10 MR. GLASGOW: Mr. Hood, we can get our stuff in.
11 Hold on for a second.

12 CHAIRMAN HOOD: We don't want to rush to have an
13 issue. We want to rush and do it right.

14 VICE CHAIR MILLER: You're talking about January
15 for our meeting?

16 CHAIRMAN HOOD: For us, yes, whatever. Yes, for
17 us.

18 VICE CHAIR MILLER: And then, work back from that
19 --

20 CHAIRMAN HOOD: Yes. Right.

21 VICE CHAIR MILLER: -- to do whatever you need to
22 do.

23 CHAIRMAN HOOD: Right. And I'll do the first, we
24 can do the first -- what is our first meeting in January?
25 I'd rather do it in December, but when is our first meeting

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1 in January?

2 MS. SCHELLIN: The first meeting in January is the
3 8th.

4 CHAIRMAN HOOD: Do we have anything before that?

5 MS. SCHELLIN: No.

6 CHAIRMAN HOOD: We don't have anything on the 4th?

7 MS. SCHELLIN: No.

8 CHAIRMAN HOOD: Oh, that's New Year's?

9 MS. SCHELLIN: It's the week of New Year's.

10 CHAIRMAN HOOD: Well, we're down here most of the
11 time anyway.

12 (Laughter.)

13 MS. SCHELLIN: Yes.

14 CHAIRMAN HOOD: They're saying the 4th is New
15 Year's.

16 MS. SCHELLIN: No, it's the week of New Year's.

17 CHAIRMAN HOOD: Wait a minute. Oh, the first
18 Monday? Oh, no, I was talking about the first meeting.

19 MS. SCHELLIN: The 4th.

20 CHAIRMAN HOOD: The 4th, December 4th. The 4th
21 is a Thursday. Right. We can do a special public meeting.
22 Do we have anything on the 4th? Well, we can add a whole
23 night on the 4th. Okay.

24 MS. SCHELLIN: Okay. So now, let's go back --

25 CHAIRMAN HOOD: Does that work for everybody? I

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1 know it doesn't work for you because I want to do it in
2 December, too, but you see it's not working.

3 MR. GLASGOW: Well, I think that it does because
4 we can get our materials in. The only other thing that I
5 would want to have a day or two to respond to is whatever he
6 submits. All the rest of the information that's needed from
7 the Applicant can come in before that. However long -- we
8 can get all of our rebuttal and closing in.

9 COMMISSIONER MAY: But whatever you submit, we
10 have to have seven days after that for the parties and the
11 ANC.

12 MR. GLASGOW: Correct. We'll do -- yes.

13 COMMISSIONER MAY: But you can't submit on the
14 4th. That means that we would have to take it up on the
15 11th, and we can't take it up on the 11th.

16 MR. GLASGOW: No, we'll submit --

17 CHAIRMAN HOOD: No, he's back in December.

18 MR. GLASGOW: Right.

19 CHAIRMAN HOOD: You're back in December.

20 COMMISSIONER MAY: I am talking about December.

21 MR. GLASGOW: No, I think we're talking about the
22 same thing. I just wanted to make sure that we had an
23 opportunity to respond to whatever comes in from Gangplank.
24 And it may be that we just say, "Great," depending upon what
25 comes in. But all the other information we can submit timely

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1 for the Commission to be able to act on December 7th. And
2 just give us a date on that and we'll provide it.

3 MS. SCHELLIN: But all of the parties get to
4 respond to what Gangplank submits, and there won't be seven
5 days, if he submits on the 30th, to allow all of the
6 Commissioners to be here.

7 COMMISSIONER MAY: The only way this could work
8 is if you had no response to Gangplank and you submitted on
9 the 30th. And then, we could have seven days, and it would
10 be the day of the hearing. But all the responses --

11 MR. GLASGOW: Right, but we're not going to need
12 seven days for --

13 CHAIRMAN HOOD: What happens, what is the big deal
14 on the additional 30 days?

15 MS. SCHELLIN: Is everybody here on the 7th?
16 Peter, are you here?

17 CHAIRMAN HOOD: The 7th of when? And I would be
18 back on the 7th.

19 MS. SCHELLIN: Are you guys here?

20 If Gangplank submits on the 7th, and the other
21 parties respond -- I'm sorry. If Gangplank submits on the
22 30th -- they have me all confused now, which doesn't take
23 much some days. And then, all the parties respond just to
24 Gangplank's portion -- we'll forget about the Applicant;
25 we'll get to them in a minute --

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1 COMMISSIONER MAY: Yes.

2 MS. SCHELLIN: And they respond to Gangplank's
3 portion, we could do a special public meeting on the 7th, if
4 everyone -- I don't have anybody out.

5 COMMISSIONER MAY: Right, but the Applicant wants
6 the opportunity to respond to --

7 MS. SCHELLIN: Gangplank.

8 COMMISSIONER MAY: -- Gangplank.

9 MS. SCHELLIN: That would do it.

10 COMMISSIONER MAY: On the day of?

11 MS. SCHELLIN: Yes, if you guys want to just read
12 their response.

13 COMMISSIONER MAY: But, then, the parties would
14 not have the opportunity to respond to the Applicant. But
15 they don't have to --

16 MS. SCHELLIN: They don't get to.

17 COMMISSIONER MAY: They don't get to, yes.

18 MS. SCHELLIN: They don't get to respond to a
19 response.

20 COMMISSIONER MAY: They only get to -- all right.
21 Okay.

22 MS. SCHELLIN: So, if we could have the Applicant
23 submit everything else ahead of time --

24 COMMISSIONER MAY: Yes.

25 MS. SCHELLIN: -- have all the parties respond to

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1 it, then that only leaves Gangplank. And I'm not saying
2 Gangplank is going to submit on the 30th. They might submit
3 before, whenever they --

4 CHAIRMAN HOOD: Let me just say this: here's
5 another thing that's come up. If what he sends, what they
6 give us in writing is rebuttal, have we factored that in?
7 Because they get to cross on rebuttal.

8 MS. SCHELLIN: But not if they submit it in
9 writing. If the parties are going to agree to it --

10 CHAIRMAN HOOD: We need to check on that because
11 we went through that once before, and I don't think -- if my
12 memory serves me correctly, that was a problem.

13 MS. SCHELLIN: If they object to it, it is. If
14 they don't object --

15 CHAIRMAN HOOD: So, again, let's go back to my
16 initial question. Mr. Seaman, what's the issue with 30 days?

17 MR. SEAMAN: The construction of phase 2 is
18 beginning in earnest in May of next year. I think right now
19 we're at a place where we need to actually start ordering the
20 steel for the barge that WB3 and the Gangplank Marina is
21 constructed on. I mean, it's a long lead item. WB3
22 facilitates the move of the Gangplank live-aboards to their
23 new slips, and it's the very first thing. I mean, it's
24 interesting that it's Gangplank, but it's the very first
25 thing that we need to do on the project to unlock the ability

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1 to move the boats and, then, start the rest of the phase.
2 So, time is definitely of the essence right now. I didn't
3 think in any way we would end up in January.

4 CHAIRMAN HOOD: The first week of January is a big
5 difference from the first week in -- everybody is going to
6 be celebrating the holidays, anyway, from what I'm hearing.
7 So, I just want to know, because here's the thing: there's
8 so much, even if we set it for December the 7th, and if
9 something comes up, it may not go forward. So, we're wasting
10 time.

11 So, why don't we get everything in together? I
12 know it's four more weeks, and I understand about the steel.
13 We had another project where that needs to be ordered. So,
14 I understand your point.

15 I actually would like to deal with it earlier than
16 later, but it seems like it's not working out that way,
17 unless somebody else comes up with another --

18 COMMISSIONER MAY: I thank Sharon --

19 CHAIRMAN HOOD: I hear the plan.

20 COMMISSIONER MAY: But it seems like a reasonable
21 suggestion.

22 CHAIRMAN HOOD: Okay.

23 COMMISSIONER MAY: If we did that, when would we
24 get the additional submission from the Applicant?

25 MR. GLASGOW: I would think that we would be able

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1 to have our submission in by Monday, the 27th. That's plenty
2 of time for the seven days and for anybody else to respond.

3 MS. SCHELLIN: That would not be enough time.

4 MR. GLASGOW: Wait a minute. Well, why is that
5 not enough time for --

6 MS. SCHELLIN: You have to allow the Commissioners
7 an opportunity to review it.

8 MR. GLASGOW: Okay. Well --

9 MS. SCHELLIN: So, you want to give it to them on
10 Monday to review for Thursday.

11 MR. GLASGOW: Do we need to have -- okay.

12 MS. SCHELLIN: You've got to back it up some.

13 MR. GLASGOW: Okay. So, if we back it up to the
14 23rd, does that work, Sharon, for the --

15 MS. SCHELLIN: Well, that's Thanksgiving.

16 CHAIRMAN HOOD: Let me ask, if we get it on
17 Monday, Commissioners, let me ask --

18 MS. SCHELLIN: Can we do it on --

19 CHAIRMAN HOOD: Let me ask the Commissioners. If
20 we get something on Monday, will we be ready by Thursday?
21 We usually are.

22 MS. SCHELLIN: Well, a lot of them -- some of them
23 review it --

24 CHAIRMAN HOOD: I'm asking the ones, I'm asking
25 them now.

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1 COMMISSIONER MAY: It's best to have it before the
2 weekend.

3 CHAIRMAN HOOD: Okay.

4 COMMISSIONER MAY: If we can have it before the
5 weekend --

6 CHAIRMAN HOOD: So, that's out the window. He
7 needs it before the weekend.

8 COMMISSIONER MAY: But, I mean, if you can submit
9 them the 23rd, then we would have it the weekend.

10 MR. GLASGOW: Yes, or the 24th.

11 COMMISSIONER MAY: Or the 24th.

12 MR. GLASGOW: Right.

13 MS. SCHELLIN: Yes, the 23rd is Thanksgiving.

14 MR. GLASGOW: No, no. Everybody has told me that
15 --

16 MS. SCHELLIN: Yes, give Shane a day off. Okay?
17 (Laughter.)

18 Okay. The 24th?

19 MR. GLASGOW: The 24th, yes.

20 MS. SCHELLIN: The problem is, then, we're not
21 here to do it. So, our office is probably not going to be
22 here. Can you do it on the 22nd, submit it on the 22nd?

23 Can you turn your microphone on?

24 Yes, if you could submit it on the 22nd --

25 MR. GLASGOW: Yes, the 22nd.

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1 MS. SCHELLIN: By 3:00 p.m. And the parties have
2 until November 29th, 3:00 p.m., to provide their responses
3 to everything the Applicant provides, except for the closing.
4 So, you might want to submit -- they do not get to respond
5 to the closing because there's no cross or anything on that.

6 MR. GLASGOW: Right.

7 MS. SCHELLIN: So, you might want to submit that
8 separately.

9 MR. GLASGOW: Yes, so it will be two submissions.

10 MS. SCHELLIN: Right.

11 MR. GLASGOW: Rebuttal will be on one packet; the
12 closing will be another.

13 MS. SCHELLIN: So, draft, if you could do a draft
14 order? The parties, if they choose to do so, can also do
15 that. The draft order would be due by, preferably, the 22nd,
16 or as early as possible.

17 MR. GLASGOW: The draft -- we know we can get our
18 rebuttal together -- the draft order we would prefer, since
19 nobody can respond to your draft order --

20 MS. SCHELLIN: Correct. So, OAG usually wants two
21 weeks. So, the sooner, the better. Two weeks before a
22 decision is made.

23 MR. GLASGOW: Two weeks before the decision is
24 made?

25 MS. SCHELLIN: So, that would put it at

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1 Thanksgiving.

2 MR. GLASGOW: I think that --

3 MS. SCHELLIN: I mean, if we could get it as close
4 to the two weeks as possible?

5 MR. GLASGOW: All right. Because I'm thinking
6 that the draft order would be more along the lines of either
7 the 24th or the 27th.

8 MS. SCHELLIN: That's fine. Say the 27th, three
9 o'clock p.m.

10 And then, Mr. Link, your information would come
11 in by 3:00 p.m. on November 30th. And then, all of the
12 parties, including the Applicant, the ANC -- Mr. Nealley has
13 already left -- the response to Gangplank's submission would
14 be due by, I'm going to say noon on December 7th. And then,
15 we could have a special public meeting at -- Chairman Hood,
16 did you say 5:30?

17 CHAIRMAN HOOD: That seems to be going very well
18 without my input. So, you all decide the time.

19 (Laughter.)

20 MS. SCHELLIN: I need your input on the --

21 CHAIRMAN HOOD: So, what time --

22 MS. SCHELLIN: Do you need an hour or hour and a
23 half?

24 CHAIRMAN HOOD: We don't have a hearing, right?

25 MS. SCHELLIN: We do have a hearing that evening,

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1 but it should be a very -- I think it's going to be a short
2 one.

3 CHAIRMAN HOOD: Okay. Do you all want to do six
4 o'clock or do you all want to do -- 5:30? Okay, 5:30.

5 MS. SCHELLIN: Okay. So, then, a special public
6 meeting scheduled for December 7th at 5:30.

7 CHAIRMAN HOOD: I'm almost scared to ask this.
8 Is everybody on the same page with that? We're all on the
9 same page?

10 All right. I usually thank everybody for their
11 participation in the hearing, but I'm going to thank
12 everybody for their participation in waiting and ironing this
13 out, so we can deal with this sooner rather than later. I
14 actually wanted to do that, so it's fresh on our mind.

15 Is there anything else, Ms. Schellin?

16 MS. SCHELLIN: No, sir.

17 CHAIRMAN HOOD: I thank everyone for their
18 participation in these hearings.

19 And this hearing is adjourned.

20 (Whereupon, at 9:25 p.m., the hearing was
21 adjourned.)

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23

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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: 11-09-17

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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